

# Singleton Local Environmental Plan 1996

[1996-303]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 28 February 2005

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 What is this plan called? .....	5
2 What are the aims and objectives of this plan? .....	5
3 How are the aims and objectives implemented? .....	6
4 Where does this plan apply?.....	6
5 How does this plan affect other environmental planning instruments? .....	6
6 How does this plan affect covenants etc?.....	7
7 Who is the consent authority for this plan? .....	7
8 How is consultation with Government Departments undertaken?.....	7
9 How are terms defined in this plan? .....	8
<b>Part 2 General restrictions on development of land</b> .....	19
10 What temporary use of land is allowed?.....	19
11 What general subdivision controls apply? .....	20
12 What provisions apply generally to subdivision in the Rural and Environment Protection Zones? ..	20
13 What provision is there for concessional lot subdivision in the Rural Zone?.....	20
14 What provisions apply to subdivision in the Hobby Farms and Rural Small Holdings Zones? .....	21
15 What zones apply in this plan? .....	21
16 How do zone objectives and zoning controls affect land? .....	21
<b>Part 3 Rural development</b> .....	22
Rural Zoning Table .....	22
17 On what land in the Rural Zone can a dwelling-house or dual occupancy-attached be erected? ....	24
18 What controls apply to the erection of dwellings in the Village of Belford? .....	25

19 What controls apply to the erection of dwellings in the Village of Camberwell?.....	25
<b>Part 4 Urban residential development</b> .....	<b>25</b>
Residential Zoning Table .....	26
<b>Part 5 Commercial and industrial development</b> .....	<b>26</b>
Business Zoning Table .....	26
Industrial Zoning Table .....	27
<b>Part 6 Special uses and reservations</b> .....	<b>27</b>
Special Uses and Reservations Zoning Table .....	27
<b>Part 7 Open space and recreation</b> .....	<b>28</b>
Open Space and Recreation Zoning Table .....	28
<b>Part 8 Environment protection and nature conservation</b> .....	<b>29</b>
Environment Protection Zoning Table .....	29
19A On what land in the Environment Protection Zone can a dwelling-house be erected? .....	30
20 What environmental buffers are to apply around certain land uses? .....	30
National Parks and Nature Reserves Zoning Table.....	31
<b>Part 9 Heritage conservation</b> .....	<b>31</b>
21 What controls apply with respect to heritage items or conservation areas? .....	31
22 What controls apply with respect to the development of heritage items?.....	32
23 What controls apply with respect to heritage items of State significance? .....	33
24 (Repealed) .....	33
25 Are heritage applications advertised? .....	33
26 What incentives apply to heritage conservation? .....	34
27 What controls apply with respect to development in the vicinity of heritage items? .....	34
28 What controls apply with respect to development within heritage conservation areas? .....	35
29 What controls apply with respect to items to which a conservation instrument applies?.....	35
30 What heritage controls apply in an emergency? .....	35
<b>Part 10 Special provisions</b> .....	<b>36</b>
31 What controls apply to the development of flood liable land?.....	36
31A What is exempt and complying development?.....	37

32 What controls apply to development on major roads? .....	37
33 Can schools be developed for community uses? .....	38
34 What requirements are there for the acquisition of private land in Zones 5 and 6 (a)? .....	38
35 Is development for certain additional purposes permitted on specific land?.....	39
36 What savings provisions apply with respect to certain activities? .....	40
37 What restrictions apply to specific land? .....	42
<b>Schedule 1 Main Roads</b> .....	<b>43</b>
<b>Schedule 2 Professionally qualified practitioners</b> .....	<b>43</b>
<b>Schedule 3 Heritage items</b> .....	<b>44</b>
<b>Schedule 4 Additional land uses</b> .....	<b>53</b>
<b>Schedule 5 Restrictions applying to specific land</b> .....	<b>54</b>

# Singleton Local Environmental Plan 1996



New South Wales

## Part 1 Preliminary

### 1 What is this plan called?

This plan is called *Singleton Local Environmental Plan 1996*.

### 2 What are the aims and objectives of this plan?

For the purpose of achieving the objects of the *Environmental Planning and Assessment Act 1979*, the aims and objectives of this plan are as follows:

- (a) to provide a framework for controlling and co-ordinating development within the Singleton local government area,
- (b) to ensure the most appropriate and efficient use or management of land and natural resources,
- (c) to co-ordinate economic development so that there is optimum and equitable economic and social benefit to the local community,
- (d) to ensure that the environmental impact of development is adequately assessed, including the consideration of alternatives,
- (e) to establish a pattern of broad development zones as a means of:
  - (i) separating incompatible uses,
  - (ii) minimising the cost and environmental impact of development,
  - (iii) maximising efficiency in the provision of utility, transport, retail and other services,
- (f) to retain options for alternative land use strategies so that flexibility to allow economic, social and environmental change is unhindered,
- (g) to encourage adoption of land management practices which are sustainable over long periods of time without degradation of natural environmental systems,
- (h) to provide adequate protection and minimise risk for the community (as far as

possible) from environmental hazards, including flooding, soil erosion, bushfires and pollution,

- (i) to enable public involvement and participation in environmental planning and assessment,
- (j) to progress development in an ordered and economic manner.

### **3 How are the aims and objectives implemented?**

The aims and objectives are implemented in this plan by:

- (a) identifying on the map a pattern of broad land use zones, and
- (b) specifying the aims and objectives of each zone, and
- (c) specifying the development which may be carried out, without consent or only with consent, on land within each zone, and
- (d) specifying the development which is prohibited within each zone, and
- (e) specifying development standards or other requirements relating to the protection of environmental quality, public safety or social well-being, and
- (f) providing land for certain future public purposes, and
- (g) suspending certain regulatory instruments where the operation of such instruments would prevent the carrying out of development in accordance with this plan, and
- (h) consolidating heritage conservation provisions applying within the Singleton local government area by including in this plan provisions equivalent to those applying under [Hunter Regional Environmental Plan 1989 \(Heritage\)](#), and
- (i) making certain consequential amendments to [Hunter Regional Environmental Plan 1989 \(Heritage\)](#).

### **4 Where does this plan apply?**

This plan applies to all land in the Singleton local government area.

### **5 How does this plan affect other environmental planning instruments?**

- (1) This plan repeals the *Singleton Planning Scheme Ordinance* and any other local environmental plans and deemed environmental planning instruments which applied to the land to which this plan applies immediately before it commenced.
- (2) The plan amends the [Hunter Regional Environmental Plan 1989 \(Heritage\)](#):
  - (a) by omitting clause 3 and by inserting instead the following clause:

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

This plan applies to land within the following local government areas comprising part of the region, declared under section 4 (6) of the Act, that is known as the Hunter Region:

City of Cessnock,

City of Lake Macquarie,

Dungog,

Gloucester,

Great Lakes,

Merriwa,

Muswellbrook,

Port Stephens,

Scone.

- (b) by omitting from Schedules 1, 2, 3, 4 and 5 all matter listed under the heading “**SINGLETON**” and by omitting that heading, wherever occurring.

### **6 How does this plan affect covenants etc?**

- (1) If any agreement, covenant or similar instrument prohibits a land use allowed by this plan, then it shall not apply to that land use (to the extent necessary to allow that land use).
- (2) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclause (1) before this plan was made.

### **7 Who is the consent authority for this plan?**

The Council is the consent authority for the purposes of this plan.

### **8 How is consultation with Government Departments undertaken?**

Where a development application has been referred to a Government Department or statutory authority for comment, the Council shall not determine the application until:

- (a) it has received and considered a representation with respect to the application from the Department or authority, or
- (b) the Department or authority has informed the Council that it does not wish to make any representation with respect to the application, or

- (c) 21 days have elapsed after the date on which a copy of the application was referred to the Department or authority,

whichever occurs first.

## 9 How are terms defined in this plan?

- (1) In this plan:

**advertising** means the use of a building or place for the display of symbols, messages or other devices for promotional purposes, whether or not the display involves the erection of a structure or the carrying out of a work.

**agriculture** means:

- (a) the production of crops or fodder, or
- (b) horticulture, including fruit, vegetable and flower crop production, and use of land for wholesale plant nurseries, or
- (c) the grazing of livestock, or
- (d) the keeping and breeding of livestock, including poultry, other birds, and bees,

but does not include use of land for intensive agriculture feed lots, piggeries, poultry farming establishments, retail plant nurseries or stables.

**ancillary land use** means any land use that is directly ancillary, inseparable from and necessary for another land use.

**animal establishment** means a place for the breeding, boarding, training or keeping of, or caring for, animals and includes dog kennels and riding schools.

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

**bed and breakfast accommodation** means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not accommodate more than 8 guests, and
- (d) does not contain facilities in rooms for the preparation of meals by guests, and
- (e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the accommodation and who normally reside in the dwelling.

**boarding-house** includes a house let in lodgings or a hostel, but does not include a



motel.

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

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

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

**bushfire hazard reduction** means any activity designed or intended to reduce or modify combustible material capable of assisting the outbreak, spread or extension of a bushfire.

**business premises** means a building or place in which there is carried on an occupation, profession, light industry or trade which provides a service directly and regularly to the public, but does not include a building or place elsewhere defined in this clause.

**car repair station** means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

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

**child care centre** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the [Education Reform Act 1990](#), and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

**club** means a building used by persons associated, or by a body incorporated, for social, literary, political, athletic or other lawful purposes, whether of the same or a different kind, whether or not the whole or a part of the building is the premises of a club registered under the [Registered Clubs Act 1976](#).

**coal mining** means operations carried out for the purpose of obtaining or processing

coal or shale.

**Council** means the Council of the Singleton local government area.

**craft establishment** means a building in which art works and craft works are manufactured or sold, or both.

**development** has the meaning ascribed to it in section 4 of the *Environmental Planning and Assessment Act 1979*.

**dual occupancy-attached** means 2 attached dwellings on a single allotment of land.

**dual occupancy-detached** means 2 detached dwellings on a single allotment of land.

**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 1 but not more than 1 dwelling.

**educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre.

**environmental buffer area** means an area of land containing any one or more of natural features, man-made features and man-made structures that protect land from potentially adverse impacts that may arise from land use.

**extractive industry** means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, clay, soil, rock, stone or similar substances.

**farmstay** means a business run in conjunction with an established farming enterprise which:

- (a) provides accommodation and entertainment for tourists, and
- (b) forms part of the day-to-day operation of the farm.

**finished floor level** means the top of the floor surface of the lowest habitable room in a building.

**flood liable land** means land identified as such on the map and situated below the standard flood level adopted by the Council in accordance with the *Floodplain Development Manual*, published by the New South Wales Government, a copy of which is available at the office of the Council.

**floor** means that space within a building which is situated between one floor level and the floor level next above or, if there is no floor above, the ceiling or roof above.

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

**general store** means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

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

**gross floor area** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and
- (c) car-parking needed to meet any requirements of the Council and any internal access thereto, and
- (d) space for the loading and unloading of goods.

**group home** means a dwelling that is a permanent group home or a transitional group home as defined in [State Environmental Planning Policy No 9—Group Homes](#).

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

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

**health care professional** means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Registration Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors and Osteopaths Act 1991*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945*, and
- (d) an optometrist registered under the *Optometrists Act 1930*.

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

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

**home activity** means any activity, pursuit, occupation or profession, carried on in accordance with the following requirements for personal gain in a building or a room or a number of rooms forming part of, attached to, or on the same parcel of land as, a dwelling-house:

- (a) only goods made or produced on the premises and goods ancillary thereto are displayed and sold on the premises or only services are provided from or on the premises, and
- (b) the activity, pursuit, occupation or profession does not involve the practice or employment on the premises of any person who is not a resident of the dwelling, and
- (c) the carrying on of the activity, pursuit, occupation or profession does not:
  - (i) interfere with the amenity of the locality by reason of traffic generation, insufficient car-parking, or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign, not exceeding 1 metre by 0.6 metre, exhibited

on that dwelling-house or dwelling to indicate the name and occupation of the resident, or a description of the activity, pursuit, occupation or profession).

**home based child care establishment** means a dwelling providing care for up to 7 children (including the caregiver's own children) in the premises where the caregiver resides.

**hospital** means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care and counselling and 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:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates.

**housing for aged or disabled persons** means residential accommodation which may take any building form, which is or is intended to be used permanently as housing for the accommodation of aged persons or disabled persons and which may consist of hostels or a grouping of 2 or more self-contained dwellings, or a combination of both, and which includes 1 or more of the following facilities provided for use in connection with that accommodation:

- (a) accommodation for staff employed or to be employed in connection with that accommodation,
- (b) chapels,
- (c) medical consulting rooms,
- (d) meeting rooms,
- (e) recreation facilities,
- (f) shops,
- (g) therapy rooms,
- (h) any other facilities for the use or benefit of aged persons or disabled persons.

**industry** means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

but does not include an extractive industry.

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

**intensive agriculture** means:

- (a) the permanent cultivation by irrigation of fruit, vegetable or flower crops, lucerne growing, turf farming or the like or the cultivation of plants in a wholesale plant nursery for commercial purposes, or
- (b) the commercial keeping or breeding (or both) of livestock which are dependent on high quality forage produced from the land, such as horse studs, dairies or similar enterprises,

but does not include an intensive livestock keeping establishment or an animal establishment.

**intensive livestock keeping establishment** includes cattle feed lots, poultry sheds, piggeries and the like.

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

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

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

**main road** means a main road within the meaning of the *Roads Act 1993* and includes the roads and parts of roads listed in Schedule 1.

**major road frontage**, in relation to land, means the frontage of that land to:

- (a) a main road or State Highway, or

(b) a road connecting with a main road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**mineral sand mine** means a mine used for or in connection with obtaining ilmenite, monazite, rutile, zircon or similar mineral.

**motel** means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

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

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

**parking space** includes any garage or court available for use by vehicles.

**place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

**place of public worship** means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

**professional and commercial chambers** means a room or number of rooms or chambers being part of a dwelling-house or other building which is or are used by one or more professionally qualified practitioners and their support staff.

**professional consulting rooms** means a room or a number of rooms forming either the whole of or part of, or attached to or within the curtilage of, a dwelling-house and used by legally qualified medical practitioners or (within the meaning of the [Dentists](#)

*Act 1989*) dentists and their respective support staff, or by health care professionals, who practise therein the profession of medicine, dentistry or health care, respectively.

**professionally qualified practitioner** means a person engaged in a profession or occupation specified in Schedule 2 or a person engaged in a profession or occupation that is, in the opinion of the Council, similar to one so listed.

**public 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.

**public utility undertaking** means any of the following undertakings carried on or permitted or suffered 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, county council, Government Department, corporation, firm or authority carrying on the undertaking.

**recreation area** means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) the Council, or
  - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**recreation establishment** means a health farm, religious retreat house, rest home, youth camp or the like, but does not include a building or place elsewhere defined in this clause or a building or place used or intended for use for a purpose elsewhere defined in this clause.

**recreation facility** means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio,



bowling alley, fun parlour or any other building of a like character used for recreation, whether used for the purpose of gain or not, but does not include a place of assembly.

**refreshment room** means a restaurant, cafe, tea room, eating house or the like.

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

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

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

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

**rural industry** means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

**rural worker's dwelling** means a dwelling which is on land on which there is already erected a dwelling and which is occupied by persons engaged in a rural occupation on that land.

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

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

- (a) the sale by retail of spare parts and accessories for motor vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere defined in this clause, or a building or place used for a purpose elsewhere defined in this clause.

**site area** means the area of land to which an application for consent under the Act relates, excluding therefrom any land upon which the development to which the application relates is not permitted by or under this plan.

**small gravel pit** means a gravel pit which does not exceed 1 hectare in disturbed area and which has been established for the sole means of winning gravel to be utilised on roads maintained by the Council.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the map** means the map marked “Singleton Local Environmental Plan 1996”, as amended by the maps (or specified sheets of maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Singleton Local Environmental Plan 1996 (Amendment No 1)*

*Singleton Local Environmental Plan 1996 (Amendment No 2)*

*Singleton Local Environmental Plan 1996 (Amendment No 3)*

*Singleton Local Environmental Plan 1996 (Amendment No 8)*

*Singleton Local Environmental Plan 1996 (Amendment No 9)*

*Singleton Local Environmental Plan 1996 (Amendment No 10)*

*Singleton Local Environmental Plan 1996 (Amendment No 15)*

*Singleton Local Environmental Plan 1996 (Amendment No 22)*

*Singleton Local Environmental Plan 1996 (Amendment No 23)*

*Singleton Local Environmental Plan 1996 (Amendment No 25)*

*Singleton Local Environmental Plan 1996 (Amendment No 26)*

*Singleton Local Environmental Plan 1996 (Amendment No 33)*

**tourist facilities** means a building or place providing for holiday accommodation or recreation and may consist of or include a boat shed, boat landing facilities, a camping ground, a caravan park, holiday cabins, a hotel, a house boat, a marina, a motel, a playground, a refreshment room, water sport facilities or a club used in conjunction with any such building or place.

**transport terminal** means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

**truck depot** means a building or place used for the servicing, repair and garaging of trucks and other vehicles used in a road transport undertaking, but does not include a road transport terminal.

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

**warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
- (c) a reference to land within a zone is a reference to land shown on the map in the manner indicated in clause 15 as the means of identifying land of the zone so specified.

(3) In this plan, the following terms each have the same meaning as in the Act:

**complying development**

**designated development**

**exempt development**

**integrated development**

**local development**

**State significant development**

## **Part 2 General restrictions on development of land**

### **10 What temporary use of land is allowed?**

Notwithstanding any other provision of this plan, the Council may grant consent to the carrying out of development on land for any purpose (not being designated development or contrary to the provisions of any other environmental planning instrument) for a maximum period of 6 months, whether consecutive or non-consecutive, in any one year.

### **11 What general subdivision controls apply?**

- (1) A person shall not subdivide land except with the consent of the Council.
- (2) Land shall not be subdivided if any allotment created would be within more than one of the zones shown on the map.

### **12 What provisions apply generally to subdivision in the Rural and Environment Protection Zones?**

- (1) The Council shall not consent to a subdivision of land within a Zone 1 (a) or 7 unless each separate allotment of land created by the subdivision is not less than 40 hectares in area.
- (2) Notwithstanding subclause (1), the Council may grant consent to the subdivision of land so as to create an allotment of less than 40 hectares in area if the Council is satisfied that the allotment is intended to be used for a permissible land use for which consent has been given (other than residential accommodation or agriculture).
- (3) Notwithstanding subclause (1), the Council may not grant consent to the subdivision of land with Zone 7 unless the average size of the lots created by the subdivision is not less than 80 hectares.

### **13 What provision is there for concessional lot subdivision in the Rural Zone?**

- (1) This clause applies to land within Zone 1 (a), notwithstanding clause 12.
- (2) In this clause:

**concessional allotment** means an allotment which has an area of less than 40 hectares, which is part of an existing holding and which was not created for a purpose other than agriculture or the erection of a dwelling.

**existing holding** means any area of adjoining or adjacent land held in the same ownership on and from 7 January 1966 and includes the residue of any such area from which land has been excised only for a public purpose after that date. Adjoining or adjacent land does not cease to be an existing holding only because the land has been transferred as a whole after 7 January 1966.

- (3) The Council may grant consent to subdivision of an existing holding to excise one concessional allotment where the existing holding has an area of not less than 10 hectares.
- (4) Notwithstanding subclause (3), the Council may grant consent to a subdivision for the purpose of boundary adjustment, so as to alter the size of one or more concessional allotments created by a subdivision or subdivisions previously approved or consented to by the Council.

**14 What provisions apply to subdivision in the Hobby Farms and Rural Small Holdings Zones?**

- (1) The Council shall not consent to an application to subdivide land within Zone 1 (b) unless each separate allotment of land created by the subdivision has an area of at least 10 hectares.
- (2) The Council shall not consent to an application to subdivide land within Zone 1 (d) unless each separate allotment of land created by the subdivision has an area of at least 8,000 square metres.

**15 What zones apply in this plan?**

The following zones apply and are identified on the map as follows:

Zone 1 (a) (Rural Zone)—identified by heavy black edging and lettered “1 (a)”.

Zone 1 (b) (Hobby Farms Zone)—identified by heavy black edging and lettered “1 (b)”.

Zone 1 (d) (Rural Small Holdings Zone)—identified by heavy black edging and lettered “1 (d)”.

Zone 2 (Residential Zone)—identified by heavy black edging and lettered “2”.

Zone 3 (Business Zone)—identified by heavy black edging and lettered “3”.

Zone 4 (Industrial Zone)—identified by heavy black edging and lettered “4”.

Zone 5 (Special Uses and Reservations Zone)—identified by heavy black edging and lettered “5”.

Zone 6 (a) (Public Open Space and Recreation Zone)—identified by heavy black edging and lettered “6 (a)”.

Zone 6 (b) (Private Open Space and Recreation Zone)—identified by heavy black edging and lettered “6 (b)”.

Zone 7 (Environment Protection Zone)—identified by heavy black edging and lettered “7”.

Zone 8 (National Parks and Nature Reserves Zone)—identified by heavy black edging and lettered “8”.

**16 How do zone objectives and zoning controls affect land?**

- (1) The objectives of a zone are set out in the relevant Zoning Table under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified, the development which:

- (a) may be carried out without development consent, and
- (b) may be carried out only with development consent, and
- (c) is prohibited,

is specified in the relevant Zoning Table under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.

### **Part 3 Rural development**

Rural Zoning Table

#### **Zone 1 (a) (Rural Zone)**

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

- (a) to protect and conserve agricultural land and to encourage continuing viable and sustainable agricultural land use,
- (b) to promote the protection and preservation of natural ecological systems and processes,
- (c) to allow mining where environmental impacts do not exceed acceptable limits and the land is satisfactorily rehabilitated after mining,
- (d) to maintain the scenic amenity and landscape quality of the area,
- (e) to provide for the proper and co-ordinated use of rivers and water catchment areas,
- (f) to promote provision of roads that are compatible with the nature and intensity of development and the character of the area.

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

Development for the purpose of:

agriculture; forestry; intensive agriculture; small gravel pits.

Exempt development.

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

Development not included in item 2 or 4.

##### **4 Prohibited**

Development for the purpose of:

advertising structures (other than as would be permitted by clause 33 of the *Environmental Planning and Assessment Model Provisions 1980* if they applied); boarding-houses; bulk stores; bus depots; business premises; car repair stations; dual occupancy-detached; industries other than offensive or hazardous industries; junk yards; light industries; liquid fuel depots; motor showrooms; residential flat buildings; road transport terminals; shops; warehouses.

## **Zone 1 (b) (Hobby Farms Zone)**

### **1 Objectives of zone**

- (a) to facilitate and provide for rural farmlets having an area of not less than 10 hectares,
- (b) to encourage the planning of the size and shape of rural farmlets having regard to soils, topography, vegetation and associated services,
- (c) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the land and to agricultural productivity,
- (d) to provide land to conduct hobby farm activities in association with on-site residential living.

### **2 Without development consent**

Development for the purpose of:

agriculture; forestry; home activities.

Exempt development.

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

Development not included in item 2 or 4.

### **4 Prohibited**

Development for the purpose of:

advertising structures (other than as would be permitted by clause 33 of the *Environmental Planning and Assessment Model Provisions 1980* if they applied); bulk stores; business premises; car repair stations; dual occupancy-detached; extractive industries; hazardous industries; industries; intensive agriculture; intensive livestock keeping establishments; junk yards; light industries; liquid fuel depots; mines; motor showrooms; offensive industries; residential flat buildings; road transport terminals; service stations; shops; warehouses.

## **Zone 1 (d) (Rural Small Holdings Zone)**

### **1 Objectives of zone**

- (a) to facilitate and provide for rural residential development in appropriate locations, taking into account natural constraints,
- (b) to maintain and enhance the amenity and landscape quality,

(c) to provide for adequate, efficient and orderly servicing.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

advertising structures (other than as would be permitted by clause 33 of the *Environmental Planning and Assessment Model Provisions 1980* if they applied); bulk stores; business premises; caravan parks; car repair stations; dual occupancy-detached; extractive industries; hazardous industries; industries; intensive agriculture; intensive livestock keeping establishments; junk yards; light industries; liquid fuel depots; mines; motor showrooms; offensive industries; residential flat buildings; road transport terminals; service stations; shops; transport terminals; warehouses.

## **17 On what land in the Rural Zone can a dwelling-house or dual occupancy-attached be erected?**

- (1) This clause applies to land within Zone 1 (a).
- (2) A dwelling-house or dual occupancy-attached can be erected only on the following land in Zone 1 (a):
  - (a) an allotment which has an area of 40 hectares or greater,
  - (b) an allotment with an area of less than 40 hectares where the land is the whole of an allotment consented to by the Council on or after 7 January 1966, or
  - (c) an allotment of land with an area of less than 40 hectares where the land is an allotment created prior to 7 January 1966 and comprises the whole of an existing holding, or
  - (d) an allotment of land with an area of less than 40 hectares where the land is an allotment created prior to 7 January 1966 which has an area of not less than 10 hectares and was owned at 17 December 1980 by a person who at that date did not own any lot, portion or parcel of land adjoining or adjacent to the allotment, or
  - (e) an allotment which already contains a dwelling-house where the proposed dwelling-house is intended to wholly replace an existing dwelling-house.
- (3) Additional dwelling-houses may be erected with the consent of the Council on land with an area greater than 40 hectares where the dwelling-houses are to be used by a person or persons engaged in activities permissible on the land and for which consent



has been given, if required by this plan.

- (4) Land on which a dual occupancy-attached is erected under this clause must not be subdivided otherwise than in accordance with clause 12 or 13.
- (5) In this clause, **existing holding** means any area of adjoining or adjacent land held in the same ownership on and from 7 January 1966 and includes the residue of any such area from which land has been excised only for a public purpose after that date. Adjoining or adjacent land does not cease to be an existing holding only because the land has been transferred as a whole after 7 January 1966.

#### **18 What controls apply to the erection of dwellings in the Village of Belford?**

- (1) This clause applies to land in the Village of Belford, as shown edged heavy black on the sheet of the map marked "*Singleton Local Environmental Plan 1996*'Sheet No 1".
- (2) Notwithstanding clause 17, one dwelling-house or dual occupancy-attached may be erected on land to which this clause applies if the land comprises the whole of an existing parcel.
- (3) In this clause, **existing parcel** means contiguous land held in common ownership as at 23 April 1993, being the date of commencement of the exhibition of this plan.

#### **19 What controls apply to the erection of dwellings in the Village of Camberwell?**

- (1) This clause applies to land within the Village of Camberwell, as shown edged heavy black on the sheet of the map marked "*Singleton Local Environmental Plan 1996—Sheet No 6*".
- (2) Notwithstanding any other provisions of this plan, development must not be carried out for the purpose of erecting a dwelling-house or dual occupancy-attached, except in accordance with the provisions of this clause.
- (3) One, but not more than one, building, being a dwelling-house or dual occupancy-attached may be erected on land to which this clause applies if the land comprises the whole of an existing parcel or is an allotment created pursuant to subclause (4).
- (4) Land to which this clause applies may be subdivided if each separate allotment to be created by the subdivision has an area of not less than 8,000 square metres.
- (5) A person shall not carry out development on land to which this clause applies which has a level of less than RL 64.1 metres AHD.
- (6) In this clause, **existing parcel** means contiguous land held in common ownership as at 23 January 1987, being the date of commencement of the exhibition of *Singleton Local Environmental Plan No 49*.

### **Part 4 Urban residential development**

Residential Zoning Table

**Zone 2 (Residential Zone)**

**1 Objectives of zone**

- (a) to allow residential development, including dwelling-houses and residential flat buildings,
- (b) to maintain and enhance the character and amenity of residential areas, to promote good urban design and to retain heritage values,
- (c) to allow uses normally associated with residential development together with other development servicing the needs of the community, including schools, public utilities, professional chambers, churches and the like,
- (d) to ensure that development does not have an unacceptable effect on adjoining land by way of shading, invasion of privacy, noise and the like,
- (e) to control development and impose minimum floor heights for dwellings in flood prone areas.

**2 Without development consent**

Exempt development.

**3 Only with development consent**

Development not included in item 2 or 4.

**4 Prohibited**

Development for the purpose of:

bulk stores; business premises; caravan parks; car repair stations; extractive industries; hazardous industries; hotels; industries; institutions; junk yards; light industries; liquid fuel depots; mines; motor showrooms; offensive industries; refreshment rooms; road transport terminals; rural industries; sawmills; service stations; shops; stock and sale yards; truck depots; warehouses.

**Part 5 Commercial and industrial development**

Business Zoning Table

**Zone 3 (Business Zone)**

**1 Objectives of zone**

- (a) to provide for commerce, retailing, offices and other similar commercial development and services in suitable locations,
- (b) to maintain and enhance the character and amenity of commercial areas, to promote good urban design and to retain heritage values where appropriate.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

caravan parks; hazardous industries; industries; junk yards; mines; offensive industries; sawmills; stock and sale yards.

Industrial Zoning Table

### **Zone 4 (Industrial Zone)**

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

- (a) to allocate sufficient land in suitable locations to facilitate and promote the establishment of a broad range of industrial uses,
- (b) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

Development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

caravan parks; dwellings (other than those used in conjunction with industry); educational establishments; extractive, offensive or hazardous industries; hospitals; hotels; institutions; mines; motels; roadside stalls; shops (other than bulky goods and drive-in liquor stores and those ancillary to, and used in conjunction with, manufacturing purposes not prohibited in this zone or which serve the daily needs of the work force of the industrial area).

## **Part 6 Special uses and reservations**

Special Uses and Reservations Zoning Table

### **Zone 5 (Special Uses and Reservations Zone)**

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

- (a) to reserve and make available land required for public purposes, including community services and utilities,

- (b) to restrict land uses that may conflict with or adversely affect the intended use for land required for public purposes.

## **2 Without development consent**

Exempt development.

## **3 Only with development consent**

The particular land use indicated by black lettering on the map and any development ordinarily ancillary or incidental to that land use.

Development for the purpose of:

community land uses associated with the facilities and sites of schools, colleges and other educational establishments; drainage; recreation areas; roads; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Development not included in item 3.

# **Part 7 Open space and recreation**

Open Space and Recreation Zoning Table

## **Zone 6 (a) (Public Open Space and Recreation Zone)**

### **1 Objectives of zone**

- (a) to identify land which is currently used or is intended to be used for the purposes of open space and public or private recreation,
- (b) to allocate sufficient open space to serve the present and future recreational needs of residents and visitors.

### **2 Without development consent**

Development for the purpose of:

works ancillary to landscaping, gardening or bushfire hazard reduction.

Exempt development.

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

Development for the purpose of:

agriculture; bowling greens; buildings ancillary to landscaping, gardening or bushfire hazard reduction; child care centres; clubs; commons; drainage; forestry; golf courses; open space; picnic grounds; public buildings; racecourses; recreation areas; recreation facilities; roads; showgrounds; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Development not included in item 2 or 3.

### **Zone 6 (b) (Private Open Space and Recreation Zone)**

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

To identify and set aside certain privately owned land where private recreation activities are and may be developed.

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

Development for the purpose of:

works ancillary to landscaping, gardening or bushfire hazard reduction.

Exempt development.

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

Development for the purpose of:

agriculture; bowling greens; buildings ancillary to landscaping, gardening or bushfire hazard reduction; child care centres; clubs; commons; drainage; forestry; golf courses; open space; picnic grounds; recreation areas; recreation facilities; roads; tourist facilities; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Development not included in item 2 or 3.

## **Part 8 Environment protection and nature conservation**

Environment Protection Zoning Table

### **Zone 7 (Environment Protection Zone)**

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

(a) to conserve land or items of special environmental significance,

(b) to allow development or land management activities only where these will not interfere with the conservation of land or items of environmental significance,

(c) to protect and conserve Aboriginal sites.

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

Development authorised by or under the [National Parks and Wildlife Act 1974](#).

Development for the purpose of:

forestry.

Exempt development.

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

Development for the purpose of:

agriculture or roads (other than ancillary to forestry activities); dwelling-houses.

### **4 Prohibited**

Development not included in item 2 or 3.

## **19A On what land in the Environment Protection Zone can a dwelling-house be erected?**

- (1) This clause applies to land within Zone 7.
- (2) A dwelling house can be erected only on the following land in Zone 7:
  - (a) an allotment which has an area of 40 hectares or greater, or
  - (b) an allotment of land with an area of less than 40 hectares where the land is the whole of an allotment consented to by Council on or after 7 January 1966, or
  - (c) an allotment of land with an area of less than 40 hectares where the land is an allotment created prior to 7 January 1966 and comprises the whole of an existing holding, or
  - (d) an allotment of land with an area of less than 40 hectares where the land is an allotment created prior to 7 January 1966 which has an area of not less than 10 hectares and was owned at 17 December 1980 by a person who at that date did not own any lot, portion or parcel of land adjoining or adjacent to the allotment, or
  - (e) an allotment which already contains a dwelling-house where the proposed dwelling-house is intended to wholly replace an existing dwelling-house.
- (3) In this clause **existing holding** means any area of adjoining or adjacent land held in the same ownership on and from 7 January 1966 and includes the residue of any such area from which land has been excised only for a public purpose after that date. Adjoining or adjacent land does not cease to be an existing holding only because the land has been transferred as a whole after 7 January 1966.

## **20 What environmental buffers are to apply around certain land uses?**

- (1) This clause applies to land used by the Army or as an airport, mine, coal mine, explosives factory, or for an extractive industry, hazardous industry, intensive agriculture, intensive livestock keeping establishments or offensive industry.
- (2) In considering a development application relating to land to which this clause applies, the consent authority must take into account whether an environmental buffer area has been provided around the site of that development which is adequate to ensure

that significant adverse environmental effects do not occur on surrounding land.

- (3) In considering a development application relating to land within such an environmental buffer area, the consent authority must take into account whether the proposed development will, in the opinion of the consent authority, be adversely affected to a significant extent by the land use in response to which the buffer area is provided.

National Parks and Nature Reserves Zoning Table

## **Zone 8 (National Parks and Nature Reserves Zone)**

### **1 Objectives of zone**

- (a) to identify, preserve and manage national parks and nature reserves for conservation and recreational purposes and to provide for their continued management under the *National Parks and Wildlife Act 1974*,
- (b) to protect and conserve Aboriginal sites.

### **2 Without development consent**

Development authorised by or under the *National Parks and Wildlife Act 1974*.

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

Nil.

### **4 Prohibited**

Development not included in item 2.

## **Part 9 Heritage conservation**

### **21 What controls apply with respect to heritage items or conservation areas?**

In this Part:

**alter**, in relation to a heritage item, or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes (other than changes resulting from maintenance) to the detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**conservation** includes preservation, protection, restoration and enhancement.

**conservation plan** means a document resulting from a detailed assessment of a site to establish its heritage significance and indicating policies to enable that significance to be retained in its future use and development.

**conservation instrument** has the same meaning as in the *Heritage Act 1977*.

**demolition**, in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

**Director of Environmental Services** means the officer employed by the Council to hold that position.

**emergency** has the same meaning as in the *State Emergency and Rescue Management Act 1989*.

**heritage conservation area** means land shown edged heavy black on the map marked "Singleton Local Environmental Plan 1996 (Heritage Conservation Area)".

**heritage item** means a building, work, relic, tree or place described in Schedule 3. Numbers relating to items in that Schedule refer to street numbers.

**heritage item of local significance** means a heritage item described in Part 3 of Schedule 3.

**heritage item of regional significance** means a heritage item described in Part 2 of Schedule 3.

**heritage item of State significance** means a heritage item described in Part 1 of Schedule 3.

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

**maintenance**, in relation to a heritage item or to a building or work within a heritage conservation area, means the continuous protective care of the fabric of the heritage item, building or work and its setting.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of Singleton which is more than 50 years old.

## 22 What controls apply with respect to the development of heritage items?

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish or alter the building or work, or
  - (b) damage or move the relic, or excavate for the purpose of exposing the relic, or
  - (c) damage or despoil land on which the building, work or relic is situated or land which comprises the place, or



- (d) erect a building on or subdivide land on which the building, work or relic is situated or on the land which comprises the place, or
  - (e) damage any tree on the land on which the building, work or relic is situated or on the land which comprises the place,
- except with the consent of the Council.

(2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of:

- (a) the significance of the item as a heritage item, and
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site, and
- (c) whether the setting of the item and, in particular, whether any stylistic, horticultural, or archaeological features of the setting should be retained, and
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public, and
- (e) measures to be taken to conserve heritage items, including any conservation plan prepared by the applicant.

### **23 What controls apply with respect to heritage items of State significance?**

- (1) The Council shall not grant consent to a development application required by clause 22 in respect of a heritage item of state significance unless the Council notifies the Heritage Office about the application and takes into consideration any comments received from the Heritage Office within 28 days after the notice was sent.
- (2) (Repealed)

### **24 (Repealed)**

### **25 Are heritage applications advertised?**

- (1) Except as provided by subclause (3), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) the demolition of a building or work that is a heritage item, and
  - (b) the use of a building, work or land referred to in clause 26 for a purpose which, but for that clause, would be prohibited under this plan,in the same way as those provisions apply to and in respect of designated development.
- (2) If an application is made to the Council for consent to demolish a building or work

which is a heritage item, the Council (in addition to giving notice of the application in accordance with subclause (1)) shall forthwith forward a copy of the application to the Secretary of the Heritage Council.

- (3) This clause does not apply to the partial demolition of a building or work which, in the opinion of the Council, is of a minor nature and does not adversely affect the heritage significance of the building or work.

## **26 What incentives apply to heritage conservation?**

- (1) Nothing in this plan prevents the Council from granting consent:

- (a) to the use, for any purpose, of a building, work or place that is a heritage item or an item subject to a conservation instrument, or
- (b) in the case of a heritage item or an item subject to a conservation instrument which is a building or work, to the use, for any purpose, of land:
  - (i) on which the building or work is situated, or
  - (ii) adjoining the land on which the building or work is situated,

if it is satisfied that:

- (c) the proposed use would have little or no adverse impact on the amenity of the area, and
  - (d) the conservation of the heritage item, or the building, work or place subject to the conservation instrument, or the use of the land depends on the Council granting consent.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item or an item subject to a conservation instrument, the Council may:
- (a) for the purpose of determining the floor space ratio, and
  - (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends on the Council making that exclusion.

## **27 What controls apply with respect to development in the vicinity of heritage items?**

The Council shall not grant consent to development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

**28 What controls apply with respect to development within heritage conservation areas?**

- (1) The following development may be carried out within an heritage conservation area only with development consent:
  - (a) demolishing, defacing, damaging or moving a building, work, relic, tree or place within a heritage conservation area,
  - (b) altering a building, work or relic within a heritage conservation area by making structural changes to its exterior,
  - (c) altering a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
  - (d) erecting a building on, or subdividing, land which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage conservation area.
- (3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

**29 What controls apply with respect to items to which a conservation instrument applies?**

Clauses 23 and 25 (1) (a), (2) and (3) shall not apply to a heritage item if that heritage item is subject to a conservation instrument.

**30 What heritage controls apply in an emergency?**

- (1) Nothing in this Part shall prevent a person from carrying out development without complying with clause 23 during an emergency if the Director of Environmental Services determines that such development is a necessary response to that emergency.
- (2) In determining whether any such development is necessary, the Director of Environmental Services shall have regard to:
  - (a) the circumstances of the emergency, including the presence of any danger to life or property, and
  - (b) the heritage significance of the building, work, relic, tree or place in relation to which the development is proposed to be carried out.
- (3) Before making such a determination, the Director of Environmental Services must

notify the situation to the Chairperson of the Heritage Council or a person nominated for that purpose by that Chairperson and consider any representation made in response to the notice.

## **Part 10 Special provisions**

### **31 What controls apply to the development of flood liable land?**

- (1) In assessing any application for consent to development of flood liable land, the Council shall consider:
  - (a) the effect of flooding on the proposed development, and
  - (b) the effect of the development on the pattern of flooding on nearby land, and
  - (c) whether any measures should be required to be taken to mitigate damage from flooding.
- (2) A single storey building designed for use for residential purposes shall not be erected on land shown on the map marked "*Singleton Local Environmental Plan 1996 ('Floor Heights Restriction Map')*" where the finished floor level of any habitable room of the proposed building will be less than the minimum level shown on that map.
- (3) A single storey building designed for use for residential purposes shall not be erected on land which, in the opinion of the Council, is liable to inundation by flood waters unless the finished floor level of the building is of a height sufficient to obviate floodwaters entering any habitable room of the proposed building and the foundations and structure of the building are such as will mitigate damage to the building by flood waters.
- (4) A two storey building designed for use for residential purposes may be erected on land which, in the opinion of the Council, is liable to inundation by flood waters, provided:
  - (a) the floor area of the habitable rooms on the ground floor does not exceed 50% of the total floor area of all habitable rooms, and
  - (b) the habitable rooms on the ground floor are constructed of materials which are water resistant, and
  - (c) the finished floor level of the first floor has a level not lower than the standard flood level determined by the Council, and
  - (d) the finished floor level of the first floor is not more than 4.0 metres above natural ground level, and
  - (e) the land does not contain a flood-free building site on natural ground.

- (5) Nothing in this clause shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit:
- (a) the extension of an existing dwelling-house, by not more than 50% of its internal area, or
  - (b) additions to a dwelling-house, having an area of not greater than 50% of the internal area of the main dwelling, to form a dual occupancy,
- where the existing dwelling is liable to flooding.

### **31A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 22 November 1999, is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 22 November 1999, is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan—Exempt and Complying*, as adopted by the Council on 22 November 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan—Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

### **32 What controls apply to development on major roads?**

- (1) This clause applies to land:
  - (a) having a major road frontage, or
  - (b) which relies on a main road for its sole direct means of access.
- (2) The Council shall not consent to development on land to which this clause applies unless it is satisfied that:
  - (a) the development, by its nature or intensity, or the volume and type of traffic likely

to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of a main road, and

- (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a main road, and
- (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on a main road are not impeded, and
- (d) the views of the local traffic committee or Regional Advisory Committee (as appropriate) have been obtained and considered by the Council.

### **33 Can schools be developed for community uses?**

Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for any community purpose (including development for the purposes of a meeting room, public hall, public library or recreation facility), whether for the purpose of gain or not, on an allotment of land on which development for the purposes of an educational establishment is carried out.

### **34 What requirements are there for the acquisition of private land in Zones 5 and 6 (a)?**

- (1) The owner of any land within Zone 5 or 6 (a) may, by notice in writing, require:
  - (a) in the case of land within Zone 5, the particular public authority responsible for the land use identified on the map, or
  - (b) in the case of land within Zone 6 (a), the Council,to acquire the land.
- (2) On receipt of such a notice, the public authority concerned shall acquire the land if:
  - (a) the land is vacant, or
  - (b) the land is not vacant, and:
    - (i) the land is included in the 5-year works program of the public authority concerned current at the time of receipt of the notice, or
    - (ii) in the case of land to be acquired by the Council—the Council has decided not to give consent referred to in subclause (3) to an application for consent to the carrying out of development on the land, or
    - (iii) in the case of land to be acquired by a public authority other than the Council—the public authority concerned has decided not to give concurrence referred to in subclause (3) to an application for consent to the carrying out of

development on the land, or

- (iv) the public authority concerned is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the public authority concerned is not required to acquire the land if it might reasonably be required to be dedicated for a public road, public reserve, drainage reserve or other public purpose.

(3) A person may:

- (a) with the consent of the Council, and

- (b) in the case of land to be acquired by a public authority other than the Council—with the concurrence of the public authority concerned,

carry out development on land within a zone referred to in subclause (1):

- (c) for the purpose for which development may be carried out on land in an adjoining zone, or

- (d) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.

(4) In deciding whether to grant concurrence to proposed development under this clause, the public authority concerned must take the following matters into consideration:

- (a) the need to carry out development on the land for the purpose for which it is reserved,

- (b) whether the proposed development will render the land unfit for the purpose for which the land is reserved,

- (c) the imminence of acquisition,

- (d) the likely additional cost to the public authority concerned resulting from the carrying out of the proposed development.

(5) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was required.

(6) In this clause: **vacant land** means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

### **35 Is development for certain additional purposes permitted on specific land?**

(1) Nothing in this plan prevents a person, with the consent of the Council,

- (a) from carrying out development on land referred to in Schedule 4 for the purpose

of a building, work, place or land use specified in relation to that land in that Schedule or

(b) if specified in that schedule, from carrying out a subdivision of that land, subject to such conditions, if any, as are so specified.

(2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

### **36 What savings provisions apply with respect to certain activities?**

Nothing in this plan restricts or prohibits or enables the consent authority to restrict or prohibit any one or more of the following:

- (a) the use of existing buildings of the Crown by the Crown,
- (b) the carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (i) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (ii) the erection within the limits of a railway station or buildings for any purpose, but excluding:
    - the construction of new railways, railway stations and bridges over roads, and
    - the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
    - the formation or alteration of any means of access to a road, and
    - the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place,
- (c) the carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
  - (i) development of any description at or below the surface of the ground,
  - (ii) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the



appointed day of any plant or other structures or erections required in connection with the station or substation,

- (iii) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (iv) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (v) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose thereof before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (vi) any other development, except:
  - the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
  - the formation or alteration of any means of access to a road,
- (d) the carrying out by persons carrying on public utility undertakings, being air transport undertakings, or land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road,
- (e) the carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road,

- (f) the carrying out of any development required in connection with the reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road,
- (g) the carrying out of any forestry work by the Forestry Commission or a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*,
- (h) the carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose,
  - (ii) any development designed to change the use or purpose of any such reserve,
- (i) the carrying out or causing to be carried out by the Council while engaged in flood mitigation works or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road,
- (j) the use of land for the purpose of the construction and development of public infrastructure services, including roads and drainage,
- (k) the carrying out of works authorised under the provisions of the *Soil Conservation Act 1938*.

### **37 What restrictions apply to specific land?**

- (1) Despite any other provision in this plan, the Council must not grant consent to development in respect of land described in Schedule 5 unless:
  - (a) each condition set out in that Schedule in respect of the land has been satisfied before consent is granted, or
  - (b) the consent is granted subject to the conditions.
- (2) This clause does not prevent the imposition of conditions in addition to those set out

in Schedule 5.

## **Schedule 1 Main Roads**

(Clause 9)

New England Highway

Putty Road (Main Road No 503)

Jerry's Plains Road (Main Road No 213)

Wollombi Road (Main Road No 181)

Gresford Road (Main Road No 128)

Elderslie Road (Main Road No 220)

Bridgman Road (between the New England Highway and the Big Post)

Mitchell Line Road (between the New England Highway and the Putty Road)

## **Schedule 2 Professionally qualified practitioners**

(Clause 9)

Accountant

Acupuncturist

Archaeologist

Architect

Auctioneer

Biologist

Chiropractor

Clinical psychologist

Dentist

Economist

Engineer

Geologist

Homoeopath

Hypnotherapist

Insurance broker

Legal practitioner (solicitor or barrister)

Medical practitioner (general practitioner or specialist)

Naturopath

Optician

Optometrist

Orthodontist

Osteopath

Physiotherapist

Podiatrist (chiropodist)

Quantity surveyor

Speech therapist

Surveyor

Town planner

Valuer

## Schedule 3 Heritage items

(Clauses 21-30)

(numbers in parentheses are street numbers)

### Part 1 Items classified as being of State significance

- BRANXTON
  - “Dalwood” Homestead & Outbuildings
- LIDDELL
  - Old Singleton Road
  - Former Chain of Ponds Hotel
- SINGLETON
  - Church & Bathurst Streets
  - Showground Group
  - Elizabeth Street
  - Court House & Associated Buildings (39)
  - George Street
  - Former Post Office
  - “Ewbank”& Outbuildings
  - Howe Street
  - Crail House
- WARKWORTH
  - “Wambo”& Outbuildings
- WHITTINGHAM
  - “Baroona”& Outbuildings
  - “Minimbah”& Outbuildings
  - Neotsfield Lane
  - “Neotsfield”

### Part 2 Items classified as being of regional significance

- BROKE
  - General Cemetery
- DAWSONS HILL
  - Richards Family Cemetery

- GLENDON
  - “Glendon”& Outbuildings
- GOORANGOOLA
  - Goorangoola Road
  - “Greylands”& Outbuildings
- GOWRIE
  - Maison Dieu Road
  - Gowrie Private Cemetery
- JERRY’S PLAINS
  - Doyle Street
  - Police Station
  - Public School
  - Piribil Street
  - Old Anglican Cemetery
  - “Arrowfield”
  - “Strowan”
- RAVENSWORTH
  - Ravensworth Homestead
- RIX’S CREEK
  - New England Highway
  - Rix’s Creek Coke Ovens
- SINGLETON
  - Bishopgate Street
  - Wade Cottage (25)
  - Campbell Street
  - Residential Cottage (11)
  - Castlereagh Street
  - Timber House (89)
  - Cemetery Lane
  - Whittingham Anglican Cemetery
  - Church & Hunter Streets
  - Uniting Church of Australia

Former St Andrews Church

Dangar Road

Lonsdale (10-12)

Singleton District Hospital (25)

Edinburgh Avenue

Pelerin (30)

Dunolly Road

Dunolly Ford Bridge

Elizabeth Street

Presbyterian Church Property Trust

Flowerbank Close

Flowerbank (8)

George Street

Bon Accord (7-9)

Office & Residence (25-27)

Caledonian Hotel (38-40)

Residential & Commercial Premises (42-44)

Pizza Hut & Offices (57)

Singleton Historical Society Museum

Community Arts & Crafts & Learning Centre (74)

Goulburn Street

All Saints Parish Hall

Greenwood Lane

"Greenwood"& Outbuildings

Hambledon Hill Road

"Hambledon Hill"

High Street

All Saints Church

All Saints Rectory

Dangar Mausoleum

Lych Gate, All Saints Church

John Street

Greater Newcastle Building Society & Credit Union (94)

Residence, Kath's Cottage (228)

Kelso Street

Gould Brothers Timber Mill (1)

Maitland Road & White Falls Lane

"Ardersier"

Munro Street

Singleton Railway Station

Putty Road

Glenridding Presbyterian Church Cemetery  
"Abbey Green"& Outbuildings

Queen Street & Combo Lane

Museum, Sisters of Mercy Convent  
Sisters of Mercy Convent Building  
Sisters of Mercy Convent Chapel School

Queen Street

Queen Street Cemetery  
St Patrick's Church

Townhead Crescent

Townhead Estate (5)

View Street

Buena Vista (3)

Waterworks Lane

Former Pumping Station

- WARKWORTH

St Phillips Church

Archerfield Road

"Archerfield" Outbuildings

- WHITTINGHAM

New England Highway/Haggarty's Lane

Former Gates & Gate Lodge

### **Part 3 Items classified as being of local significance**

- BELFORD
  - Bell Road
    - Church of the Good Shepherd
    - Former Belford Public School
    - New Freugh Ruin
  - Corinda Street
    - “Corinda House” Farm
  - Standen Drive
    - “Kirkton” Winery & Vineyard site
- BRANXTON
  - Dalwood Road
    - “Leconfield”
- BROKE
  - St. Andrew’s Anglican Church
  - War Memorial
  - Maria Immaculate R.C. Church
  - Broke Road
    - Albert Hall
  - Fordwich Road
    - Blaxlands House
- BULGA
  - Cobcroft Road
    - “Charlton”
  - Inlet Road
    - War Memorial Gates
  - Putty Road
    - “Mount Leonard”
    - Mt. Leonards Public School (now Scout Hall)
- CAMBERWELL
  - St. Clements Anglican Church
  - Community Hall (C.I.)
- ELDERSLIE



Elderslie Bridge

- GLENDON

Anglican Timber Church

- GLENDONBROOK

Singleton-Gresford Road

“Manresa”

- GOORANGOOLA

Goorangoola Road, Greenlands

“Roselands” (Uniting Church)

- JERRY’S PLAINS

Pagan Street

Post Office & Store

St James Anglican Church

Jerry’s Plains Catholic Church

- MILBRODALE

Putty Road

“Milbrodale” Estate

- MT. THORLEY

Jerry’s Plains Road

Brick Farm House

- NUNDAH

Middle Falbrook Road

“Dulwich”

- RAVENSWORTH

New England Highway

Public School

- REDBOURNBERRY

Redbournberry Road

Redbournberry Bridge

- REEDY CREEK

Mirannie Road

Anglican Church

- SCOTTS FLAT

Glendon Road

“Warromean”

- SINGLETON

Bathurst Street

Residence (17)

Bishopgate Street

Pelham Residence (30)

Bowman Street

Bowman Street Trees

Broughton Street

“Fairholme” (16)

Cambridge Street

Residence (4)

Residence (8)

Campbell Street

St. Vincent De Paul Society Shop (13-15)

House Group (17-19)

Castlereagh Street

“St Elmo”

Dangar Road

House (26)

House (27)

Cranston House (28)

House (37)

Dunolly Road

“Catron”

Edinburgh Avenue

Tennis Club

Elizabeth Street

House (26)

Methodist Sunday School Hall (2)

“Bel Glen” (4)

Singleton Presbyterian Church Hall (7)

“Woodbourne” (20)

Public School Group (31)

“Bundarra” (37)

Frome Close

“Frome”

George Street

Burdekin Park

Commercial Premises (58)

Commercial Premises & Residence (49)

Singleton Mowers Commercial Shop (32)

Pines Cafe (26)

“Percy” Hotel (65-67)

Boer War Memorial (75)

War Memorial (75)

Shop (76-78)

“Royal Hotel” (86)

Burdekin Medical Centre (90)

Residence (96)

Goulburn Street

Brougham Place (4)

High Street

“Geraldine”& Medical Centre (68)

Residence (65)

Hunter Street

Residence (8)

Police Station (22)

Residences (24-26)

Public School Group

John Street

The Singleton Arcade (71-75)

Former Bakery (85)

Westpac Bank & Shop (110-112)

Jack Daniels Tavern (142)

Residence (257)

Club House Hotel (148)

Masonic Hall (219)

Merah (259)

Singleton Inn

Kent Street

“Glenayr” (1)

Macquarie Street

“White Heather” (11)

Terraces (37-39)

Residences (3-5)

Maitland and Cemetery Roads

Former Lairmont Hotel

New England Highway

“Bebeah”, cnr Waddell’s Lane

“The Woolpack Inn”, cnr Newington Lane

Patrick Street

Roman Catholic Presbytery (6)

Pitt Street

Residence (55)

Soapsuds Lane

Brick Shed

View Street

Water Tower (12)

House (12)

Cottage (16)

Federation Bungalow (14)

William Street

House (5)

House (36)

York Street

Former Police Station (79)

Singleton High School

Residence (66)

- STANHOPE

Stanhope Road

Johnsons Cottage

Bendeich Cottage

- WARKWORTH

Hotel Ruins

Jerry's Plains Road

Former Queen Victoria Inn (Ruins)

Long Point Road

"Clifford"&"Staford" homesteads (Ruins only)

- WESTBROOK

Mirannie Road

"Spottiswood"

Westbrook Road

Glen Nevis

- WYLIES FLAT

Hambledon Hill Road

Cyril Moxhams House (1910)

## Schedule 4 Additional land uses

(Clause 35)

Land being part of Lot 15, DP 230832, Parish of Whittingham, fronting Main Road No 181, Mount Thorley, as shown edged heavy black on the map marked "*Singleton Local Environmental Plan No 58*"—heavy engineering and ancillary land uses.

Land being Portion 203, Parish of Darlington, Darlington Road, Singleton—concrete batching plant and asphalt plant.

Land being Lots 1–16, Section 7, DP 758906, Parish of Whittingham and County of Northumberland, and bounded by Queen, Cambridge and Bishopgate Streets, Singleton, as shown edged heavy black and lettered "2" on the map marked "*Singleton Local Environmental Plan 1996 (Amendment No 23)*"—business premises, but only if the Council grants consent within 3 years from the date of commencement of [Singleton Local Environmental Plan 1996 \(Amendment No 23\)](#).

Land being Lot 421, DP 618632, Parish of Whittingham, 152 George Street Singleton—tile shop and motor showrooms.

Land being part of Lot 1, DP 744891, No 4403 New England Highway, Singleton, being land approximately 1.6 hectares in area immediately adjacent to the corner of Waddells Lane and the New England Highway, as delineated in "Plan of Subdivision of Proposed Motor Dealership Development, Part Lot 1 DP 744891" (Reference No W:\005305\3CA.dwg; application number SA 22/2002), being a registered surveyor's plan deposited in the office of the Council—motor showroom and ancillary service and repair facilities.

Land being Lots 1, 2 and 39–46, DP 234835, being Nos 2–16 Maitland Road, No 1 Howe Street and No 2 Kennedy Street, Singleton—tourist facilities, refreshment rooms, tourist accommodation and motor

showrooms.

Land being Lot 1, DP 995516, Parish of Whittingham, No 128 George Street, Singleton—building design and construction business.

Land being Lot 1 DP 196924, Parish of Whittingham, No 12 Pitt Street, Singleton—offices for use by one or more professionally qualified practitioners and their support staff.

Land being Lot 1, DP 799829, Parish of Whittingham, No 142 George Street, Singleton—professional engineering consulting business.

## **Schedule 5 Restrictions applying to specific land**

(Clause 37)

Part Lot U, DP 81369, Parish of Whittingham, County of Northumberland, and known as part of No 4 Gas Street, Singleton, as shown edged heavy black and lettered “3” on the map marked “*Singleton Local Environmental Plan 1996 (Amendment No 26)*”—Decontamination of the land to the satisfaction of the Council prior to consent being granted.