

Severn Local Environmental Plan 2002

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New South Wales

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Provisions in force

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

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2007](#)

Authorisation

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Severn Local Environmental Plan 2002



New South Wales

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Severn Local Environmental Plan 2002



New South Wales

Part 1 Operation of the plan

1 What is this plan called?

This plan is called *Severn Local Environmental Plan 2002*.

2 What are the aims and objectives of this plan?

The aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and human resources within the local government area of Severn by protecting, enhancing or conserving:
 - (i) land of significance to agricultural production, and
 - (ii) timber, minerals, soil, water and other natural resources, and
 - (iii) areas of significance for nature conservation, and
 - (iv) areas of high scenic or recreational value, and
 - (v) landscapes, places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
 - (vi) communities and settlements, and
- (b) to replace the existing planning controls with a local environmental plan that helps to facilitate growth and development consistent with the aims specified in paragraph (a) and that:
 - (i) minimises the cost to the community of fragmented and isolated development of rural land, and
 - (ii) facilitates the efficient and effective delivery of amenities and services, and
 - (iii) facilitates stimulation of demand for a range of residential, enterprise and employment opportunities and promotes agricultural diversity, and

(iv) facilitates farm adjustments, and

(v) maximises the efficient use of existing infrastructure investment, commensurate with public safety, particularly of roads of high standard.

3 Where does this plan apply?

This plan applies to all land within the local government area of Severn as shown on the map, with the boundaries as indicated on the map.

4 How does this plan relate to other environmental planning instruments?

(1) *Severn Local Environmental Plan 1991* is repealed.

(2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10):

Severn local government area

(3) This plan amends *State Environmental Planning Policy No 15—Rural Land Sharing Communities* by inserting the following word in alphabetical order in Schedule 1 (Land to which this policy applies):

Severn

5 What do certain words and phrases mean in this plan?

(1) In this plan, terms defined in Schedule 1 have the meanings given to them in that Schedule.

(2) A reference in this plan to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.

6 What is exempt and complying development?

(1) Development of minimal environmental impact listed in Part 2 of Schedule 2 is **exempt development**, despite any other provision in this plan, but only if it is shown in Part 1 of Schedule 2 as being allowed within the zone within which it is proposed to be carried out.

(2) Development listed in Part 4 of Schedule 2 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 Schedule 2.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Part 7 of Schedule 2.

7 Who is the consent authority?

The Council shall be the consent authority for the purposes of this plan, subject to the Act.

8 How are the different zones shown on the map?

- (1) For the purposes of this plan, land is within one of the following zones if the land is shown on the map as described below in relation to the zone:

Zone No 1 (a) (the General Rural Zone)—edged heavy black and lettered “1 (a)”.

Zone No 1 (f) (the Rural (Forestry) Zone)—edged heavy black and lettered “1 (f)”.

Zone No 2 (v) (the Village Zone)—edged heavy black and lettered “2 (v)”.

Zone No 8 (a) (the Existing National Park and Nature Reserves Zone)—edged heavy black and lettered “8 (a)”.

- (2) A person shall not carry out development on land that is not within one of those zones without development consent.
- (3) Such a consent may be granted only for development that may be carried out either with or without consent on land adjoining that land.

9 Where are the zone objectives set out, and how does the development control table work?

- (1) The objectives of a zone are set out in the Table to this clause in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development (if any) that:
 - (a) may be carried out without development consent, or
 - (b) may be carried out only with development consent, or
 - (c) is prohibited,

is specified under the headings “What is allowed without development consent?”, “What is allowed only with development consent?” and “What is prohibited?”, respectively, appearing in the matter relating to the zone.

- (3) Consent must not be granted to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is substantially consistent with:
- (a) the aims and objectives of this plan, and
 - (b) the objectives of the zone within which the development is proposed to be carried out, and
 - (c) if the land is within Zone No 2 (v), any relevant community objectives set out in Schedule 3.
- (4) For the purpose of determining whether development is substantially consistent with the aims and objectives of this plan and the objectives of a zone, all of those aims and objectives shall be considered.

Zoning table

Zone No 1 (a) General Rural Zone

1 What is the objective of Zone No 1 (a)?

The objective of this zone is to promote the proper management and utilisation of agricultural and natural resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land within the area of Severn generally, in a manner which sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) commercially viable deposits of minerals, including coal and extractive materials, by controlling the location of other development in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other vegetation within each area identified on the map as an “environmentally sensitive area”, where the conservation of the vegetation is significant to scenic amenity or natural wildlife or is likely to control land degradation or enhance water quality, and
 - (vi) water resources and fisheries habitat for use in the public interest,

and

- (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat within each area identified on the map as an “environmentally sensitive area”, and
- (viii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (b) preventing, except in close proximity to village or urban areas, the development of prime crop and pasture land for purposes other than agriculture or horticulture, except where these will not be in substantial conflict with agriculture or horticulture or are otherwise justifiable, and
- (c) facilitating farm adjustments, and
- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land for living purposes, and
 - (ii) providing, extending and maintaining public amenities and services, in particular, roads, and
- (e) providing land for future urban development, for future rural residential development, for hobby farm development, for new agricultural enterprises and for development for other non-agricultural purposes, in accordance with the need for that development to sustain the economic and social viability of the area of Severn.

2 What is allowed without development consent?

Development for the purpose of:

agriculture (other than ancillary dwellings); forestry (other than ancillary dwellings or pine plantations); public utility activities as identified in Schedule 8.

Exempt development.

3 What is allowed only with development consent?

Any development not included in item 2.

4 What is prohibited?

Nil.

Zone No 1 (f) Rural (Forestry) Zone

1 What is the objective of Zone No 1 (f)?

The objective of this zone is to provide for forestry uses and other compatible uses in State forests.

2 What is allowed without development consent?

Development for the purpose of:

agriculture (other than use of intensive livestock keeping establishments or lot feeding of livestock); forestry; public utility activities as identified in Schedule 8.

Development authorised by or under the [Forestry Act 1916](#) and any development incidental or ancillary to any such development.

Exempt development.

3 What is allowed only with development consent?

Development for the purpose of:

extractive industries; plant nurseries; recreation areas; roads (other than roads authorised by or under the [Forestry Act 1916](#)); rural industries; telecommunications facilities; tourist facilities; utility installations.

4 What is prohibited?

Any development not included in item 2 or 3.

Zone No 2 (v) Village Zone

1 What are the objectives of Zone No 2 (v)?

The objectives of this zone are:

(a) to promote development in existing towns and villages in a manner which:

(i) is compatible with their function, and

(ii) is in accordance with the relevant community objectives outlined in

Schedule 3, and

(iii) supports the economic, social and cultural development of the town or village concerned, and

(b) to provide for the establishment of a full range of services and facilities associated with a town or village.

2 What is allowed without development consent?

Development for the purpose of:

public utility activities as identified in Schedule 8.

Exempt development.

3 What is allowed only with development consent?

Any development not included in item 2.

4 What is prohibited?

Nil.

Zone No 8 (a) Existing National Park and Nature Reserves Zone

1 What are the objectives of Zone No 8 (a)?

The objectives of this zone are:

(a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and

(b) to facilitate the management and appropriate use of that land in accordance with the provisions of that Act.

2 What is allowed without development consent?

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

3 What is allowed only with development consent?

Nil.

4 What is prohibited?

Any development not included in item 2.

Part 2 Provisions relating to development generally

10 How must development relate to water management, native vegetation conservation and catchment management?

Consent must not be granted to any development unless the consent authority is of the opinion that the carrying out of the development is generally consistent with, or at least will not compromise, the principles and objectives of the [Water Management Act 2000](#), the [Native Vegetation Conservation Act 1997](#) and the [Catchment Management Act 1989](#).

11 Is additional development allowed near zone and other boundaries?

- (1) This clause applies to land within 50 metres of a boundary of Zone No 2 (v).
- (2) Subject to subclause (3), development may, with development consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone on the other side of the boundary, whether that zone is created by this or any other local environmental plan.
- (3) Consent must not be granted to the carrying out of development referred to in subclause (2) unless, in the opinion of the consent authority, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar factors relating to the optimum development of land to which this plan applies.
- (4) Consent may be granted for development of land within 100 metres of a boundary of environmentally sensitive land that does not comply with a requirement imposed only because that land is environmentally sensitive if, in the opinion of the consent authority, the proposed development would not prejudice the protection of the environment.

12 What covenants are suspended by this plan?

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any agreement, covenant or similar instrument which purports to impose restrictions on the carrying out of development for certain purposes on land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.
- (2) This clause does not apply to any agreement, covenant or similar instrument to the extent to which:
 - (a) it imposes or confers rights on the Council or any other public authority, or
 - (b) it benefits land held by the Council or any other public authority.
- (3) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclauses (1) and (2).

13 What restrictions apply to development along arterial roads?

- (1) Consent must not be granted to development on land which has frontage to an arterial road unless:
 - (a) access to the land is provided by a road other than the arterial road wherever practicable, and
 - (b) in the opinion of the consent authority, the safety and efficiency of the arterial road will not be adversely affected by:
 - (i) the design of the access to the proposed development, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) Consent must not be granted to development listed in Schedule 4 of land within Zone No 1 (a) if the development site will require direct access to:
 - (a) an arterial road, or
 - (b) a road connecting to an arterial road, and the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road, or
 - (c) where the development site has frontage to an arterial road—frontage to that road is less than 400 metres.

14 What restrictions apply to access to a public road?

A person, other than the Council, shall not construct a road which has access to a public road except with development consent.

15 What restrictions apply to flood liable land?

- (1) Consent must not be granted to development involving the erection or carrying out of a building or flood-affecting work on flood-liable land unless the consent authority is satisfied that the development:
 - (a) will not place the safety of the community at risk, or
 - (b) impede the flow of water in its locality, or
 - (c) increase the effect of flooding in its locality, or
 - (d) raise the level of the water table in the locality.
- (2) In this clause:

flood-affecting work means a structure (including an earthwork) that, in the opinion of the consent authority:

- (a) is of such a size or configuration that, regardless of the purpose for which it is to be constructed or used, may have a significant effect on the flow of water to or from a river or lake, or on the distribution or flow of flood water in times of flood, or
- (b) is likely to result in unreasonable demands being placed on the Council and emergency services during times of flood.

flood-liable land means land identified as flood-liable land on a map adopted by resolution of the Council, as the map was in force when the relevant development application was lodged with the consent authority.

16 What restrictions apply to land subject to bushfire hazards?

Consent must not be granted to the subdivision of land or to the erection of a building on land which is subject to bush fire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of the consent authority:

- (a) adequate provision is made for access for fire fighting vehicles, and
- (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones and the like, and
- (c) adequate water supplies are available for fire fighting purposes, and
- (d) an adequate alternative access is constructed and measures will be taken to ensure it is kept clear.

17 What restrictions apply to development near water supplies?

Consent must not be granted to any development within a water supply catchment used for potable purposes, as shown on the map, unless the consent authority is satisfied that no pollution of the water supply shall occur.

18 What services are required for buildings and dwellings?

(1) Consent must not be granted to:

- (a) any subdivision of land for the purpose of a dwelling, or
- (b) the erection of a dwelling on any land,

unless the consent authority is satisfied that there is available to the land, or that satisfactory arrangements have been made for provision to the land of, an adequate supply of water and adequate facilities for drainage and sewage disposal.

(2) Consent must not be granted to the erection of a building (other than a dwelling) on

any land unless the consent authority:

- (a) has assessed the need for the provision of a supply of water and facilities for sewage and drainage disposal, and
- (b) is satisfied, on the basis of that assessment, that there is available to the land, or that satisfactory arrangements have been made for provision to the land of, an adequate supply of water and adequate facilities for drainage and sewage disposal.

19 What restrictions apply to development near aerodromes?

- (1) A person shall not, on land within 500 metres of the perimeter of an aerodrome:
 - (a) erect a building of a height that exceeds the limitation specified by the Council, or
 - (b) carry out development for the purpose of:
 - (i) a dam or reservoir, or
 - (ii) the handling or storage of grain or growing of a grain crop, or
 - (iii) the disposal of refuse, or
 - (iv) a sewage treatment plant or effluent ponds (or both), or
 - (v) an abattoir, or
 - (vi) a stock yard complex,except with development consent.
- (2) An application made for development consent to carry out any development described in subclause (1) shall be referred to the relevant Commonwealth aviation authority for comment where a building exceeds the height specified in relation to the Obstacle Limitation Surface (such surface being calculated by the Council from information provided by that aviation authority).
- (3) In considering whether to grant consent to any development described in subclause (1), the consent authority shall take into account any comment furnished to the consent authority by the relevant Commonwealth aviation authority within 28 days (or such longer period as may be agreed upon between them from time to time before the expiration of the 28 day or any extended period) after referral of the application.
- (4) A person shall not, without development consent, erect a building in an area for which an Australian Noise Exposure Forecast has been prepared that is available from the Council.
- (5) Consent must not be granted to the erection of a building in such an area unless the

consent authority is satisfied that measures which are adequate for the insulation of the building from aircraft noise can and will be taken in accordance with the relevant Australian Standards.

20 Referrals required for significant development within Zone No 1 (f) or 8 (a)

- (1) This clause applies to significant development carried out on land that is within or adjacent to land in Zone No 1 (f) or 8 (a), where **significant development** means development that:
 - (a) in the opinion of the consent authority, in the case of development to which a development application relates, or
 - (b) in the opinion of the Forestry Commission, in the case of development to be carried out by or on behalf of State Forests, or
 - (c) in the opinion of the Director-General of National Parks and Wildlife, in the case of development to be carried out by or on behalf of the National Parks and Wildlife Service,is or may have significant implications for owners of land adjoining the land on which it is to be carried out or (in so far as it may have impact on roads or other public infrastructure) for the Council.
- (2) The consent authority (where it is not the Council) must not grant consent to the carrying out of significant development on land within Zone No 1 (f) or 8 (a) unless:
 - (a) it has referred details of the proposed development to the Council, and
 - (b) it has had regard to any response notified to it by the Council within 28 days of its referral of those details.
- (3) The consent authority (whether or not it is the Council) must not grant consent to the carrying out of significant development on land adjacent to Zone No 1 (f) or 8 (a) unless:
 - (a) it has referred details of the proposed development to State Forests or the National Parks and Wildlife Service, as the case requires, and
 - (b) it has had regard to any response notified to it by the Forestry Commission or the Director-General of National Parks and Wildlife within 28 days of its referral of those details.
- (4) Neither State Forests nor the National Parks and Wildlife Service may carry out significant development on land within Zone No 1 (f) or 8 (a) unless:
 - (a) it has referred details of the proposed development to the Council, and
 - (b) it has had regard to any response notified to it by the Council within 28 days of its

referral of those details.

- (5) The Council must not carry out significant development on land adjacent to Zone No 1 (f) or 8 (a) unless:
- (a) it has referred details of the proposed development to State Forests or the National Parks and Wildlife Service, as the case requires, and
 - (b) it has had regard to any response notified to it by the Forestry Commission or the Director-General of National Parks and Wildlife within 28 days of its referral of those details.

21 What guidelines will consent authority use to assess development proposals?

In assessing whether proposed development is substantially consistent with:

- (a) the aims and objectives of this plan, and
- (b) the objectives of the zone within which the development is proposed to be carried out, and
- (c) if the land is within Zone No 2 (v), any relevant community objectives set out in Schedule 3,

the consent authority must take into consideration any guidelines for that kind of development that have been established by it in consultation with relevant public authorities or that have been provided to it by relevant public authorities.

22 Can designated development be carried out without consent?

Notwithstanding any other provision of this plan, development that is declared to be designated development may not be carried out without development consent.

Part 3 Provisions relating primarily to subdivision

23 What controls apply to the subdivision of land generally?

- (1) A person may subdivide land to which this plan applies but only with development consent.
- (2) Consent must not be granted to the subdivision of land unless:
 - (a) the consent authority is satisfied that the primary purpose for which each allotment to be created by the subdivision will be used is substantially consistent with the objectives of the zone within which the land is situated, and
 - (b) in respect of any proposed allotment which the consent authority is satisfied will be used primarily for the purpose of a dwelling-house, the consent authority is also satisfied as to the general locations on the land at which a dwelling-house can be

erected, taking into account the environmental attributes of the land.

- (3) Consent must not be granted to the subdivision of land on which one or more additional dwelling-houses are erected, so as to create a separate allotment for an existing dwelling-house (or houses) except in accordance with the provisions of this plan relating to the creation of allotments for dwelling-houses.

24 What controls apply to subdivision for the purpose of agriculture in Zone No 1 (a)?

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent may be granted to the subdivision of land so as to create an allotment of any area if the consent authority is satisfied that the allotment is to be used for the purpose of agriculture only.
- (3) Subject to clause 27 (which relates to farm adjustments):
 - (a) the consent authority must not grant consent to the subdivision of land so as to create an allotment with an existing dwelling and an area of less than 200 hectares, and
 - (b) the consent authority must not grant consent to the subdivision of land so as to create an allotment with an existing dwelling and an area of 200 hectares or more, but less than 800 hectares, unless:
 - (i) it has referred details of the proposed development to the Director-General of the Department of Agriculture, and
 - (ii) it has had regard to any response notified to it by the Director-General of the Department of Agriculture within 28 days of its referral of those details, and
 - (iii) it has considered a farm management plan for the allotment, and
 - (iv) it is satisfied that the use of the allotment for the purposes of agriculture is economically viable.

25 What controls apply to subdivision for the purpose of closer rural settlement in Zone No 1 (a)?

- (1) This clause applies to land within Zone No 1 (a).
- (2) The general objectives of this clause are:
 - (a) to provide for a wide variety of closer settlement forms in locations where:
 - (i) there is good all-weather road access on sealed roads to towns or villages within the area of Severn or adjacent local government areas and access is gained by means other than directly from an arterial road unless it is a regional road, and

- (ii) suitable areas are available for the erection of a dwelling, such areas:
 - (A) not being within an area identified on the map as being environmentally sensitive, and
 - (B) providing good protection against bushfire risk, and
 - (C) having safe road access, taking into account the nature of the road and current and likely future levels of traffic, and
 - (D) leaving a buffer of at least 1 kilometre between a potential dwelling site and any potentially offensive or hazardous industry (including any extractive industry, mine or feedlot) together with an adequate buffer from the lot boundaries, given the range of adjacent present uses or permissible uses within the zone, and
- (iii) the development would not substantially reduce the opportunities for broad-scale grazing and agriculture within the area of Severn, and
- (iv) the land is not subject to significant environmental hazards, such as flooding, bush fire hazard, land slip, subsidence, salinity, rising water table, soil erosion, scalding or any other environmental risk, so as to render it unsuitable for its intended purpose, and
- (v) closer settlement will not make demands on existing water resources that could have a significant adverse effect on the sustainability of those resources, or on the interests of other water users or of the environment to the extent to which they are reliant on those resources.

- (3) This subclause applies to land proposed to be developed for the purpose of a hobby farm.

The object of this subclause is to promote development of land identified as suitable for hobby farms.

Consent may be granted to the subdivision of land to which this clause applies and the erection of a dwelling-house on each allotment created, if each allotment:

- (a) has an area of 40 hectares or greater, and
- (b) has direct access to a sealed road identified on the map by means of a heavy black line, and
- (c) is suitable for use for genuine rural purposes such as grazing or agriculture,

but not if any allotment is within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and deposited in the office of the Council, and copies of which are deposited in an office of the Department of

Agriculture, as Class 1 or Class 2.

- (4) This subclause applies to land proposed to be used for rural residential development.

The object of this subclause is to promote development of land identified as suitable for:

- (a) rural residential development, in appropriate locations, having regard to accessibility and availability of services from nearby villages and the town of Glen Innes, and
- (b) providing a basic range of services and facilities associated with a village, and
- (c) a range of industrial or commercial purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect other land or development in the vicinity.

Consent may be granted to the subdivision of land to which this clause applies and the erection of a dwelling-house on each allotment created if each allotment has an area greater than 1 hectare but less than 10 hectares and the Council is satisfied that the land is to be used primarily for residential purposes, or for residential purposes in conjunction with the object of this subclause.

Consent must not be granted to the subdivision of land as provided by this subclause unless the consent authority is satisfied that:

- (a) the land is contiguous with an existing village zone or with rural residential development for which consent has been granted in accordance with this clause, and
- (b) the land capability is adequate in relation to the density of the allotments proposed to be created and the range and mixture of allotment sizes is desirable, and
- (c) the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and the physical suitability for on-site disposal of wastes, and
- (d) the ratio of depth to frontage of each allotment created by the subdivision is satisfactory to the consent authority, having regard to the purpose for which the allotment is intended to be used.

- (5) This subclause applies to land proposed to be developed under community title.

The object of this subclause is to promote the development of land suitable for groups living under the *Community Land Development Act 1989* in a manner consistent, but for the form of title, with development permissible under *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

Notwithstanding any other provision of this plan, consent may be granted to development of land under community title if:

- (a) the development is consistent in all respects with development permissible under *State Environmental Planning Policy No 15—Rural Landsharing Communities*, with the exception of those matters within that policy prohibiting the granting of separate title over portions of the land concerned, and
 - (b) the uses proposed for the land are otherwise permissible within the zone and are consistent with the objectives of the zone, and
 - (c) the land has direct access to a sealed road identified on the map by means of a heavy black line.
- (6) Consent may be granted for no more than a total number of 20 allotments pursuant to subclauses (3), (4) and (5) in any one calendar year.
- (7) This subclause applies to land proposed to be developed for rural landsharing communities under *State Environmental Planning Policy No 15—Rural Landsharing Communities* or the *Community Land Management Act 1989*.

The object of this subclause is to prevent the development of rural landsharing communities and community title developments in areas of inadequate road access to towns and villages.

Consent must not be granted to the development of land as provided by *State Environmental Planning Policy No 15—Rural Landsharing Communities* or the *Community Land Management Act 1989* unless the land has direct access to a sealed road identified on the map by means of a heavy black line.

26 What controls apply to subdivision for other purposes in Zone No 1 (a)?

Consent may be granted to a subdivision of land within Zone No 1 (a) to create an allotment to be used primarily for purposes other than agriculture or a dwelling, if the consent authority is satisfied that:

- (a) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created, and
- (b) the purpose for which the allotment is to be used involves the provision of facilities, including tourist facilities, for horticulture, or the supply of goods or services for which there is a demand in the locality, and
- (c) in the case of an allotment to be used for the provision of facilities or the supply of goods or services, the level of demand for the facilities, goods or services which are to be supplied from the allotment, and the extent to which that allotment is proposed to be used to meet that demand, justify the creation of the allotment notwithstanding its agricultural value, in particular, taking into account whether the land is prime crop

and pasture land, and

- (d) where the purpose of the subdivision is for horticulture, that such use is substantially commenced, and is of sufficient scale to demonstrate commercial intent. (Commercial intent is considered to be demonstrated where the nature of the horticultural production satisfies the test for “primary producer” status under the Commonwealth *Income Tax Assessment Act 1936*.)

27 What controls apply to adjustments to the boundaries of existing rural properties (farm adjustments)?

- (1) The purpose of this clause is:
 - (a) to facilitate subdivision for the adjustment of boundaries, (other than adjustments provided for as exempt or complying development) between allotments in the rural parts of the area of Severn for the purpose of facilitating agricultural production, and
 - (b) to facilitate farm transfer by permitting the retention of a dwelling on a small residual lot.
- (2) Notwithstanding any other provision of this plan, consent may be granted to a subdivision of land within Zone No 1 (a) for the purpose of farm adjustment if the consent authority is satisfied that:
 - (a) in the case of an allotment containing a dwelling, the dwelling has a minimum buffer of 300 metres to the boundary of adjoining allotments, and
 - (b) no additional number of allotments or dwellings is created, and
 - (c) allotments are consolidated under the minimum number of land titles required to give effect to the adjustment.
- (3) In considering applications made pursuant to this clause, the consent authority shall have regard to:
 - (a) the degree to which the changes proposed are likely to enhance or maintain the agricultural viability of land affected by the proposal, and in the locality generally, and
 - (b) the appropriateness of the shape and size of the residual allotment and, where such allotment contains an existing dwelling, access to the dwelling and the location of that dwelling with respect to the proposed lot boundaries.

28 What controls apply to subdivision of land in Zone No 2 (v)?

Consent must not be granted to a subdivision of land within Zone No 2 (v) to create an allotment that the consent authority is satisfied is to be used for the purpose of a dwelling-house unless:

- (a) the allotment has an area of 500 square metres or more and has access to a sewerage scheme, or
- (b) for allotments with on-site disposal of waste, each separate allotment of land to be created by the subdivision is not less than 1,000 square metres or such greater area as the consent authority may consider necessary for adequate on-site disposal of waste.

Part 4 Provisions relating primarily to dwellings

29 What controls apply to dwellings in Zone No 1 (a)?

- (1) Consent must not be granted to the erection of a dwelling-house on vacant land within Zone No 1 (a) unless:
 - (a) the land has an area of 800 hectares or more and has adequately constructed road access, or
 - (b) the land has an area of 200 hectares or more but less than 800 hectares, has adequately constructed road access and the consent authority, before granting consent to the erection of a dwelling-house:
 - (i) has referred details of the proposed development to the Director-General of the Department of Agriculture, and
 - (ii) has had regard to any response notified to it by the Director-General of the Department of Agriculture within 28 days of its referral of those details, and
 - (iii) has considered a farm management plan for the allotment, and
 - (iv) is satisfied that the use of the allotment for the purposes of agriculture is economically viable, or
 - (c) the land has an area of less than 200 hectares and comprises:
 - (i) an existing holding, or
 - (ii) an allotment created under this plan primarily for a purpose other than agriculture, where the dwelling will be ancillary to the main use for which the allotment was created, or
 - (iii) an allotment created in accordance with a consent granted before 31 October 1975, being an allotment on which a dwelling-house could have been erected immediately before 31 October 1975, or
 - (iv) an allotment created in accordance with clause 25, or
 - (v) an existing allotment that meets the requirements for an allotment to be created in accordance with clause 25, or

- (vi) an allotment created under *Interim Development Order No 1, Shire of Severn* on which, at the time of approval of the creation of the allotment, a dwelling was permissible with the consent of the Council, or
 - (vii) an allotment created under *Severn Local Environmental Plan 1991* on which, at the time of approval of the creation of the allotment, a dwelling was permissible with the consent of the Council.
- (2) Consent must not be granted to the erection of a dwelling-house on vacant land within Zone No 1 (a) unless the consent authority is satisfied that:
- (a) adequate arrangements have been made for the provision of vehicular access to the site of the proposed dwelling-house, and
 - (b) adequate utility services will be available to the land, and
 - (c) the dwelling-house has a buffer of 300 metres to the boundary of an adjoining allotment, and
 - (d) where the allotment has been developed for the purpose of horticulture, that such use is of commercial scale, such as to satisfy the criteria for a primary producer under the Commonwealth [Income Tax Assessment Act 1936](#).
- (3) Consent must not be granted to the erection of a dwelling-house on land within Zone No 1 (a) unless the consent authority is satisfied that:
- (a) the scale, height and location of the dwelling-house, and
 - (b) the colour, type and reflectivity of materials to be used, will preserve or enhance the scenic quality of the land and the locality.
- (4) In this clause, ***vacant land*** means land on which no dwelling-house is erected.
- (5) Unless permissible under other provisions of this plan, the Council shall not consent to dwellings under clause 29 (1) (c) (vi) after 31 October 2008.

30 Can an existing dwelling-house be replaced?

A dwelling-house may, with development consent, be erected on an allotment of land to which this plan applies on which another dwelling-house is erected if the new dwelling-house is intended to wholly replace the existing dwelling-house.

31 What controls apply to the erection of additional dwellings in Zone No 1 (a)?

Consent may be granted to the erection of one additional dwelling-house for each 200 hectares of land, on an allotment of land within Zone No 1 (a), if the consent authority is satisfied that:

- (a) the holding has an area of not less than 200 hectares, and
- (b) each such additional dwelling-house will be actually occupied by a person who:
 - (i) is a relative of the owner, or
 - (ii) is employed or engaged by the owner of the land in the use, for the purpose of agriculture, of land which belongs to the owner, and
- (c) where the occupant is not a relative of the owner, that the needs of existing agriculture genuinely require that rural workers reside on the land, and
- (d) the additional dwelling-house or dwelling-houses are located so that they will not impair the suitability of the land for agriculture, and
- (e) any other rural workers' dwellings on the holding are being used by persons substantially engaged in agricultural employment on that land, and
- (f) no additional access to a public road will be required from the holding, and
- (g) the dwelling-house is located on an existing allotment, already containing a dwelling, such that separate ownership of the proposed dwelling-house could only be achieved by a subdivision of the land.

32 What controls apply to creation of a dual occupancy?

- (1) This clause applies to land within Zone No 1 (a) or 2 (v).
- (2) Where, in accordance with this plan, development for the purposes of a dwelling-house may be carried out on an allotment of land, a person may, with development consent:
 - (a) alter or add to a dwelling-house erected on the allotment so as to create 2 dwelling-houses, or
 - (b) within Zone No 2 (v) only, erect an additional detached dwelling-house on the allotment.
- (3) Consent must not be granted as provided by subclause (2) unless the area of the allotment is not less than:
 - (a) 500 square metres, in the case of a dwelling connected to a sewer, or
 - (b) 1,000 square metres, in the case of a dwelling requiring on-site disposal of effluent,or such larger area as the consent authority may require should site conditions so require.

33 How are building lines established?

- (1) The Council may, by resolution, fix a line (in this clause called a **building line**) in respect of any land fronting any street, river, creek, lake, or lagoon.
- (2) The Council may, by resolution, alter or abolish any building line, where the levels, depth or other exceptional features of the site make it necessary or expedient to do so.
- (3) A building line shall, when fixed or altered in accordance with this clause, be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during the office hours of the Council.
- (4) A building shall not be erected between a building line and the street, river, creek, lake, or lagoon in respect of which the line is fixed.

34 When may buffer distances be reduced?

Notwithstanding any other provision of this plan, consent may be granted to the erection of a building closer to the boundary of an allotment than otherwise required by this plan if the consent authority is satisfied that the erection of the building in accordance with the consent will not adversely affect the residential amenity of the adjoining allotment or the lawful use of the adjoining allotment for agricultural, horticultural or animal breeding purposes.

Part 5 Heritage provisions

35 What are the aims and objectives of the heritage provisions?

The aims and objectives of this Part are:

- (a) to conserve the environmental heritage (including the natural heritage, built heritage and Aboriginal heritage) of the local government area of Severn, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in the matters relating to the conservation of the area's environmental heritage, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the land to which this plan applies.

36 What controls apply to the protection of heritage items, heritage conservation areas and relics?

- (1) The following development may be carried out only with development consent:

- (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
 - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
 - (c) altering a heritage item or 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, or
 - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
 - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause:
- (a) if the Council is of the opinion that the proposed development would not affect the heritage significance of the heritage item or heritage conservation area, and
 - (b) the proposed development complies with the *Building Code of Australia*.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

37 What notice is to be given of heritage development applications?

- (1) The provisions of the Act relating to advertised development apply to an application for consent to development which involves:
- (a) the demolishing, defacing or damaging of a heritage item or of a building, work, relic, tree or place within a heritage conservation area, except where the proposed development:
 - (i) only involves the partial demolition of a heritage item or of a building or work within a heritage conservation area and such partial demolition, in the opinion of the Council, is of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the area of Severn, and
 - (ii) does not relate to a heritage item that is listed on the State Heritage Register, is the subject of an interim heritage order under the *Heritage Act 1977* or is listed in Schedule 6 as being of national or State significance, or

(b) a new use of a building that is a heritage item or of the land on which a heritage item is situated.

(2) Before granting development consent to the demolishing, defacing or damaging of a heritage item listed in Schedule 6 as being of national or State significance, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

38 What controls apply to the consideration of Aboriginal cultural heritage and archaeological sites?

(1) Consent may be granted to the carrying out of development on land having actual or potential Aboriginal cultural heritage significance (such as land having evidence of an Aboriginal place or relic within the meaning of the *National Parks and Wildlife Act 1974*) only if the consent authority:

(a) has followed the guidelines for the time being notified to it by the Director-General of National Parks and Wildlife with respect to the assessment of such development, and

(b) has had consultations with the local Aboriginal community in relation to the proposed development, and

(c) has taken into consideration such information concerning Aboriginal sites (being information held on the Aboriginal site register kept by the Director-General of National Parks and Wildlife) as is relevant to the proposed development, and

(d) has notified the Director-General of National Parks and Wildlife of its intention to grant consent to the proposed development and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and

(e) is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(2) Consent may be granted to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if the consent authority:

(a) has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and

(b) has notified the Heritage Council of its intention to do so and taken into

consideration any comments received from the Heritage Council within 28 days after the notice was sent, and

- (c) is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

39 What controls apply to development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites?

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

40 What conservation incentives apply?

Consent may be granted to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which any such building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:

- (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and
- (b) the conservation of the building depends on the granting of the consent.

41 What controls apply to development in areas of environmental sensitivity?

- (1) The objectives of controls for areas of environmental sensitivity are:
- (a) to ensure that land containing or likely to contain rare or threatened species, populations, ecological communities or their habitats is protected against inappropriate clearing and development, and
- (b) to protect and enhance land that serves as a wildlife corridor, and
- (c) to protect areas or features of particular habitat significance, and
- (d) to preserve the diversity of habitats for flora and fauna, and
- (e) to protect seepage swamps, lagoons, other wetland areas and waterways from erosion, and
- (f) to protect, enhance and conserve Aboriginal and non-Aboriginal cultural heritage.
- (2) A person must not drain, excavate or fill land within an area identified on the map as being an area of environmental sensitivity except with development consent.
- (3) Consent must not be granted to the carrying out of development on land identified on

the map as being an area of environmental sensitivity unless the consent authority has taken into consideration:

- (a) the likely effects of the development on the flora and fauna found in the locality, and
- (b) the potential for disturbance of native flora and fauna as a result of intrusion by humans and domestic and feral animals, increased fire risk, rubbish dumping, weed invasion and vegetation clearing, and
- (c) a plan of management showing how any significant adverse effects arising or likely to arise from the development are to be mitigated, and
- (d) the likely effects of the development on stream water quality, groundwater systems, soil erosion, salinisation and soil acidification, and
- (e) the likely effects of the development on Aboriginal and non-Aboriginal cultural heritage, and
- (f) the effect on any wetlands or forest areas of any proposed draining, excavating or filling.

42 How may the Council act to preserve trees?

- (1) The Council, for the purpose of enhancing the protection of the environment, securing amenity or preserving existing amenity, may, by resolution, make a tree preservation order, and may, by resolution, rescind or vary any such order.
- (2) A tree preservation order, and any rescission or variation of such an order, takes effect when it is first published in a newspaper that circulates throughout the area of Severn. The Council must ensure that a copy of a tree preservation order, as in force for the time being, is available for public inspection at the office of the Council during ordinary office hours.
- (3) A tree preservation order may allow the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order only with development consent.
- (4) A tree preservation order may relate to any specified tree or trees or to any specified class, type or description of trees on the whole or any specified part of the land within the local government area of Severn.
- (5) A tree or trees must not be cut down, topped, lopped, removed, injured or wilfully destroyed without any development consent required by a tree preservation order.
- (6) Consent is not required by a tree preservation order if the person establishes:
 - (a) that the action alleged to be taken was taken in accordance with a permit issued

- by the Council or was required or authorised to be taken by or under any Act, or
- (b) that the tree or trees concerned had become dangerous, or
 - (c) that the action taken was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated, or
 - (d) that written notice about the proposed action was given to the Council, and the Council, before the action was taken, confirmed in writing:
 - (i) that the tree was in a fuel free zone within the meaning of the document entitled *Planning for Bush Fire Protection* published by the Department of Bush Fire Services, and
 - (ii) that, if the Council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species, or
 - (e) that written notice about the proposed action was given to that Council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and the Council did not advise the person during that period that it opposed the action being taken.
- (7) In this subclause, **notice** means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction.
- (8) The powers conferred on the Council by this clause do not apply to trees in a State forest or on land reserved as a timber reserve within the meaning of the [Forestry Act 1916](#).
- (9) This clause is subject to the [Rural Fires Act 1997](#) and the [Native Vegetation Conservation Act 1997](#).

Part 6 Special conditions applying to certain other developments

43 What applications require special advertising?

Development specified in Schedule 5 is advertised development for the purposes of the Act.

44 What controls apply to advertisements in Zones Nos 1 (a) and 1 (f)?

- (1) Advertising structures may be erected on land within Zone No 1 (a) or 1 (f) and advertisements may be displayed on such structures only in accordance with this clause.

- (2) An advertising structure may be erected on land within Zone No 1 (a) or 1 (f) only with development consent and only if the consent authority is satisfied that it will display only notices related to the purpose for which the land is used.
- (3) However:
 - (a) the Council may erect, or cause to be erected, advertising structures and advertisements on land within Zone No 1 (a) or 1 (f) for the purpose of directing the travelling public to tourist areas, and
 - (b) consent may be granted for the display on advertising structures on any such land that is within 3 kilometres of a village within Zone No 2 (v) of private advertisements of tourist, scientific or historical facilities or scenic areas, but only if each advertisement is at least 500 metres from any other advertisement and, in the case of an advertisement for a business, refers to a business within that village or locality.

45 What controls apply to horticulture?

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

- (a) provision has been made for a buffer zone which is of adequate size to protect the amenity of adjoining land from the impacts of spraying, noise and the like, and
- (b) the buffer zone is wholly contained within the land on which the development is proposed.

46 What controls apply to the approval of temporary accommodation?

- (1) Despite any other provisions of this plan, development may be carried out, with development consent, for the purpose of temporary accommodation (such as a hostel, caravan park, rough camping area or construction camp) on land specified in Schedule 7, subject to any conditions specified in relation to the land in that Schedule.
- (2) Development referred to in subclause (1) may be carried out, with development consent, on other land to which this plan applies if the consent authority is satisfied that:
 - (a) the development, by virtue of its location, scale, site landscaping and treatment, and temporary nature, is unlikely to conflict significantly with the objectives of the zone applying to the land on which the development is proposed to be carried out, and
 - (b) appropriate arrangements will be made for water supply, sewage disposal, stormwater drainage and other utility services to that land and access and parking, and

(c) the development is unlikely to interfere with the amenity of any residential neighbourhood in the vicinity.

(3) The consent authority may impose conditions on a consent granted pursuant to subclause (2) concerning the time at which the development is to cease, periods of tenure, the circumstances under which any extensions of time may be granted and the reinstatement of the land to its original state or another state determined by the Council.

Schedule 1 Definitions

(Clause 5 (1))

advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

agriculture means grazing, dairying, pig-farming, poultry farming, bee-keeping, the growing of crops of any kind, or any combination of any of those things, but does not include use of an intensive livestock keeping establishment, horticulture or forestry.

airline terminal means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

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 to the detail, fabric finish or appearance of the outside of the heritage item, building or work, other than changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

animal boarding or training establishment means a place for the commercial boarding, breeding, keeping or training of animals, and includes a riding school and veterinary clinic.

arterial road means an existing road classified by the Roads and Traffic Authority as a federal highway, State highway or regional road.

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.

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.

caravan park means land used as a site for moveable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation.

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 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).

church means any place of public worship whether in the Christian faith or not.

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

commercial premises means a building or place used as an office or for other business or commercial purposes, but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a land use elsewhere specifically defined in this Schedule.

conservation plan means a document establishing the significance of a heritage item and identifying the policies that are appropriate to enable that significance to be retained in its future use and development.

Council means the Severn Shire Council.

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

Department is defined in the Act.

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.

environmentally sensitive area means an area shown on the map and labelled “environmentally sensitive area” and includes land containing rare or endangered vegetation and species, likely to contain rare or endangered vegetation and species, containing significant native vegetation, or containing items of the environmental heritage such as heritage conservation areas and heritage items.

existing holding means:

- (a) the area of a lot, portion or parcel of land as it was as at 31 October 1975, or
- (b) if, as at 30 June 1999, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at 31 October 1975.

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, turf, soil, rock, stone or similar substances.

farm adjustment means a process of subdivision resulting in a re-distribution of allotments so as to facilitate agricultural production without the creation of either additional allotments or additional dwellings.

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 line 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.

health care professional means a person who provides professional health services to members of the public, and includes, but is not limited to:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor registered under the *Chiropractors Act 2001*, and
- (c) an osteopath registered under the *Osteopaths Act 2001*, and
- (d) a physiotherapist registered under the *Physiotherapists Act 2001*, and
- (e) 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 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 authorised by the Commonwealth for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means an area identified as a heritage conservation area in Schedule 6 and indicated by the letter “H” on the map.

heritage item means a building, work, relic, tree or place of heritage significance to the area of Severn described in Schedule 6 and indicated by the letter “H” on the map.

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

hobby farm means a rural acreage of more than 40 hectares but less than 200 hectares that is used for rural living in conjunction with agricultural pursuits including, but not limited to, grazing or cropping.

home industry means an industry carried out in association with a residential use on land within the same curtilage as the dwelling or adjacent land under the following circumstances:

- (a) the industry is undertaken by the permanent residents of the dwelling, and
- (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of 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, and

- (iv) does not involve the employment of more than one person at a time other than those residents.

home occupation means an occupation carried on in a dwelling by the permanent residents of the dwelling which does not involve:

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

horticulture means the commercial cultivation of fruit, vegetables, nuts, and flowers, including berries, grapes, vines and tree crops, but does not include forestry.

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 or 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.

industry means:

- (a) any manufacturing process within the meaning of the [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 (in the Table to clause 9) does not include an extractive industry or any other industry separately defined in this Schedule.

institution means a penal or reformatory establishment.

intensive livestock keeping establishment means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purposes of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and

(d) fish farms,

but does not include an animal boarding or training establishment or a place at which livestock are kept only for domestic consumption.

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 thereof.

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

main road means a main road within the meaning of the [Roads Act 1993](#).

maintenance, with respect to a heritage item, means ongoing protective care of the fabric or substance of the heritage item and its setting.

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

- (a) a main or arterial road, or
- (b) a road connecting with a main or arterial 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 or arterial road.

map means a map kept at the office of the Council.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, in, on or at which any operation is carried on for or in connection with 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 for or in connection with the purpose of obtaining ilmenite, monazite, rutile, zircon or similar minerals.

motel means a building or buildings (other than a caravan park, 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 sold or displayed therein or thereon.

offensive or hazardous industry means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

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 purpose of gain or not, but does not include a place of public worship, a club, an institution or an educational establishment.

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

prime crop and pasture land means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and deposited in the office of the Council, and copies of which are deposited in an office of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which that Director-General has notified the Council in writing is exempt from planning constraints associated with prime crop and pasture land for the purposes of this plan.

professional consulting rooms means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling-house and used by not more than:

- (a) three legally qualified medical practitioners, or
- (b) three dentists within the meaning of the [Dentists Act 1989](#), or
- (c) three health care professionals,

for the practice of medicine, dentistry or health care respectively and, if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

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 shall be construed as including 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 to provide facilities for recreational activities or sporting facilities, or
- (c) a rough camping area, or
- (d) 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) another public authority, or
- (iii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community.

recreation establishment means health farms, religious retreat houses, rest homes, youth camps and the like but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a land use elsewhere specifically defined in this Schedule.

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 and whether used for the purpose of gain or not, but does not include a place of assembly.

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

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of Severn by peoples of any race or culture which is 50 or more years old.

residential flat building means a building or attached group of buildings 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 therein.

road transport terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by road, and includes ancillary 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 at 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 residential development means development primarily intended for residential purposes on land within Zone No 1 (a) having an area of not less than 1 hectare and not more than 10 hectares.

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 goods, including 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, part of a building, or a place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this Schedule, or a building or place used for a land use elsewhere specifically defined in this Schedule.

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

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

telecommunications facility means any part of the infrastructure of a telecommunications network or any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

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

the map means the set of maps marked “*Severn Local Environmental Plan 2002*”, as amended by, or by any specified sheet of, the 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.

Severn Local Environmental Plan 2002 (Amendment No 2)

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

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

tree includes a sapling or a shrub not less than 2 metres in height.

units for aged persons means a residential building or residential buildings used to house aged persons as defined in the *Aged or Disabled Persons Homes Act 1954* of the Commonwealth, erected or to be erected by an eligible organisation (within the meaning of that Act) or by a person or body representing the Crown.

utility installation means a building or work used by a public or private 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.

Schedule 2 Exempt and complying development

(Clause 6)

Part 1 General requirements for exempt development

Development is exempt development only if:

- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
- (b) it is of a type allowed by Part 2 of this Schedule to be carried out on the land on which it is proposed, and
- (c) it is within the description of development of that type specified, and it complies with all relevant standards and other requirements (if any) set for that type, in Part 3 of this Schedule, and
- (d) it does not contravene any condition of a development consent applying to land, and
- (e) it does not obstruct drainage of the site on which it is carried out, and
- (f) it does not restrict any vehicular or pedestrian access to or from the site, and
- (g) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of the Council applying to land, and
- (h) it does not require a tree to be removed, and
- (i) it is carried out behind the building line, where it is carried out in heritage conservation area.

Development is not exempt development if it is carried out on land that:

- (a) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
- (b) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (c) is critical habitat within the meaning of the *Threatened Species Conservation Act 1995*, or
- (d) is within a wilderness area within the meaning of the *Wilderness Act 1987*.

Part 2 Is exempt development allowed within a zone or an environmentally sensitive area?

Type of exempt development	Zones and areas where exempt development is permitted
	1 (a) 1 (f) 2 (v) Environmentally sensitive area

Access ramps	Yes	Yes	Yes	Yes
Aerials (not elsewhere described in this Part)	Yes	Yes	Yes	Yes
Airconditioning units	Yes	Yes	Yes	Yes
Awnings, canopies and storm blinds	Yes	Yes	Yes	Yes
Barbeques associated with dwellings	Yes	Yes	Yes	Yes
Bird aviaries	Yes	Yes	Yes	Yes
Building alterations	Yes	Yes	Yes	Yes
Building site sheds, offices and associated amenities buildings associated with a construction activity	Yes	Yes	Yes	No
Bus shelters	Yes	Yes	Yes	Yes
Change of use of a building	Yes	Yes	Yes	Yes
Decks	Yes	Yes	Yes	Yes
Fences	Yes	Yes	Yes	Yes
Flag poles	Yes	Yes	Yes	Yes
Fowl houses	Yes	Yes	Yes	Yes
Fuel tanks	Yes	Yes	No	No
Garden sheds, gazebos, and greenhouses, but only when ancillary to a dwelling-house	Yes	Yes	Yes	Yes
Home occupations	Yes	Yes	Yes	Yes
Internal alterations to a dwelling	Yes	Yes	Yes	Yes
Machinery, shearing or hay sheds	Yes	No	No	No
Microwave antennae	Yes	Yes	Yes	Yes
Patios	Yes	Yes	Yes	Yes
Pergola, trellis, awning or single carport	Yes	Yes	Yes	Yes
Public meeting or event	Yes	Yes	Yes	Yes
Recladding of existing dwelling-house or detached building associated with a dwelling-house	Yes	Yes	Yes	Yes
Retaining walls, but only when ancillary to an existing building	Yes	Yes	Yes	Yes
Road construction stockpile and equipment storage	Yes	Yes	Yes	Yes
Satellite dishes	Yes	Yes	Yes	Yes

Scaffolding	Yes	Yes	Yes	Yes
Signs	No	No	Yes	Yes
Silos	Yes	No	No	No
Skylights	Yes	Yes	Yes	Yes
Solar water heaters	Yes	Yes	Yes	Yes
Stables	Yes	No	No	Yes
Subdivision for boundary adjustment (otherwise than for farm adjustment)	Yes	No	Yes	Yes
Temporary building	Yes	Yes	Yes	Yes
Temporary use of a building	Yes	Yes	Yes	Yes
Water heaters	Yes	Yes	Yes	Yes
Water storage tanks	Yes	Yes	Yes	Yes
Windows, glazed areas and external doors	Yes	Yes	Yes	Yes

Part 3 Descriptions of, and standards and other requirements for, types of exempt development

Type of development

Access ramps

Construction and use of access ramps suitable for use by the disabled and associated with a dwelling-house.

Exemption requirements

Size—Maximum height of 1 metre above ground level (that is, the ground level prior to the commencement of any construction on the site). Maximum grade 1:14 and otherwise in compliance with AS 1428.1—1998. Constructed to comply with the *Building Code of Australia*.

Siting—Located wholly within the boundaries of the allotment.

Aerials

Erection and use of aerials, antennae or radio masts (not including satellite dishes, microwave antennae or telecommunications antennas as separately listed).

Usage—Domestic use only. Maximum of one per dwelling.

Siting—Located wholly within the boundaries of the allotment. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6 metres to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement.

Structure—Clearance from power lines is to be in accordance with the local electricity supply authority's requirements.

Maximum of 6m above natural ground and supported on suitable galvanised steel brackets on a minimum 450mm diameter and 900mm deep footings belled at the bottoms on uniform stable ground (alternatively, an engineer's certification for the structure and footings is to be obtained and observed).

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach into any registered easement.

Heritage—Not to be erected on a property listed as a heritage item.

Siting—Located a minimum of 3m from any allotment boundary. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement.

Structure—Any building work (including cutting an opening into a wall), must be constructed to comply with the *Building Code of Australia*.

Noise control—Not to be audible in a neighbour's residence between the following hours:

10.00pm to 7.00am weekdays,

10.00pm to 8.00am weekends and public holidays.

At all other times, the noise level must not exceed 5 dB(A) above ambient background noise level measured at the allotment boundary.

Heritage—Not to be erected on a property listed as a heritage item.

Airconditioning units

Installation and use of airconditioning units ancillary to dwellings (attached to external wall or ground mounted).

Awnings, canopies and storm blinds

Addition to a dwelling-house of a roof-like shelter of canvas, metal or timber, located over a window or door for protection from the weather.

Siting—Located wholly within the allotment boundaries. Not to extend to within 900mm from the side or rear boundary.

Maximum size—Area of 10m².

Structure—Consisting of a roof only (but may include supporting posts). Any concrete floors immediately below are to be a minimum 100mm thick and reinforced with F62 mesh.

Roofwater control—Awnings other than cantilever type must be drained by guttering, downpiping and stormwater piping to either the street gutter or a stormwater main.

Services—Must be erected a minimum 1 metre from any Council sewer main or stormwater main. Not to encroach into any registered easements.

Heritage—Not to be erected on a property listed as a heritage item.

Barbeques associated with dwellings

Erection and use of barbeques that are ordinarily incidental or ancillary to a dwelling.

Maximum size—Barbeque plate area of 1.5m².

Siting—Located wholly within the boundaries of the allotment. Not to be within 900mm of the side or rear boundary. The structure must not contravene the Council's adopted building line.

Not to be within 6m of an LPG tank other than the energy source for the barbeque.

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach on any registered easement.

Heritage—Not to be erected on a property listed as a heritage item.

Usage—Not to be used for commercial purposes.

Bird aviaries

Erection and use of bird aviaries for domestic purposes only, but not for keeping of fowls (see “Fowl house”) associated with a dwelling-house.

Maximum size—13.5m² floor area.
2.1m high.

Structure—Must be comprised only of prefabricated metal. To be fixed down to a reinforced concrete slab having a minimum thickness of 100mm to be reinforced with F62 mesh on uniform stable ground.

Reinforcement steel to be placed between 25–30mm below the top of the finished slab and mesh lapped by 225mm. Not to be constructed over house surcharge/overflow gully.

Stormwater—Not to discharge onto adjoining properties, except where directed to street gutter or stormwater main.

Siting—Located wholly within the boundaries of the allotment. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or to a dwelling not on the allotment or in accordance with the Council’s adopted building line, whichever is the lesser requirement.

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach on any registered easement.

Heritage—Not to be erected on a property listed as a heritage item.

Building alterations

Alterations to a building or work comprising non-structural alterations to its exterior, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, and interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building.

Heritage—No alterations to be made to a property listed as a heritage item.

Building site sheds, offices and associated amenities buildings associated with a construction activity

Erection and use of any such sheds, offices and buildings.

Siting—Located wholly within the boundaries of the allotment.

Periods—Must not be used after completion of construction work or after occupation of the building. Must not be used more than 12 months after installation on the site regardless of time of occupation.

Structure—Supported on a substructure and tied down to ground anchors or footing pads. To be so constructed that the buildings can be removed from the site within 24 hours notice.

An engineer's certification for the structure is to be obtained and observed.

Drainage—All sanitary fixtures are to be connected to the Council's service mains, where available, at a point of connection provided by the Council. All work is to be carried out in accordance with the requirements of the *NSW Plumbing and Drainage Code* by a licensed plumber and drainer. There is to be no alteration of, or cutting into, the Council's mains.

Electrical—Any electrical connection is to be in accordance with the local electricity supply authority's requirements.

Usage—The building must not be occupied or used for residential purposes or for the storage or handling of inflammable materials.

Bus shelters

Erection and use of bus shelters.

Structure—Must be designed and constructed by or on behalf of the Council. An engineer's certification for the structure and footings is to be obtained and observed. Not to obstruct the line of sight of vehicular traffic along the road. A maximum roof height of 2.7m above the footpath. Must have a surface area of less than 10m². Non-reflective surface finishes.

Change of use of a building

A different use of a building resulting from a change of its use:

From one type of shop to another type of shop

OR

From one type of commercial premises to another type of commercial premises

OR

From a social or sporting club (other than a club registered under the *Registered Clubs Act 1976*) or a community or cultural centre to any other of those clubs or centres.

Includes related changes to signage on the building.

Food shop—Complies with the standards of the *Food Act 1989* and the *Australian Institute of Health Surveyor's Code*.

Hairdressing salons, beauticians and premises used for skin penetration—Complies with the requirements of the *Local Government (Orders) Regulation 1999*.

Maximum size—24m² in area. 1.5m in width.

Maximum height—1 metre in height above ground.

Structure—Decks to be timber construction, supporting posts may be metal or concrete. Timber species used to be of durability Class 1 or 2: Class 1—Cypress (white), Ironbark, Tallowood, Turpentine, Grey Gum; Class 2—New England Blackbutt, Blackbutt, Kwila (Merbau), Spotted Gum, Western Red Cedar, River Red Gum, Stringybark, yellow and white.

Minimum sizes of members:

Posts 75 × 75mm (timber or steel)

Bearers 100 × 75mm; maximum span 1.4m

125 × 75mm; maximum span 1.7m

150 × 75mm; maximum span 2.1m

150 × 50mm; maximum span 1.7m

200 × 50mm; maximum span 2.4m

Joists 100 × 38mm or greater at a maximum 600mm centres

Decks

Erection and use of unroofed decks attached to a dwelling-house that is not located in an area identified by the Council as bushfire prone.

Footings—A minimum 450mm² × 200mm deep.

Connections—Each post to be fixed to footings by a minimum of two 10mm bolts. Timber posts are to be connected by metal brackets so that the bottom of the post is a minimum 75mm above the finished ground and/or pavement level. Bracing is to be installed to provide lateral support.

Siting—Located wholly within the boundaries of the allotment. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement.

Not to extend closer than 900mm to the side or rear boundaries.

Services—To be erected a minimum 1 metre from any Council sewer main or stormwater main. Not to encroach on any registered easements.

Heritage—Not to be erected on a property listed as a heritage item.

Fences

Erection of fences associated with a dwelling-house (other than fences covered by the [Swimming Pools Act 1992](#)).

General—All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage.

Boundary fences (between building line and street)—Maximum height of 1 metre if constructed of timber, metal or lightweight materials.

Masonry or brick—Maximum height of 600mm.

Flag poles

Erection and use of flag poles.

Height—Maximum of 6m above ground level.

Siting—Located wholly within the boundaries of the allotment. Not more than one flag pole per allotment. If flagpoles are to project over a public road, the poles and the flags suspended from them are to be at least 3.6m above the pathway level of the road and they are not to project over the carriageway of the road and not to interfere with public services.

Structure—Free-standing and not relying on other structures for support. Clearance from power lines is to be in accordance with the local electricity supply authority's requirements. Supported on suitable galvanised steel brackets on a minimum 450mm diameter and 900mm deep footings belled at the bottoms on uniform stable ground.

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach on any registered easements.

Dimensions—Maximum area of 50m². Maximum height of 3m.

Siting—Not more than 1 fowl house per allotment. Located at least 3m from side or rear boundary. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement.

Structure—Materials used must blend with the location.

Services—Drainage must be provided.

A noise nuisance is not to be caused to adjoining properties.

Maximum size—Size by volume—5,000 litres.

Siting—Located wholly within the boundaries of the allotment. Clearance from power lines to be in accordance with the local electricity supply authority's requirements. Not to encroach on any registered easements.

Structure—Constructed of prefabricated material, free-standing and not relying on other structures for support and erected in accordance with manufacturer's specification. Kept in accordance with AS 1940—1993, *The storage and handling of flammable and combustible liquids*.

Setback—Not to be erected within 20m of the street boundary or within 4m of the side or rear boundary.

Bunding—Bunding must be provided in accordance with the relevant Australian Standard.

Fowl house

Erection and use of fowl house (for the keeping of chickens, hens and roosters).

Fuel tanks

Installation and use of fuel tanks in conjunction with activities on the property on which they are situated.

**Garden sheds, gazebos,
greenhouses**

Erection and use of garden sheds, gazebos and greenhouses, but only when ancillary to use of a dwelling-house.

Maximum size—13.5m² in area. 2.1m high.

Structure—Must consist of prefabricated metal components. Installed to manufacturer's specifications. To be fixed down to a reinforced concrete slab having a minimum thickness of 100mm to be reinforced with F62 mesh on uniform stable ground. Reinforcement steel to be placed between 25–30mm below the top of the finished slab and mesh lapped by 225mm. Not to be constructed over house surcharge/overflow gully.

Stormwater—Not to discharge onto adjoining properties, but may be directed to street gutter or stormwater main.

Siting—Located wholly within the boundaries of the allotment and in the rear yard of the premises. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement. Not more than 1 each of a garden shed, gazebo or greenhouse to be erected on the allotment without consent.

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach on any registered easements.

Heritage—Not to be erected on a property listed as a heritage item.

Home occupations

General—Meets the requirements laid down in the definition of **home occupation** in Schedule 1.

Type—Non-structural work only, such as:

replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials; renovations of bathrooms and kitchens by inclusion of built-in fixtures such as vanities, cupboards and wardrobes. Applies only to alterations or renovations to previously completed buildings. Work not to include changes to the configuration of rooms whether by removal of existing walls, partitions or other means. Work not to cause reduced window arrangements for light and ventilation needs or reduced doorways for egress purposes or to involve enclosures of open areas.

Internal alterations to a dwelling

Plumbing and drainage—There is to be no work that would alter the drainage diagram for the property. Any alterations to plumbing and drainage are to be carried out by a person licensed by the Department of Fair Trading as a plumber to carry out that work.

Work—Any work involving asbestos cement shall comply with the WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*. Any work involving lead paint removal must not cause lead contamination of air or ground.

Machinery, shearing or hay sheds

Erection and use of machinery, shearing or hay sheds in Zone No 1 (a) only and on holdings greater than 40 hectares.

Microwave antennae

Erection and use of microwave antennae for subscription television associated with a dwelling-house.

Patios

Erection and use of patio at ground level abutting a dwelling-house.

Location—General Rural Zone and holdings greater than 40ha.

Structure—Maximum of 300m² area and 5m wall height.

Constructed to comply with the *Building Code of Australia*.

Constructed of non-reflective materials and prefabricated metal.

Drainage—Stormwater, including overflow from tanks, is to be controlled by piping clear of the structure so that the overflow

does not saturate footings of the building or any other structure

and is not discharged onto adjoining properties. If practicable,

the overflow is to be piped to the street gutter or to a stormwater

drain on the property.

Siting—To be located wholly within the boundaries of the

allotment and not within 200m of a boundary adjoining a road or

within 4m of rear and side boundaries. Not to encroach on any

registered easements. To be located a distance of at least 3m

from any septic disposal area or other services. Clearance from

power lines is to be in accordance with the local electricity supply

authority's requirements.

Usage—Domestic use only.

Maximum size—Reflector element not to exceed 650mm².

Siting—Not to exceed 3.6m above the roof line. Located wholly within the boundaries of the allotment.

Not to exceed an area of 24m². Stormwater from patio surface

not to be redirected onto adjoining properties. Sufficient step

down is to be provided to prevent the entry of water into the

dwelling. Constructed to comply with the *Building Code of*

Australia.

Maximum size—Maximum area of 24m². Maximum height of 2.4m, but may increase with the slope of the land to a maximum height of 3.0m.

Cladding—Roof cladding may be shade cloth, light timber, battens, lattice or lightweight metal or translucent material.

Structure—An open structure with no enclosing walls. May be metal or timber construction. If timber construction, the species shall be Durability Class 1 or 2 (see “Decks”). Durability Class 3 or 4 such as Oregon or radiata pine may be used if the timber is painted, stained or oiled prior to fabrication. Minimum sizes for timber construction:

Posts 75 × 75mm (timber or steel)

Rafters 100 × 50mm; maximum span 2.3m

125 × 50mm; maximum span 3.0m

150 × 50mm; maximum span 3.6m

Beams 100 × 50mm; maximum span 1.6m

150 × 50mm; maximum span 2.1m

200 × 50mm; maximum span 2.7m

200 × 75mm; maximum span 3.0m

Pergola, trellis, awning or single carport

Erection and use of a pergola, trellis, awning or carport (for one car only) associated with a dwelling-house.

If steel construction, it may be prefabricated design or constructed of component sizes as specified below:

Posts 75 × 75mm RHS or 75mm diameter pipe

Beams C10015; maximum span 3.0m,

C15015; maximum span 6.0m

Purlins 61mm Top Hat purlin; maximum span 3.0m

All components are to be welded or bolted together using mild steel brackets having a minimum thickness of 3mm. “Tek” type screws are **NOT** to be used for that purpose except for fixing Top Hat type purlins.

Footings—100mm reinforced concrete slab thickened to 150mm at external perimeter, OR 300mm diameter × 450mm deep pad footing unroofed or, if roofed, 450mm diameter × 600mm deep. The floor or footings must not cover or adversely affect the existing sub-floor ventilation to associated buildings.

Connections—Posts to be fixed to footings by a minimum two 10mm bolts. Timber posts are to be connected by metal brackets so that the bottom of the post is a minimum 75mm above the finished ground and/or pavement level. Timber rafters attached to a building are to be fixed to a plate of minimum size 100 × 50mm bolted or coach screwed to the fascia or external cladding. Bracing is to be installed as required to provide lateral support.

Siting—Located wholly within the boundaries of the allotment. The structure must not be located forward of the adjoining

dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement. The structure is not to extend closer than 900mm from the side or rear boundaries if erected within 900mm of a dwelling.

Drainage—Roof waters are to be drained to a stormwater main or to the street gutter.

Services—To be erected a minimum of 1 metre from any Council sewer main or stormwater main. Not to encroach on any registered easement.

Heritage—Not to be erected on a property listed as a heritage item.

Number—Not more than 100 people.

Length—Not more than 16 hours on any one day and not more than two days concurrently.

Public meeting or event

Use of land for a public meeting or event.

Services—Access to potable water and toilet facilities within 500m.

Walls—Accredited* lightweight product **NOT** concrete or masonry. Fixed in accordance with AS 1562.3—1996, AS 4040.4—1996 and AS 4040.5—1996. No alteration to services. No alteration to the size or shape of the existing building. Not to protrude any more than 50mm from the line of the existing cladding. Low-reflective finish.

Roof—Accredited* material of similar weight to or of less weight than existing cladding, (for example, existing tiled roof reclad with roof tiles or existing metal clad roof reclad with metal cladding). Fixed in accordance with manufacturer's recommendations and standards.

Recladding of existing dwelling-house or detached building associated with a dwelling-house.

Roofwater controlled by roof guttering, downpipes and stormwater drainage connected to the street gutter or stormwater mains at an existing point of connection.

Heritage—Not to be erected on a property listed as a heritage item.

Work—Any work involving asbestos cement should comply with the WorkCover Authority's *Guidelines for Practices Involving Asbestos Cement in Buildings*. Any work involving lead paint removal must not cause lead to contamination of air or ground.

* In this item, **accredited** means a product that has a satisfactory appraisal issued by a registered testing authority or which is to an acceptable Standards Australia Association standard.

Retaining wall

Erection and use of retaining wall that is ancillary to an existing building.

Siting—Located wholly within the boundaries of the allotment.

Maximum height—Maximum of 600mm high.

Structure—**Footing** to be at least 450mm wide × 300mm deep. Reinforced 1 layer F8TM top and bottom. R6 ligatures at maximum 1.2m centres on stable uniform foundations.

Wall to be at least 230mm thickness of brickwork (or 2 skins of brickwork), or at least 200mm of reinforced concrete block work filled with concrete and reinforced with 12 millimetre bars at 400mm centres.

Drainage—Agricultural drainage discharging onto the property or to the street gutter to a stormwater main or weep holes, so the discharge does not enter adjoining properties (unless in a drainage easement).

Compliance with standards—Masonry walls to comply with:

AS 3700—1998, *SAA masonry code*, AS 3600—1994, *Concrete structures*, AS 1170.1—1989, *Loading code—dead and live loads and load combinations*.

Timber walls to comply with:

AS 1720.1—1997, *Timber structures—Design methods*, AS 1170.1—1989, *Loading code—dead and live load combinations*.

All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage run-off.

Services—The structure is to be located clear of any sewer main or stormwater main by a minimum distance of 1 metre from the main centreline or the equivalent invert depth of the main, whichever is the greater. Not to encroach on any registered easements.

Road construction stockpile and equipment storage

Use of land temporarily for road construction stockpile or equipment storage.

Location—Not more than 250m from a road; not closer than 40m to a creek, watercourse or waterway; not within 40m of an area of significant roadside vegetation; entry and exit to have adequate sight distance for the safety of motorists.

Time—Not more than 30 days in one calendar year.

Area—Not more than 500m².

Environmental—No sediment movement off site. Site to be rehabilitated and stabilised following use.

Satellite dishes

Erection and use of satellite dishes associated with a dwelling-house.

Usage—Domestic use only.

Maximum size—Dish not to exceed 900mm diameter excluding any projecting feed element.

Siting—Dish installation not to project above the ridge line of a building. Dish is not to be mounted on the facade or roof of a building at its frontage to a public road. Located wholly within the boundaries of the allotment. Not to extend closer than 900mm from the side or rear boundaries if erected within 900mm of a dwelling.

Services—To be erected a minimum 1 metre from any Council sewer main or stormwater main. Not to encroach on any registered easements.

Heritage—Not to be erected on a property listed as a heritage item.

Scaffolding

Erection and use of scaffolding.

Siting—Not to encroach onto footpath, public thoroughfare or adjoining property. However, may encroach onto adjoining property with the agreement of the adjoining property owner.

Heritage—No scaffolding is to be attached to any building or structure identified as a heritage item.

Safety—Erected in accordance with the WorkCover Authority's requirements.

Signs

Erection and use or display of the following advertising structures and signs:

(a) Commercial signs for the following types of advertisements:

An internal shop window display.

Any advertisements which are not visible from a public road, river, railway or public park.

Display of a changed message on an existing unilluminated sign which was lawfully erected, if display of the new message is consistent with the other requirements of this plan.

Display of a changed message on an existing illuminated sign which was lawfully erected, if display of the new message is consistent with the other requirements of this plan and there is no increase in the area of the sign or intensity of illumination.

A commercial sign, being an advertisement, whether illuminated or not.

A temporary advertisement which is displayed for a period or periods not exceeding two months in total in any one year.

A public notice in a public reserve.

(b) Street signs comprising name plates, directional signs and advance traffic warning signs.

General requirements:

The erection of any advertising structure must comply with the *Building Code of Australia*, including Section B1 ("Structural Provisions"). Signs must not cover mechanical ventilation inlet or outlet vents; and in addition, for street signs:

Siting—Constructed by, or on behalf of, the Council.

Structure—To be designed, fabricated and installed in accordance with relevant Standards Australia Association standards.

Silos

Erection and use of silos on land in Zone No 1 (a) only and over 40 hectares in area.

Maximum size—Size (by capacity mass)—120 tonnes maximum.

Structure—Constructed of prefabricated metal components, free standing and not relying on other structures for support and erected in accordance with manufacturer's specifications or engineer's certification, or both.

Setback—Not to be erected within 20m of the street boundary or within a distance equivalent to the height of the silo plus 1 metre from another property boundary.

Siting—Located wholly within the boundaries of the allotment. Clearance from power lines to be in accordance with the local electricity supply authority's requirements. Not to encroach on any registered easements.

Skylights

Construction of skylight roof windows (including solartube or similar type installations) on dwellings.

Size—Maximum size of skylight not to exceed 1m².

Siting—Located not less than 900mm from an allotment boundary and not less than 900mm from a wall separating attached dwellings.

Installation—Any building work (including cutting an opening into a roof or wall) to comply with the *Building Code of Australia*. Installation to manufacturer's instructions.

Solar water heaters

Installation and use of solar water heaters.

Installation—Installed to manufacturer's specifications and requirements. Installed by a licensed plumber. Any building work (including cutting an opening into a roof or wall) to comply with the *Building Code of Australia*.

Maximum size—30m² in area. 2.7m high.

Minimum distance from dwellings—18m.

Structure—May be timber (cut or round) or metal construction. If timber, may be of species such as Oregon, radiata pine or other durability class of 3 or 4 only if the timber is painted, stained or oiled. Timber in contact with ground to be Durability Class 1.

Minimum sizes of members:

Cut timber (mm mm), Max span (m), Round timber (mm dia)

Posts 75 × 75, n/a, 100

Rafters 100 × 50, 2.3, 85

125 × 50, 3.0, 100

150 × 50, 3.6, 115

Beams 100 × 50, 2.1, 135

100 × 50, 2.1, 135

200 × 75, 3.0, 155

Roof Battens 75 × 50, 1.2, 50

Stables

Erection and use of stables (keeping up to 4 horses) or animal shelters on land in Zone No 1 (a) only.

If metal construction, it may be prefabricated design or constructed of components sizes as specified below:

Posts 75 × 75mm RHS or 75mm diameter pipe

Beams C10015 maximum span 3.0m

C15015 maximum span 6.0m

Purlins 61mm Top Hat Purlin maximum span 3.0m

Cladding—Low reflective finish. Fixed in accordance with manufacturer's specifications. If not new material, the unit must be painted.

Connections—Beams are to be fixed to posts with at least two 10mm bolts.

Roofwater—To be piped clear of all structures and scouring of soil prevented at the point of discharge by a suitable dissipation flume.

Footings—100mm concrete slab reinforced with F62 placed 25-30mm from top of slab and a 300 × 300 edge beam with 1 layer of F8TM placed 50mm from bottom of edge beam, concrete pad footings 450mm diameter and 600mm deep or Durability Class 1 timber posts may be set in rammed earth holes 900mm deep.

Siting—Located wholly within the boundaries of the allotment. Not to be erected within 20m of a road boundary or 4m from the side or rear boundaries.

Services—Not to encroach on any registered easements.

Heritage—Not to be erected on a property listed as a heritage item.

Subdivision for boundary adjustment (otherwise than for farm adjustment)

Subdivision for the purpose of a boundary adjustment that does not result in the creation of any additional allotments.

General—The area of each allotment is not changed by more than 10%.

Services—No water, sewerage or stormwater connection to the property requires relocation as a result of the subdivision.

Heritage—Not subdivision of a site identified as a heritage item.

Building—Will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*.

Size—Not more than 10m² in area.

Time—Not to be used for a single period of or a total of more than 30 days in any one calendar year.

Use—To be compatible with the amenity of the surrounding area. If used for overnight occupation, access to toilet facilities and potable water to be available within 500m.

Temporary building

Erection and use of a temporary building.

Temporary use of a building

Use—To be compatible with the amenity of the surrounding area.

Time—Not more than a total of 30 days in any one calendar year.

Water heaters

Installation of water heaters (excluding solar systems).

Installation—Replacement or new installations. Any building work (including cutting an opening into a wall or roof) should be constructed to comply with the *Building Code of Australia*.

Installation to be carried out by a licensed plumber.

Water storage tanks

Installation and use of water storage tanks at or above ground level and associated with a dwelling-house.

Maximum size (except in Zone No 1 (a) or 1 (f))—Maximum capacity of 22,500 litres. Maximum area of 10m². Maximum height of 3m including any associated tankstand.

Structure—Erected in accordance with manufacturer's specifications or an engineer's certification, or both. Located directly on the ground. A stand may be used if the capacity of the tank is less than 2,500 litres. The stand must be directly supported to the ground and is not to rely on any part of a building for support. The stand is not to exceed 1.5m in height and is to be adequately enclosed to prevent its use for any other purpose.

Siting—Wholly within the boundaries of the allotment. Minimum of 900mm from the side and rear boundaries, except on corner allotments. The structure must not be located forward of the adjoining dwelling or, in the absence of a dwelling, closer than 6m to the front boundary or in accordance with the Council's adopted building line, whichever is the lesser requirement. Not to encroach on any registered easements. Not to be sited on the edge of footings to a building or over any stormwater or sanitary drainage pipework.

Drainage—Overflow from tanks is to be controlled by piping clear of the structure so that the overflow does not saturate footings of the building or any other structure and is not discharged onto adjoining properties. If practicable, the overflow is to be piped to the street gutter or to a stormwater drain on the property.

Water connection—Must not be interconnected with the Council's reticulated water supply. If used for human consumption then there is to be no interconnection with any bore water supply.

A dual check valve is to be installed by a plumber licensed by the Department of Fair Trading immediately downstream of any water meter.

Fire fighting—All water storage must have a permanently dedicated outlet that is reasonably accessible and is capable of being coupled to a 38mm BSP thread.

Windows, glazed areas and external doors

Replacement of windows, glazed areas and external doors on a dwelling-house (excluding windows in buildings listed as heritage items).

General—Replacement in residential premises with materials that comply with: AS 1288—1994, *Glass in buildings—Selection and installation*, and AS 2208—1996, *Safety glazing materials in buildings (human impact considerations)*. No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed. Any works involving asbestos cement must comply with the WorkCover Authority's *Guidelines for Practices Involving Asbestos in Buildings*. Any work involving lead paint removal must not cause lead contamination of air or ground.

Part 4 General requirements for complying development

Development is complying development only if:

- (a) it complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the

development, and

- (b) it is of a type allowed by Part 5 of this Schedule to be carried out on the land on which it is proposed, and
- (c) it is within the description of development of that type specified, and it complies with all relevant standards and other requirements set for that type, in Part 6 of this Schedule, and
- (d) it will be carried out behind the rear alignment of any building on the site on which it is proposed to be carried out, if that site is located in a heritage conservation area identified by this or any other environmental planning instrument, and
- (e) it is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that applies to the land, and
- (f) it does not contravene any condition of a development consent applying to the land, and
- (g) local government approval for sewer and water, if necessary, is obtained from the Council.

Development is not complying development if it is carried out on land that:

- (a) is a site that has previously been used as a service station or sheep or cattle dip, for intensive agriculture, mining or extractive industry, waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to the Council in accordance with *State Environmental Planning Policy No 55—Remediation of Land*, or
- (b) is an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
- (c) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, or for geological formations or for other environmental protection purposes.

Part 5 Is complying development allowed within a zone or an environmentally sensitive area?

Type of complying development	Zones and areas where complying development is permitted				Environmentally sensitive area
	1 (a)	1 (f)	2 (v)	8	

Advertising structures:

advertising panel

awning sign

fascia sign

No No Yes No No

fin sign

flush wall sign

projecting wall sign

Alterations and additions to a dwelling-house not including an additional storey

Yes Yes Yes Yes Yes

Bed and breakfast accommodation

Yes Yes Yes No Yes

Carports, garages and pergolas

Erection of carports, garages and pergolas associated with a dwelling-house (not including exempt development)

Yes Yes Yes Yes Yes

Commercial uses and building alterations, as follows:

(a) A different use of a building resulting from a change of use from a shop to an office or from office to a shop

Yes Yes Yes Yes Yes

(b) Internal alterations to a shop or an office that alter the load bearing capacity of load bearing components

Dwelling-house (single storey)

Erection of a single storey dwelling-house (except in the village of Glencoe)

No No Yes No No

Horticulture

Yes No Yes No No

Intensive livestock keeping establishments

Yes Yes No No No

Rural outbuildings

Erection of rural outbuildings ancillary to a dwelling (not including exempt development)

Yes Yes Yes No Yes

Swimming pools

Construction or installation and use of swimming pools associated with a dwelling-house	Yes	Yes	Yes	No	Yes
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Telecommunications directional antennas and installations

Yes	Yes	Yes	No	Yes
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Telecommunications external equipment shelter

Yes	Yes	Yes	No	Yes
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Telecommunications microcells

Yes	Yes	Yes	No	Yes
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Telecommunications omnidirectional antenna

Yes	Yes	No	No	Yes
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Telecommunications panel antenna attached to a structure

Yes	Yes	Yes	Yes	Yes
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Telecommunications radio antenna or dish

Yes	Yes	Yes	No	No
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Telecommunications tower, mast or pole

Yes	Yes	No	No	No
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Telecommunications tower extensions

Yes	Yes	No	No	Yes
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Telecommunications underground conduit or cable deployed by narrow trench or direct burial

Yes	Yes	Yes	No	No
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Part 6 Standards and other requirements for complying development

Column 1

Column 2

Type of development

Development standards and other requirements

All types of complying development

Siting

All complying development must be carried out wholly within the boundaries of the allotment

Where attached to a building

- 1 Shall not extend laterally beyond the wall
- 2 Shall not project above the top of the wall more than 2.4m or 50% of its height, whichever is the lesser
- 3 Not to cover any window or architectural feature

Where not attached to a building

Adequately braced to withstand the appropriate wind loading

Under awnings

- 1 Shall not exceed 2.5m in length or 0.5m in height
- 2 Erected horizontal to the ground and at no point less than 2.6m from the ground
- 3 Not to project beyond awning
- 4 Securely fixed by metal supports

Above awnings

- 1 Shall not exceed 1.5m in length and have a maximum advertising area of 2.2m²
- 2 Not to project beyond the awning
- 3 Securely fixed by metal supports and adequately braced to withstand the appropriate wind loading

Fascia sign

- 1 Shall not project above or below the fascia
- 2 Shall not extend more than 300mm from the fascia

Fin sign

- 1 Shall have a maximum advertising area of 13.0m²
- 2 Shall not extend more than 2.6m above the canopy on or above which it is erected

Flush wall sign

Shall not project beyond or above the wall to which it is attached

Projecting wall sign

- 1 Shall be at least 2.6m above ground level
- 2 Erected at right angles to the wall of the building to which it is attached
- 3 Sign to be securely attached to the wall

Advertising structures:

Erection of structures of the following kinds within the Village Zone only:

advertising panel

awning sign

fascia sign

fin sign

flush wall sign

projecting wall sign

Alterations and additions to a dwelling-house (not including erection of an additional storey)

Streetscape

Complies with a building line provided in the Council's adopted policy entitled *Building Alignment*

Bulk and scale

- 1 The floor level of the structure is to be located at least 500mm, but not more than 1,500mm, above the natural ground level. However, the floor level may be not less than 150mm above the natural ground level at a point on a sloping site
- 2 The distance between floor level and the underside of the eaves is to be no more than 2.7m
- 3 The roof pitch is to be no more than 24 degrees and any openings are to be flush with the roof pitch
- 4 The external wall of any structure is to be at least 900mm from a side boundary

Privacy and security

Windows in a habitable room that allow an outlook to a window to a habitable room in an adjoining dwelling and are within 9m:

- are to be offset from the edge of one window to the edge of another by a distance of at least 0.5m, or
- are to have sill heights of at least 1.7m above the floor, or
- are to have fixed obscure glazing in any part of the window below 1.7m above floor level

Building Code of Australia

Complies with the deemed-to-comply provisions of the *Building Code of Australia*

Bulk and scale

Not to exceed 3 guest rooms

Signage

- 1 Maximum of one advertising sign per dwelling
- 2 Maximum area of 0.6m²

Bed and breakfast accommodation

Use of a dwelling-house for bed and breakfast accommodation

General

- 1 Applies to existing dwellings only
- 2 Complies with the *Food Act 1989* and regulations under that Act.
- 3 Complies with AS 3786—1993, *Smoke alarms*
- 4 Has a fire extinguisher and fire blanket in the kitchen

Carports, garages and pergolas

Erection of carports, garages and pergolas associated with a dwelling-house (not including exempt development)

Streetscape

Complies with a building line provided in the Council's adopted policy entitled *Building Alignment*

Bulk and scale

- 1 The area under the roof is to be no more than 54m²
- 2 One horizontal dimension is to be not more than 9m
- 3 The wall height at the eaves line is to be not more than 3m
- 4 The roof pitch is to be not more than 24 degrees and any openings are to be flush with the roof pitch
- 5 The wall cladding, other than face brickwork, is to be painted or pre-coloured

Commercial uses and building alterations

- 1 A different use resulting from change of use of a building from a shop to an office or from an office to a shop
- 2 Internal alterations to a shop or an office that alter the load bearing capacity of load bearing components

General

- 1 No increase to the total floor area of the building
- 2 No more than 2,000m² of floor area is changed from an office to a shop
- 3 If a change of use of a building, the new use must replace a former use carried out with development consent

Food shop—Complies with the standards of the [Food Act 1989](#) and the [Australian Institute of Health Surveyor's Code](#)

Hairdressing salons, beauticians and premises used for skin penetration—Complies with the requirements of the [Local Government \(Orders\) Regulation 1999](#)

**Dwelling-house (single storey),
except in the village of Glencoe**

Erection of dwelling-house in the Village Zone or within the General Rural Zone as rural residential development only

Streetscape

Complies with a building line provided in the Council's adopted policy entitled *Building Alignment*

Bulk and scale

- 1 The floor level of the structure must be located at least 150 mm, but not more than 1,500mm, above the natural ground level
- 2 The distance between floor level and the underside of the eaves is to be no more than 2.7m
- 3 The roof pitch is to be no more than 24 degrees and any openings are to be flush with the roof pitch
- 4 The external wall of any structure is to be at least 900mm from each side boundary

Privacy and security

Windows in a habitable room that allow an outlook to a window to a habitable room in an adjoining dwelling and are within 9m:

- are to be offset from the edge of one window to the edge of another by a distance of at least 0.5m, or
- are to have sill heights of at least 1.7m above the floor, or
- are to have fixed obscure glazing in any part of the window below 1.7m above floor level

Building Code of Australia

Complies with the deemed-to-comply provisions of the *Building Code of Australia*

Energy efficiency

The dwelling has at least a 3 star rating under the *National House Energy Rating Scheme* (NatHERS)

General

- 1 Not exceeding 5 ha in area
- 2 A minimum buffer zone of 300m from adjoining properties
- 3 Not within 40m of a watercourse, waterway, swamp or lagoon

Horticulture

General

- 1 Not within 300m of a rural residential allotment, a watercourse, stream, creek or wetland
- 2 Not within an area of environmental sensitivity
- 3 In the case of poultry, not within 2km of an existing dwelling not associated with the establishment and not within 2km of an existing intensive livestock keeping establishment for the keeping or breeding of poultry
- 4 Occupied by not more than the following number of:
 - (a) poultry—2,000
 - (b) sheep—400
 - (c) cattle—50
 - (d) rabbits—50 (for establishments with water-borne effluent removal) or 100 (for establishments with dry litter effluent management)
 - (e) breeding sows—10
 - (f) pigs (other than breeding sows)—100
 - (g) other forms of livestock—50

Intensive livestock keeping establishments

Erection of intensive livestock keeping establishments

Rural outbuildings

Erection of rural outbuildings ancillary to a dwelling (not including exempt development)

Streetscape

Complies with a building line provided in the Council's adopted policy entitled *Building Alignment*

Bulk and scale

The external wall of any structure is to be at least 900mm from any boundary

Streetscape

Is not located between the dwelling and the front boundary

Bulk and scale

- 1 All coping or decking around the pool is to be no more than 500mm above the natural ground level
- 2 The pool is to be located at least 0.9m from the side and rear boundary

Swimming pools

Construction or installation of swimming pools associated with a dwelling-house

Privacy and security

The noise level of any filtration equipment or pumps does not exceed 5 dB(A) above the ambient background level measured at the property boundary

Structure

Construction and installation must be undertaken in accordance with a specification prepared and certified by a practising structural engineer

Surrounding structures

The pool and surrounding structures comply with AS 1926.2—1995, *Swimming Pool Safety—Location of fencing for private swimming pools*

Telecommunications directional antennas and installations

Erection or installation of the same

General

- Not more than 1m long
- To service roads, tunnels, railway terminals and railway stations
- Complies with any relevant Australian Standard

Telecommunications external equipment shelter

Erection or installation of the same

General

- Not within 5m of a dwelling
- Not more than 3m high
- With a base area of not more than 7.5m²
- Colour matched to its background or in a colour agreed in writing between the carrier and the Council

Telecommunications microcells

Erection or installation of the same

General

- Cabinet not more than 1 cubic metre in volume
- Separate antenna not more than 1.2m long
- Complies with any relevant Australian Standard
- Colour matched to its background or in a colour agreed in writing between the carrier and the Council

- Telecommunications omnidirectional antennas**
Erection or installation of the same
- General**
- Not more than 4.5m long
 - Top of antenna or mounting structure not to protrude vertically more than 6.5m from ground level or from the structure on which it is mounted
 - If an antenna is attached to a structure, does not protrude horizontally from the structure by more than 3 metres
 - No more than one omnidirectional antenna per structure
 - Complies with any relevant Australian Standard

- Telecommunications panel antenna attached to a structure**
Erection or installation of the same
- General**
- Not more than 2.8m long
 - Not to protrude horizontally from the structure by more than 3m
 - Top of antenna or structure not to protrude vertically by more than 5m above the building or structure to which it is attached and not more than 3m above the highest point of any part of the building or structure to which it is attached
 - No more than one panel antenna per structure
 - Colour matched to its background or in a colour agreed in writing between the carrier and the Council
 - Complies with any relevant Australian Standard

- Telecommunications radio antenna or dish**
Erection or installation of the same
- General**
- Not more than 1.8m in diameter
 - The highest point of the dish is elevated to no more than 4m above the roof of the building on which its base is attached
 - If the dish is not flush mounted and the highest point of the dish is more than 3m above the roof, the dish is set back a minimum of 2m from the outermost wall of the building
 - If not flush mounted to any steel front facade and if flush mounted on any other part of the building, the dish does not protrude more than 1.5m from the facade
 - Colour matched to its background or in a colour agreed in writing between the carrier and the Council
 - Complies with any relevant Australian Standard

- Telecommunications tower, mast or pole**
Erection or installation of the same
- General**
- Height of the tower not more than 12m above natural ground level
 - Must not protrude from the property boundary
 - Complies with any relevant Australian Standard

- Telecommunications tower extensions**
Erection or installation of the same
- General**
- Height of the extension not more than 7m
 - There must have been no previous extensions
 - Complies with any relevant Australian Standard

- Telecommunications underground conduit or cable deployed by narrow trench or direct burial or by boring**
Carrying out of works to effect the same
- General**
- Trench not more than 450mm wide
Boring must be at least 600mm below any road surface and associated drainage infrastructure
If the land is located in or adjacent to the Village Zone, not more than 100m of the excavation may be left open at any time
The land in which the cable or duct is laid must be reinstated in accordance with a reinstatement plan agreed, prior to construction, with the owner or, if public land, the public land manager. The reinstatement plan must include (as appropriate):
- management and protection measures
 - relaying of existing road or pavement
 - replanting of grass, trees or foliage
 - replacement or removal of material removed
 - reinstatement of existing contours
 - a maintenance period of three months to cover failures in reinstatement or additional impacts generated by the works

Part 7 Conditions for complying development certificates

1 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the deemed-to-comply provisions of the *Building Code of Australia*.

2 Prior to commencement of work

Prior to commencing work the applicant must appoint a Principal Certifying Authority to carry out the inspections required by these conditions and issue certificates of compliance.

The Principal Certifying Authority may be either an accredited certifier or Severn Shire

Council.

Two days before any work commencing on-site the applicant must:

- (a) forward notice to the Council of commencement of work and the appointment of the Principal Certifying Authority (if the Principal Certifying Authority is not the Council, the accredited certifier registration number must be included), and
- (b) notify the adjoining owners that work will commence.

3 Inspections

- (1) The following inspections are required to be carried out by a person authorised by the Principal Certifying Authority and a Compliance Certificate is to be issued in respect of each inspection. All Compliance Certificates and the Occupation Certificate, if required, are to be submitted to the Council prior to occupation:
 - (a) pier holes, pads or bulk piers before concrete is poured,
 - (b) trenches with reinforcement steel in position,
 - (c) concrete slabs with reinforcement steel in position,
 - (d) swimming pool reinforcement steel in position before concrete is poured,
 - (e) termite barrier—the type of barrier used is to be specified on the compliance certificate,
 - (f) framework before fixing of internal linings,
 - (g) wet area flashing before laying tiles (or other finish),
 - (h) pool fencing before filling the pool with water, and
 - (i) final inspection before the structure is occupied or used. (If a certificate of occupancy is issued, then a compliance certificate is not required.)
- (2) The following inspections are required to be carried out by the Council. Inspections may be arranged by contacting the Council's Environmental Services Department. Where the Council is not the Principal Certifying Authority, an additional fee for each inspection will apply:
 - (a) sanitary drainage under hydrostatic test and prior to backfilling trenches or covering,
 - (b) hot and cold water plumbing under pressure test prior to covering,
 - (c) internal stackwork under hydrostatic test prior to covering, and
 - (d) the installation of the septic tank and any sullage trenches to backfilling or

covering.

4 Hours of work

Work on the project to be limited to the following hours:

Monday to Friday—7.00am to 5.00pm,

Saturday—8.00am to 1.00pm if audible on residential premises, otherwise 7.00am to 5.00pm,

No work to be carried out on Sunday or Public Holidays.

5 Driveways and roadworks

- (1) Any damage due to carrying out the development caused to kerb, guttering and/or footpath during building operations shall be rectified by the owner to the satisfaction of the Council.
- (2) The footpath and/or road reserve are not to be used for construction purposes or the placing of building materials without the prior agreement of the Council. Where necessary, arrangements may be made by contacting the Council's Environmental Services Department.

6 Drainage and water supply

- (1) Prior to the commencement of any such work the owner of the premises shall apply to the Council for an approval to carry out water supply work, sewer work, stormwater work and to connect such work to the Council's services.
- (2) Prior to the commencement of any such work the owner of the premises shall apply to the Council to install a human waste treatment device and carry out the associated sewerage work.
- (3) A minimum of 22,500 litres of stored rainwater is required to be provided for domestic purposes.
- (4) All water storage shall have fitted an outlet permanently dedicated for fire fighting capable of being coupled to a 38mm BSP thread. Such outlet is to have reasonable access.

7 Site amenities

A temporary sanitary service shall be provided by the builder to the building site before building operations are commenced. In sewerred areas, a temporary connection may be made to the Council's sewer main.

8 Builder's details

- (1) Prior to the commencement of work the owner of the premises or the principal certifying authority shall advise the Council of the builder's name, address, licence number, phone and fax numbers.

The Council is to be immediately informed in writing if:

- (a) a contract is entered into for the work to be done by a different licensee (builder),
or
 - (b) arrangements for doing the work are changed.
- (2) A sign-board of minimum area 600×450mm shall be erected in a conspicuous position at the front of the allotment (before work commences) indicating:
 - (a) the name of the owner, the builder (and builder's licence number) and number of the allotment, or
 - (b) the name and permit number of the owner/builder.

9 Swimming pools

- (1) The pool is to be enclosed by a minimum 1.2 metres high child-resistant barrier, fitted with a self-closing, self latching, outwardly opening gate, all constructed in accordance with the requirements of the [Swimming Pools Act 1992](#) and [Swimming Pools Regulation 1998](#). The barrier is to be erected prior to the placement of any water in the pool.
- (2) The occupier of the premises on which the pool is situated must ensure that there is, at all times, maintained in a prominent position in the immediate vicinity of the pool, a sign bearing a notice that contains the words "**Young children should be supervised when using this swimming pool**", together with details of resuscitation techniques.
- (3) All wastewater from the pool filtration system is to discharge to the Council's sewer or into an absorption trench, such that:
 - (a) if discharging to the Council's sewer, the pipework from the filter may be positioned over an existing overflow gully (or yard sink) and a 100mm air gap is to be provided between the filter pipe work and the rim of the overflow gully, or
 - (b) if discharging to an absorption trench, the location of the trench is to be determined after consultation with the Council's Environmental Services Department.
- (4) All windows that open into the pool enclosure shall be fitted with approved security screens fixed by screws and having openings not greater than 100mm. The option of restricting the windows to a maximum opening of 100mm may only be used as an

alternative if natural ventilation to the room concerned is maintained at 5% of the floor area of the room.

- (5) There is to be no nuisance caused to adjoining property owners by the operation of the filter pump.

10 Subdivision

All interconnecting services for water, sewage and stormwater are to be disconnected at the allotment boundary and, if necessary, such services shall be reconnected to the appropriate property service.

11 Horticulture

No nuisance by way of spray drift or noise is to be caused to adjoining properties.

Management of the horticultural activity is to comply with the more stringent of State agency or industry best practice guidelines, where existing.

12 Intensive livestock keeping establishments

Management of the intensive livestock keeping activity is to comply with the more stringent of State agency or industry best practice guidelines, where existing.

13 Telecommunications facilities

Adjoining landowners are to be consulted prior to the commencement of works.

Visual impact is to be minimised through the use of ducting to all cabling required to service the facility that is run on the surface of any structure, such ducting is to be colour matched to its background.

Minimal disturbance is to be caused to the environment during the construction period.

Schedule 3 Statements of community objectives—village zones

(Clause 9 (3) (c))

Deepwater

The community of Deepwater has the following specific objectives:

- (a) to capitalise on its highway location to attract, hold and develop enterprise which can contribute to the employment base of the village and surrounding areas, and
- (b) to provide additional land areas suitable for a range of enterprises consistent with objective (a).

Emmaville

The community of Emmaville has the following specific objectives:

- (a) to utilise built and other heritage associated with mining activities to support the development of

the village, and

- (b) to provide opportunities for low-cost housing, and
- (c) to maximise opportunities to attract additional residents to the community through the making available of additional living opportunities within close proximity of the town.

Glencoe

The community of Glencoe has the following specific objectives:

- (a) to ensure that further residential and other development is of a type that makes a positive contribution to the streetscapes of the village, and is compatible with existing development, and
- (b) to attract and develop services and facilities to meet the day to day, recreational and social needs of the community and surrounding areas.

Red Range

The community of Red Range has the following specific objective:

to develop a range of low-key recreation, accommodation and service facilities that meet the needs of tourists, in particular bicycle tourists, together with the needs of local residents.

Torrington

The community of Torrington has the following specific objective:

to enhance the tourist potential of the village by providing food and accommodation services.

Schedule 4 Uses and access to main or arterial roads

(Clause 13 (2))

Development for the purpose of any one or more of the following:

- bulk stores,
- caravan parks,
- car repair stations,
- clubs,
- commercial premises,
- educational establishments,
- hospitals,
- hotels,
- industries (other than home or rural industries),
- institutions,

junk yards,
liquid fuel depots,
mines,
motels,
places of public assembly,
places of public worship,
recreation establishments,
recreation facilities,
refreshment rooms,
retail plant nurseries,
roadside stalls,
sawmills,
service stations,
shops,
stock and sale yards,
transport terminals,
warehouses.

Schedule 5 Development which must be advertised

(Clause 43)

Development for the purpose of any one or more of the following:

- (a) on land within Zone No 2 (v)—boarding-houses; dual occupancies; home industries; hospitals; hotels/motels; industries (other than rural industries); places of public worship; residential flat buildings, or
- (b) on land within Zone No 1 (a)—industries (other than rural industries), or
- (c) on any land—intensive livestock keeping establishments (other than complying development); junk yards; liquid fuel depots; sawmills; stock and sale yards.

Schedule 6 Heritage

(Schedule 1)

Part 1 Heritage items

Item	Significance (Local, Regional, State or National)
Deepwater Railway Station	Local
Presbyterian Church, Wellingrove	Local
Railway Bridge over Severn River at Dundee	Local
Stonehenge Stone formations	Local
The Ottery Arsenic Refinery, 8km north east of Emmaville on the Torrington Road	State

Part 2 Heritage conservation areas

Area	Significance (Local, Regional, State or National)
Timbara Goldfields, Nine Mile Creek, Glen Elgin and Nelson's Road	Local

Schedule 7 Temporary accommodation areas

(Clause 46 (1))

Land identified as temporary accommodation area	Conditions
Sportsground, Red Range	Maximum stay—30 days in 12 months maximum continuous stay—14 days

Schedule 8 Public utility activities undertaken by public authorities

(Clause 9, Table)

Air transport undertakings

The carrying out by persons carrying on air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Flood mitigation works

The carrying out or causing to be carried out by a council 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 [Farm Water Supplies Act 1946](#), the [Rivers and Foreshores Improvement Act 1948](#) or the [Water Management Act 2000](#), except:

- (a) 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,
- (b) the formation or alteration of any means of access to a road.

Forestry work

The carrying out of any forestry work by State Forests, a School Forest Trust or Community Forest Authorities 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](#).

Public utility undertakings

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, that is to say:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before 31 October 1975 of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in process of being acquired for the purpose before 31 October 1975, provided reasonable notice of the proposed erection is given to the Council,
- (f) any other development except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or

- (ii) the formation or alteration of any means of access to a road.

Railway undertakings

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and

- (b) the erection within the limits of a railway station of buildings for any purpose,

but excluding:

- (c) the construction of new railways, railway stations and bridges over roads, and
- (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
- (e) the formation or alteration of any means of access to a road, and
- (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

Road maintenance and construction

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

Road transport undertakings

The carrying out by persons carrying on road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Travelling stock and water reserve maintenance

The carrying out by a Rural Land Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purposes, or
- (b) any development designed to change the use or purpose of any such reserve.