

Armidale Dumaresq Local Environmental Plan 2008

[2008-33]



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 2008](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Armidale Dumaresq Local Environmental Plan 2008



New South Wales

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Armidale Dumaresq Local Environmental Plan 2008



New South Wales

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/00885)

FRANK SARTOR, M.P., Minister for Planning

Part 1 Preliminary

1 Name of Plan

This Plan is *Armidale Dumaresq Local Environmental Plan 2008*.

2 Aims of Plan

The aims of this Plan are:

- (a) to provide a single local environmental plan for Armidale Dumaresq, and
- (b) to facilitate stimulation of demand for a range of residential, enterprise and employment opportunities, and
- (c) to ensure that development is sensitive to both the economic and social needs of the community, and
- (d) to provide a choice of living opportunities and types of settlements, and
- (e) to encourage the proper management, development and conservation of resources in Armidale Dumaresq by protecting, enhancing and conserving:
 - (i) land of significance to agricultural production, and
 - (ii) timber, minerals, soils, water and other natural resources, and
 - (iii) areas of high scenic or recreational value, and
 - (iv) native plants and animals, and
 - (v) places and buildings of heritage significance, and

- (f) to ensure that development has regard to the principles of ecologically sustainable development.

3 Land to which Plan applies

This Plan applies to all land in the local government area of Armidale Dumaresq.

4 Definitions

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

5 Notes

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

6 Consent authority

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

7 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except clauses 4, 7, 8, 15, 16, 19 (in its application to car repair stations), 28, 29, 31, 32 and 34, are adopted for the purposes of this Plan.

8 Repeal of other local planning instruments applying to land

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

9 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or

- (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
- (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
- (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
- (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*.

(3) This clause does not affect the rights or interests of any public authority under any registered instrument.

(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 General restrictions on the development of land

10 Zones indicated on the map

For the purposes of this Plan, land to which this Plan applies is in a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Zone	Description
No 1 (a) General Rural	coloured light brown and lettered 1 (a)
No 1 (b) Rural Living	coloured light brown and lettered 1 (b)
No 1 (c) Rural Fringe	coloured light brown and lettered 1 (c)
No 1 (d) Urban Fringe	coloured light brown and lettered 1 (d)
No 1 (f) Forestry	coloured light brown and lettered 1 (f)
No 2 (a) Residential	coloured light scarlet and lettered 2 (a)
No 2 (b) Low Density Residential	coloured dark scarlet and lettered 2 (b)
No 2 (c) Future Residential	coloured dark scarlet and lettered 2 (c)
No 2 (v) Village	coloured light scarlet and lettered 2 (v)
No 3 (a) General Business	coloured light blue and lettered 3 (a)
No 4 (a) Industrial	coloured dark purple and lettered 4 (a)
No 4 (b) Industrial (Highway)	coloured dark purple and lettered 4 (b)
No 5 (a) Special Uses	coloured yellow with red “use” notation and lettered 5 (a)

No 5 (b) Special Uses (Railway)	coloured blue-purple and lettered 5 (b)
No 5 (c) Special Uses (Controlled Access Road)	coloured yellow and lettered 5 (c)
No 6 (a) Open Space (Public)	coloured green and lettered 6 (a)
No 6 (b) Open Space (Private)	coloured light green and lettered 6 (b)
No 7 (a) Environment Protection (Prime Scenic)	coloured orange and lettered 7 (a)
No 7 (b) Environment Protection (Support Scenic)	coloured light orange and lettered 7 (b)
No 7 (c) Environment Protection (Rural Scenic)	coloured orange and lettered 7 (c)
No 8 (a) National Parks and Nature Reserves	coloured dark green and lettered 8 (a)
No 9 (a) Reservations	coloured light green and lettered 9 (a)
No 10 (a) Enterprise	coloured light purple and lettered 10 (a)

11 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility if the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is:
 - (a) 20 metres for:
 - (i) Zone No 1 (d) Urban Fringe,
 - (ii) Zone No 2 (a) Residential,
 - (iii) Zone No 2 (b) Low Density Residential,
 - (iv) Zone No 2 (c) Future Residential,
 - (v) Zone No 2 (v) Village,
 - (vi) Zone No 3 (a) General Business,
 - (vii) Zone No 4 (a) Industrial,
 - (viii) Zone No 4 (b) Industrial (Highway),

- (ix) Zone No 5 (a) Special Uses
- (x) Zone No 5 (b) Special Uses (Railway),
- (xi) Zone No 6 (b) Open Space (Private),
- (xii) Zone No 9 (a) Reservations,
- (xiii) Zone No 10 (a) Enterprise, or
- (b) 100 metres for:
 - (i) Zone No 1 (a) General Rural,
 - (ii) Zone No 1 (b) Rural Living,
 - (iii) Zone No 1 (c) Rural Fringe,
 - (iv) Zone No 1 (f) Forestry.
- (3) This clause does not apply to:
 - (a) land in Zone No 5 (c), 6 (a), 7 (a), 7 (b), 7 (c) or 8 (a), or
 - (b) land proposed to be developed for the purpose of restricted premises or sex services premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

12 Exempt and complying development

- (1) Development meeting the criteria for exempt development in *Armidale Dumaresq Development Control Plan 2007*, as in force on the commencement of this Plan, being development of minimal environmental impact, is exempt development for the purposes of the Act.
- (2) Local development that complies with the standards and any other requirements

specified for complying development in *Armidale Dumaresq Development Control Plan 2007*, as in force on the commencement of this Plan, is complying development for the purposes of the Act.

13 Zone objectives and development controls

- (1) The objectives and development controls for each zone are set out in clauses 14–36 of this Plan.
- (2) The objectives for each zone are set out under the heading “Zone objectives” appearing in the clause relating to the zone.
- (3) Except as otherwise provided by this Plan, in relation to land in a zone specified in clauses 14–36 of this Plan, 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 “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the clause relating to the zone.
- (4) In clauses 14–36, a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing.
- (5) The development controls that are specific to development on land in each zone are set out in the clause relating to the zone.
- (6) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land in the zone.

14 Zone No 1 (a) General Rural

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to encourage sustainable primary industries now and into the future, and
 - (b) to prevent the fragmentation of agricultural land, and
 - (c) to avoid land use conflict, and
 - (d) to allow for non-agricultural uses that will not restrict the use of other rural land in the locality for agricultural purposes, and
 - (e) to protect natural ecological systems and processes.
- (2) **Without development consent** Construction camps; dams; forestry; general agriculture;

home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Boarding houses; bulky goods premises; car parking stations; commercial premises; group of convenience shops; hazardous industries; hazardous storage establishments; integrated housing; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; sex services premises; shops (other than convenience shops); vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouses or distribution centres
- (5) **Area for hatchet shaped lots** A reference in subclauses (7), (8) and (10) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.
- (6) **Existing holdings** For the purposes of subclause (8), **existing holding** means:
- (a) a holding comprising a lot or parcel of land as it was on 26 July 1974, or
 - (b) if, on 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were on 26 July 1974.
- (7) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have:
 - (i) an area of at least 200 hectares, and
 - (ii) a ratio of depth to frontage satisfactory to the consent authority, having regard to the purpose for which the lot is used, or is intended to be used, and
 - (iii) if the lot will have a frontage to an arterial road, a frontage to that road of at least 400 metres.
 - (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 200 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive agriculture and is of a size capable of being used for that purpose, and
 - (ii) creation of the lot will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality, and

- (iii) the proposed use to which the lot will be put is economically viable, having regard to the size and layout of the lot, and
 - (iv) an adequate water supply is available, or can be made available, to the proposed lot, and is of a suitable capacity for the proposed use, and
 - (v) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (vi) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
 - (vii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
- (d) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 200 hectares if the consent authority is satisfied that:
- (i) the lot is intended to be used for a purpose (other than agriculture or a dwelling house) for which it may be used without or with development consent, and
 - (ii) the ratio of depth to frontage of the lot is satisfactory having regard to the purpose for which the lot is intended to be used, and
 - (iii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
- (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.

(8) Dwelling houses

- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
- (b) Consent may be granted for a dwelling house to be erected on a lot in this zone if:
 - (i) the lot has an area of at least 200 hectares, or
 - (ii) the lot is a lot referred to in subclause (7) (c) and the consent authority is satisfied that the dwelling house will be ancillary or subsidiary to the present or intended development or use of the land for the purpose of agriculture.

- (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*) that is less than 200 hectares and on which no dwelling house is erected and the consent authority is satisfied that:
- (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding.
- (d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6.
- (9) **Replacement of an existing dwelling house** Consent may be granted to erect a dwelling house on a lot in this zone on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.
- (10) **Additional dwellings** Consent may be granted to the erection of an additional dwelling on land in this zone only if:
- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
 - (b) the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.
- (11) **Industrial development** Consent must not be granted to development for the purposes of an industry unless the consent authority is satisfied that:
- (a) the development could not reasonably be located in Zone No 4 (a), 4 (b) or 10 (a)

because of its proximity to other development or other specific requirements related to the development, and

- (b) adequate utility services are, or can be made, available to the proposed development, and
- (c) the development will not adversely affect the amenity of land in the locality.

(12) Setbacks to arterial roads

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 45 metres for a motel, or
 - (ii) 30 metres for a building for an industry, or
 - (iii) 18 metres for any building other than a motel or for an industry.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
 - (i) 65 metres for a motel, or
 - (ii) 50 metres for a building for an industry, or
 - (iii) 38 metres for any building other than a motel or for an industry.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority, the erection of the building will not:
 - (i) cause a traffic hazard, or
 - (ii) create or tend to create ribbon development along the arterial road to which the site has frontage.

(13) Hotels, motels, caravan parks Consent must not be granted to erect a hotel, motel or caravan park on land in this zone if the land has a frontage of less than 200 metres to a main or an arterial road.

(14) Convenience shops Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of

convenience shops.

- (15) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
 - (c) any adverse impact of water use on environmental and human health is minimised.

15 Zone No 1 (b) Rural Living

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to allow dwellings to be constructed on the land subject to the land's capability, and
 - (b) to protect the amenity of existing residents by ensuring future land uses are compatible with residential living areas, and
 - (c) to ensure that buildings do not detract from the scenic landscape quality of the area, and
 - (d) to protect and improve the water quality of receiving streams, and
 - (e) to encourage the preservation and enhancement of native vegetation, including habitat linkages, and
 - (f) to minimise the potential for land use conflict by discouraging development that is incompatible with existing development on adjoining land or other land in the locality, to the extent that proposed development is likely to adversely affect existing residential amenity or the viability of existing activities or works being carried out.
- (2) **Without development consent** Construction camps; dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Abattoirs; boarding houses; bulky goods premises; commercial premises; hazardous industries; hazardous storage establishments; high technology industries; highway service centres; hotels; industries (other than home industries or rural industries); integrated housing; landing areas; light industries (other than home

industries or rural industries); motels; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; road transport terminals; sex services premises; shops (other than convenience shops); stock and saleyards; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouses or distribution centres; waste depots; waste disposal facilities

(5) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

- (a) the development is in keeping with the existing character of the locality, and
- (b) the development, including dwelling houses, will not adversely affect the use of the adjoining land, and
- (c) adequate and suitable services, including water supply, effluent disposal and access are, or can be made, available to the development.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent must not be granted to subdivide land in this zone if:
 - (i) a lot to be created will be 200 hectares or more and have a frontage to an arterial road of less than 400 metres, or
 - (ii) a lot to be created will be less than 200 hectares and have a frontage to an arterial road of less than 200 metres.
- (c) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 40 hectares.
- (d) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive agriculture and is of a size capable of being used for that purpose, and
 - (ii) creation of the lot will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality, and
 - (iii) the proposed use to which the lot will be put is economically viable, having regard to the size and layout of the lot, and
 - (iv) an adequate water supply is available, or can be made available, to the proposed lot and is of a suitable capacity for the proposed use, and

- (v) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (vi) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
 - (vii) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.
- (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.

(7) Dwelling houses

- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
- (b) Consent may be granted for a dwelling house to be erected on a lot in this zone if:
- (i) the lot has an area of at least 40 hectares, or
 - (ii) the lot is a lot lawfully created before the commencement of this Plan in accordance with clause 11 of *Dumaresq Local Environmental Plan No 1*, as amended, or Dumaresq Local Environmental Plan No 3, 5 or 17, or
 - (iii) the lot is a lot referred to in subclause 6 (d) and the consent authority is satisfied that the dwelling house is ancillary or subsidiary to the present or intended development or use of the lot for the purpose of agriculture, or
 - (iv) the lot is a holding with the same configuration as it had on 1 July 2004.
- (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without Consent Miscellaneous Exempt and Complying Development*) that is less than 40 hectares and on which no dwelling house is erected and the consent authority is satisfied that:
- (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon

development along a main or arterial road, and

(iii) adequate utility services are or will be available to the existing holding.

(d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6.

(e) Consent may be granted, for an application lodged with the consent authority within 2 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot that:

(i) was created before 1 July 2004, and

(ii) is located between the Main Northern Railway Line and Long Swamp Road and is shown with orange diagonal hatching on the map.

(f) In this subclause, **existing holding** means:

(a) a holding comprising the area of a lot or parcel of land as it was at 26 July 1974, or

(b) if, as at 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were as at 26 July 1974.

(8) **Replacement of an existing dwelling house** Consent may be granted to the erection of a dwelling house on a lot on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.

(9) **Additional dwellings** Consent may be granted to the erection of an additional dwelling on land in this zone only if:

(a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or

(b) if the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:

(i) the land has an area of at least 40 hectares and will be consolidated into one lot,

(ii) the additional dwelling is located on the same parcel of land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,

(iii) the dwellings share a common access to a public road, if practicable.

(10) Setbacks to arterial roads

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
- (i) 45 metres for a motel, or
 - (ii) 30 metres for a building for an industry, or
 - (iii) 18 metres for any building other than a motel or for an industry.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is:
- (i) 65 metres for a motel, or
 - (ii) 50 metres for a building for an industry, or
 - (iii) 38 metres for any building other than a motel or for an industry.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of the land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:
- (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and
 - (ii) the erection of the building will not cause a traffic hazard, or create, or tend to create, ribbon development along the main or arterial road to which the site has frontage.

(11) Caravan parks Consent must not be granted to carry out development for the purpose of a caravan park on land in this zone if the land has a frontage of less than 200 metres to a main or an arterial road.

(12) Convenience shops Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:

- (a) has a frontage to an arterial road, or
- (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.

(13) Water cycle management If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

(14) **Subdivision of Lots 1, 192, 494, 554, 555 and 767, DP 66672 and Lot 2, DP 569410 prohibited** Despite any other provision of this Plan, subdivision for the purpose of erecting a dwelling house on land comprising Lots 1, 192, 494, 554, 555 and 767, DP 66672 and Lot 2, DP 569410 is prohibited.

(15) **Additional uses** Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

Column 1	Column 2	Column 3
Land	Development	Conditions
11087-11097 New England Highway and 4 Link Road, Armidale being Lot 23, DP 1060819 and Lot 20, DP 829599.	Development for the purposes of a vehicle showroom, vehicle body repair workshop, vehicle repair station, shop and commercial premises.	Development is ancillary to a transport museum on the land and is for the display, sale or repair of Veteran, Vintage or Classic motor vehicles only. Veteran motor vehicle refers to any motor vehicle built up to and including 1918, Vintage motor vehicle refers to any motor vehicle built between January 1919 and December 1930, and Classic motor vehicle refers to any motor vehicle that is 25 years or older.
11132 New England Highway, Armidale being Lot 1, DP 200277.	Development for the purpose of a bus depot.	The development does not service, repair or garage more than 3 buses.
49-57 Inces Road, Armidale being Lot 3, DP 240862.	Development for the purpose of a dwelling house.	

16 Zone No 1 (c) Rural Fringe

(1) **Zone objectives** The objectives for development in this zone are:

- (a) to allow subdivision of the land subject to the land's capability, and
- (b) to protect the amenity of existing residents by ensuring that future land uses are

compatible with residential living areas, and

(c) to ensure that buildings do not detract from the scenic landscape quality of the area, and

(d) to protect and improve the water quality of receiving streams, and

(e) to encourage the preservation and enhancement of native vegetation, including habitat linkages, and

(f) to minimise land use conflicts by discouraging intensive agricultural pursuits.

(2) **Without development consent** Construction camps; dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent** Development not included in subclause (2) or (4)

(4) **Prohibited** Abattoirs; airline terminals; airports; bulky goods premises; car parking stations; commercial premises; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries or rural industries); institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; recreation vehicle areas; restricted premises; road transport terminals; sawmills; sex services premises; shops (other than convenience shops); stock and sale yards; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

(5) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

(a) the development is in keeping with the existing character of the locality, and

(b) the development, including dwelling houses, will not adversely affect the use of the adjoining land, and

(c) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.

(6) **Subdivision**

(a) Land in this zone may be subdivided, but only with consent.

(b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 40 hectares.

- (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, in the area shown with blue cross hatching on the map, if:
 - (i) the lot to be created by the subdivision is, or will be, connected to a reticulated water supply, and
 - (ii) if the lot is not connected to a reticulated sewerage system, the area of the lot is at least 2 hectares, or, if the lot is to be connected to a reticulated sewerage system, the area of the lot is at least 1 hectare.
- (d) Before granting consent under paragraph (c), the consent authority must be satisfied that:
 - (i) soil erosion and sedimentation is controlled, and
 - (ii) the disposal of effluent will not result in the contamination of soil or groundwater, and
 - (iii) the density of the proposed development is consistent with the land capability, and
 - (iv) access to the lot created is not by direct access to an arterial road, and
 - (v) the development will not lead to conflict with agricultural operations on surrounding land, and
 - (vi) Aboriginal heritage values associated with the land are not adversely affected by the proposed development, and
 - (vii) if the land is contaminated as a result of past or present land uses, it is suitable or can be remediated to accepted standards for the proposed development.
- (e) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (f) In considering whether to grant consent under paragraph (e), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.

(7) Dwelling houses

- (a) Except as provided by this clause, consent may not be granted to erect a dwelling house.
- (b) Consent may be granted for a dwelling house to be erected on vacant land in this zone if:

- (i) the land is a holding with an area of at least 40 hectares, or
 - (ii) the land is a holding with the same configuration as it had on 1 July 2004, or
 - (iii) the land is a lot created in accordance with subclause (6) (d), or
 - (iv) the land is a lot lawfully created before the commencement of this Plan in accordance with clause 11 of *Dumaresq Local Environmental Plan No 1*, as amended or Dumaresq Local Environmental Plan No 3 or 17.
- (c) Consent may be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land comprises the whole of an existing holding (or such an existing holding affected only by a subdivision made on or after 4 June 1985 for the purposes referred to in clause 6 of *State Environmental Planning Policy No 4—Development Without Consent Miscellaneous Exempt and Complying Development*) that is less than 40 hectares and on which no dwelling house is erected and the consent authority is satisfied that:
- (i) there will be adequate vehicular access to the dwelling house, and
 - (ii) the erection of the dwelling house will not create or increase ribbon development along a main or arterial road, and
 - (iii) adequate utility services are or will be available to the existing holding.
- (d) Consent may also be granted, for an application lodged with the consent authority within 3 years of the commencement of this Plan, for the erection of a dwelling house on land in this zone if the land is a lot lawfully created before 31 July 1992 being a lot on which a dwelling house could have been erected under Dumaresq Local Environmental Plan No 1, 2, 3, 4, 5 or 6.
- (e) In this subclause:

existing holding means:

- (a) a holding comprising the area of a lot or parcel of land as it was at 26 July 1974, or
- (b) if, as at 4 June 1985, a person owned 2 or more adjoining or adjacent lots or parcels of land, a holding comprising the aggregation of the areas of those lots or parcels as they were as at 26 July 1974.

vacant land means land on which no dwelling is erected.

- (8) **Replacement of an existing dwelling house** Consent may be granted to the erection of a dwelling house on a lot on which there is an existing dwelling house only if the proposed dwelling house will wholly replace the existing dwelling house.

- (9) **Additional dwellings** Consent may be granted to the erection of an additional dwelling on land in this zone only if:
- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
 - (b) if the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one lot,
 - (ii) the additional dwelling is located on the same parcel of land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
 - (iii) the dwellings share a common access to a public road, if practicable.
- (10) **Convenience shops** Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:
- (a) has a frontage to an arterial road, or
 - (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.
- (11) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
 - (c) any adverse impact of water use on environmental and human health is minimised.
- (12) **Additional uses** Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

Column 1	Column 2	Column 3
Land	Development	Conditions

Uralla Road and Kurrawatha Avenue, Armidale, being Lots 640, 641, 642, 643, 661, 662 and 663, DP 755808 and Lot 1, DP 129672.

Development for the purpose of erecting a dwelling house on each lot.

17 Zone No 1 (d) Urban Fringe

(1) **Zone objectives** The objectives for development in this zone are:

- (a) to provide for appropriate agricultural activities in proximity to the urban area of Armidale, and
- (b) to contribute to the rural setting of Armidale, and
- (c) to avoid land use conflict between urban development and agricultural uses, and
- (d) to allow for non-agricultural uses such as recreation areas that will not restrict the use of other rural land in the locality for agricultural purposes, and
- (e) to protect natural ecological systems and processes.

(2) **Without development consent** Dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent** Development not included in subclause (2) or (4)

(4) **Prohibited** Airports; boarding houses; bulky goods premises; car parking stations; commercial premises; group of convenience shops; hazardous industries; hazardous storage establishments; heliports; industries (other than rural industries); institutions; integrated housing; landing areas; multi dwelling housing; offensive industries; offensive storage establishments; restricted premises; sex services premises; shops (other than convenience shops); vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres

(5) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone for the purpose of agriculture or a dwelling house if each lot to be created by the subdivision will have an area of at least 5 hectares.
- (c) Consent may be granted to subdivide land in this zone so as to create a lot for a purpose other than agriculture or a dwelling, if the consent authority is satisfied that:
 - (i) the proposed use to which the lot will be put is environmentally sustainable

- and economically viable, having regard to the size and layout of the lot, and
- (ii) adequate services are available, or can be made available, to the lot to satisfy the demand of the proposed use, and
 - (iii) adequate all-weather vehicular access is available, or can be made available, to the lot, and
 - (iv) the proposed use will not adversely affect the existing or potential capability of land in the locality to produce food or fibre, and
 - (v) no other land in the locality could reasonably be used for that purpose.
- (d) Despite the other provisions of this clause, the consent authority may grant consent to subdivide land for the purpose of transferring land to an adjoining landowner if the subdivision will not result in the creation of any additional lots.
- (e) In considering whether to grant consent under paragraph (d), the consent authority must take into consideration the effect of the subdivision on the agricultural use or potential agricultural use of the land.
- (6) **Dual occupancy** Consent may be granted for dual occupancy on a lot in this zone only if:
- (a) in the case of a lot that cannot be subdivided in accordance with this Plan, the dwellings comprise an attached dual occupancy, or in the case of a detached dual occupancy, the lot has an area of at least 10 hectares, and
 - (b) the lot can be connected to the sewer or the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water.
- (7) **Convenience shops** Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot:
- (a) has a frontage to an arterial road, or
 - (b) is less than 800 metres from another convenience shop, shop or group of convenience shops.
- (8) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and

- (c) any adverse impact of water use on environmental and human health is minimised.

18 Zone No 1 (f) Forestry

- (1) **Zone objectives** The objective of this zone is to provide for forestry uses and other compatible uses in State forests.
- (2) **Without development consent** Dams; forestry; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Ancillary dwellings; depots; energy generating facilities; extractive industries; generating works; institutions; intensive plant agriculture; mines; recreation areas; recreation facilities; rural industries; sawmills; telecommunications facilities; tourist facilities
- (4) **Prohibited** Development not included in subclause (2) or (3)

19 Zone No 2 (a) Residential

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to allow for diversity and choice of housing types and locations, appropriate to the zone and other essential needs of all households, and
 - (b) to encourage the development of predominantly residential areas, and
 - (c) to provide an environment where people can live and work in home businesses and professional services while maintaining the residential amenity of the surrounding area, and
 - (d) to enable retail development that is compatible with the predominantly residential characteristics of this zone and which serve the local neighbourhood, and
 - (e) to enable development of land in this zone that is appropriate to the surrounding residential area where the scale, height, type, operation and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding residential area and with existing or proposed development nearby.
- (2) **Without development consent** Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulky goods premises; bulk stores; car parking stations; commercial premises; depots; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads;

heliports; highway service centres; hotels; industries (other than home industries); institutions; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; passenger transport terminals; places of public entertainment; professional consulting offices (other than livestock breed society headquarters); recreation vehicle areas; restaurants; restricted premises; road transport terminals; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and saleyards; take away food outlets; tourist facilities; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

- (5) **Area for hatchet shaped lots** A reference in subclauses (6), (7) and (8) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.
- (6) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 400 square metres.
 - (c) Consent may be granted to subdivide land in this zone for the purposes of integrated housing if the total number of lots to be created by the subdivision is at least 5 and each lot will have an area of at least 232 square metres.
- (7) **Dwelling houses**
- (a) Consent must not be granted for a dwelling house to be erected on a lot in this zone unless the area of the lot is 400 square metres or more.
 - (b) Consent must not be granted to carry out integrated housing development on a lot in this zone unless each proposed lot will have an area of 230 square metres or more.
- (8) **Dual occupancy** Consent may be granted for dual occupancy on a lot in this zone only if:
- (a) in the case of an attached dual occupancy, the lot will have an area of at least 400 square metres, or
 - (b) in the case of a detached dual occupancy, the lot will have an area of at least 600 square metres.
- (9) **Convenience shops** Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.

(10) **Additional uses** Despite any other provision of this Plan, consent may be granted for land identified in Column 1 of the following table, to be used for the development specified in Column 2, subject to any conditions detailed in Column 3:

Column 1	Column 2	Column 3
Land	Development	Conditions
80 Brown Street, Armidale being Lot A, DP 696046.	Development for the purpose of an agriculture commodity trading business.	
Land in the area bounded by Jessie Street, Barney Street, Butler Street and Rusden Street, Armidale.	Development for the purpose of a professional consulting office.	
Glen Innes Road (New England Highway), Armidale, being Lots 1 and 2, DP 826910.	Development for the purpose of a professional consulting office.	
Corner Grafton Road and Canambe Street, Armidale, being Lots 204 and 205, DP 755808.	Development for the purpose of bulky goods retailing (including a single major tenancy and additional smaller tenancies).	The gross floor area of the single major bulky goods retailing tenancy must not be less than 2,000 square metres. The gross floor area of any additional smaller bulky goods retailing tenancy must not be less than 500 square metres.
2-4 Stephen Street (corner with Mann), Armidale, being Lot 3, DP 520645.	Development for the purpose of storage units used for the storage of goods, merchandise or materials.	

20 Zone No 2 (b) Low Density Residential

(1) **Zone objectives** The objectives for development in this zone are:

- (a) to facilitate development primarily for the purposes of low density residential uses and associated activities on large and semi-rural lots in or adjoining urban areas, and
- (b) to ensure the type and intensity of development is appropriate to and compatible with the environmental characteristics of the land, and
- (c) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities and services, and

(d) to facilitate development for the purposes of small businesses and other activities in association with residential development on the same land.

- (2) **Without development consent** Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Abattoirs; airline terminals; airports; bulky goods premises; car parking stations; commercial premises; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries or rural industries); institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; recreation vehicle areas; restricted premises; road transport terminals; sawmills; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities
- (5) **Area for hatchet shaped lots** A reference in subclauses (7), (8) and (9) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.
- (6) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:
- (a) the development is in keeping with the existing character of the locality, and
 - (b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.
- (7) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent must not be granted to subdivide land in this zone for a purpose that is likely to generate sewage, unless each lot to be created by the subdivision is, or will be, connected to the sewer, or the consent authority is satisfied that:
 - (i) each lot to be created by the subdivision has an adequate area and is suitable for the disposal of effluent on site, and
 - (ii) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.
 - (c) Consent may be granted to subdivide land in this zone if each lot to be created by

the subdivision will have an area of at least 4,000 square metres.

- (8) **Dwelling houses** Consent must not be granted for a dwelling house to be erected on a lot in this zone unless the lot can be connected to a sewer or the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water and:
- (a) the lot was created before the commencement of this Plan and has an area of at least 400 square metres, or
 - (b) the lot was created in accordance with subclause (7).
- (9) **Dual occupancy** Consent may be granted for dual occupancy on a lot in this zone only if the lot can be connected to a sewer or, if the lot is unsewered, the consent authority is satisfied that the lot is of sufficient size and the soils are of appropriate quality for the effective on-site disposal of domestic sewage and waste water and:
- (a) in the case of an attached dual occupancy, a dwelling house could be erected on the lot in accordance with subclause (8), or
 - (b) in the case of a detached dual occupancy, the lot has an area of at least 8,000 square metres.
- (10) **Convenience shops** Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.
- (11) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
 - (c) any adverse impact of water use on environmental and human health is minimised.

21 Zone No 2 (c) Future Residential

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to identify areas for future urban purposes that have the capacity to absorb additional population and are capable of being serviced in the longer term, and
 - (b) to ensure that development on land that has been identified for future urban

purposes does not compromise or restrict the potential for the land to be used for those purposes, and

(c) to ensure that development is compatible with existing uses as well as future use of the land for predominantly residential purposes.

(2) **Without development consent** Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent** Development not included in subclause (2) or (4)

(4) **Prohibited** Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulk stores; bulky goods premises; car parking stations; commercial premises; depots; entertainment facilities; extractive industries; general advertising; generating works; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; hotels; industries (other than home industries); institutions; intensive livestock agriculture; intensive plant agriculture; light industries (other than home industries); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; passenger transport terminals; places of public entertainment; professional consulting offices; restaurants; restricted premises; road transport terminals; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; warehouse or distribution centres; waste depots; waste disposal facilities

(5) **Area for hatchet shaped lots** A reference in subclause (7) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.

(6) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:

(a) the development is compatible with existing development and likely future urban development, in particular residential development, and

(b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development, and

(c) any buildings will be sited so as not to prejudice future subdivision and development of land for urban purposes.

(7) **Subdivision**

(a) Land in this zone may be subdivided, but only with consent.

(b) Consent must not be granted to subdivide land in this zone for a purpose that is likely to generate sewage, unless each lot to be created by the subdivision is, or will be, connected to the sewer, or the consent authority is satisfied that:

- (i) each lot to be created by the subdivision has an adequate area and is suitable for the disposal of effluent on site, and
 - (ii) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.
- (c) Consent may be granted to subdivide land in this zone if:
- (i) each lot to be created by the subdivision will have an area of at least 2 hectares, or
 - (ii) the subdivision is for residential purposes and:
 - (A) at least 25 residential lots will be created by the subdivision, and
 - (B) each residential lot to be created is not more than 1,500 square metres, and
 - (C) each residential lot to be created is connected to a reticulated water supply and sewer.
- (8) **Dual occupancy** Consent may be granted for a detached dual occupancy on a lot in this zone only if the lot can be subdivided in accordance with subclause (7) (c).
- (9) **Convenience shops** Consent must not be granted to erect or use a building for the purposes of a convenience shop on a lot in this zone if the lot is less than 400 metres from another convenience shop, a shop, a business zone or a group of convenience shops.
- (10) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
 - (c) any adverse impact of water use on environmental and human health is minimised.

22 Zone No 2 (v) Village

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to promote development in existing villages that reflects or enhances their character, and

- (b) to enable development for residential, retail, commercial and tourist uses and other urban purposes associated with a town or village, and
 - (c) to ensure that the amenity of existing or proposed nearby developments is not adversely affected by new development.
- (2) **Without development consent** Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Abattoirs; airports; extractive industries; general advertising; hazardous industries; hazardous storage establishments; helipads; heliports; highway service centres; institutions; intensive livestock agriculture; landing areas; mines; offensive industries; offensive storage establishments; sex services premises; waste depots; waste disposal facilities
- (5) **Area for hatchet shaped lots** A reference in subclauses (7) and (8) to the area of a lot does not include the area of an access corridor for a hatchet shaped lot.
- (6) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority is satisfied that:
- (a) the development is in keeping with the existing character of the locality, and
 - (b) adequate and suitable services including water supply, effluent disposal and access are, or can be made, available to the development.
- (7) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have:
 - (i) an area of at least 1,000 square metres, and
 - (ii) an adequate area that is suitable for the on-site disposal of effluent.
- (8) **Dual occupancy** Consent may be granted for a detached dual occupancy on a lot in this zone only if the lot has an area of at least 2,000 square metres.
- (9) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and

- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised, and
- (d) the use of on-site effluent management systems will not contribute to an adverse cumulative impact on soils and water in the area.

23 Zone No 3 (a) General Business

(1) **Zone objectives** The objectives for development in this zone are:

- (a) to provide for the development and expansion of business activities that will contribute to local economic growth and employment opportunities, and
- (b) to identify the Central Business District and other established commercial business precincts in the City of Armidale as the appropriate location for retail, commercial, service and other compatible activities, in a way that respects the City's environmental attributes and heritage significance, and
- (c) to ensure that the Central Business District of Armidale is the main focus for commercial and retail activity and that development in other established business precincts does not compromise the role and diminish the viability of the Central Business District, and
- (d) to protect ground floor premises with street frontages in this zone for use as shops and commercial premises, and
- (e) to encourage a diversity of financial, commercial, civic administration, cultural and entertainment uses in the Central Business District of Armidale that contribute to its vitality as a precinct for business and community activities, and
- (f) to allow industry in commercial areas if it is compatible with the character of the locality and will not cause loss of amenity to occupants of nearby land, and
- (g) to allow residential development that is compatible with or benefits from its proximity to business and community activities in the town centre.

(2) **Without development consent** Dams; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings

(3) **Only with development consent** Development not included in subclause (2) or (4)

(4) **Prohibited** Abattoirs; airports; animal boarding, breeding or training establishments; aquaculture; bulk stores (with a floor space more than 500 square metres); cemeteries; extractive industries; general agriculture; generating works; hazardous industries; hazardous storage establishments; heliports; highway service centres;

industries (with a floor space more than 500 square metres); intensive livestock agriculture; intensive plant agriculture; landing areas; light industries (with a floor space more than 500 square metres); liquid fuel depots; materials recycling facilities; mines; offensive industries; offensive storage establishments; roadside stalls; rural industries; rural workers' dwellings; sawmills; stock and sale yards; warehouse or distribution centres (with a floor space more than 500 square metres); waste depots; waste disposal facilities

(5) **Subdivision** Land in this zone may be subdivided, but only with consent.

(6) **Overshadowing of the Mall in Beardy Street, Armidale**

(a) In this subclause, **height**, in relation to a building, means the greatest vertical distance between the footpath level abutting the frontage of the site on which that building is located and the topmost point of that building at the footpath alignment.

(b) Consent must not be granted to erect a building on land abutting the northern side of Beardy Street between Dangar and Marsh Streets exceeding 10 metres in height unless that part of the building exceeding that height is set back one metre from the boundary of the footpath on the northern side of Beardy Street for each metre by which the building exceeds 10 metres in height.

(7) **Development on land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale**

(a) This subclause applies to land in this zone bound by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale.

(b) Consent may be granted to development for the purpose of a shop, commercial premises or bulky goods premises only if the gross floor area of the shop or premises is not more than 1,500 square metres.

(8) **Development on Lot 1, DP 799192 and Lot 19, Sections 601, 118 and 120, Niagara Street, Armidale**

(a) This subclause applies to Lot 1, DP 799192 and Lot 19, Sections 601, 118 and 120, Niagara Street, Armidale.

(b) Consent may be granted to development for the purpose of a shop or bulky goods premises on the land to which this clause applies only if the gross floor area of the shop or premises is not more than 100 square metres.

24 Zone No 4 (a) Industrial

(1) **Zone objectives** The objectives for development in this zone are:

(a) to provide for the development and expansion of industrial activities that will

- contribute to local economic growth and employment opportunities, and
- (b) to facilitate development for the purposes of industrial, warehousing, transport, servicing and other compatible employment activities, and
 - (c) to allow development of specific office and support or ancillary activities in association with the primary industrial uses in this zone, and
 - (d) to ensure that development in this zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale, and
 - (e) to ensure that non-industrial land uses do not prejudice the availability of land for long term industrial requirements.
- (2) **Without development consent** Dams; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Bed and breakfast accommodation; boarding houses; caravan parks; cemeteries; child care centres; commercial premises (other than ancillary offices or showrooms); dual occupancies; dwelling houses (but not ancillary dwellings); hazardous industries; hazardous storage establishments; integrated housing; manufactured home estates; mines; motels; multi dwelling housing; offensive industries; offensive storage establishments; restaurants; roadside stalls
- (5) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent must not be granted to subdivide land in this zone for a purpose other than a public road if any lot created by the subdivision will have direct vehicular access to an arterial road.
- (6) **Bulky goods premises** Consent must not be granted to development for the purposes of bulky goods premises on land in this zone unless the consent authority is satisfied that:
- (a) suitable land for the development is not available in Zone No 3 (a), and
 - (b) to grant consent would not, because of the number of retail outlets that exist or are proposed on land in this zone, defeat the objective of providing a variety of developments for industrial purposes allowed in this zone, and
 - (c) the proposed development will not detrimentally affect the viability of the Central Business District of Armidale.

- (7) **Offices, showrooms and shops** Consent may be granted to development in this zone for the purposes of offices, showrooms or shops only if the consent authority is satisfied that:
- (a) in relation to offices or showrooms, or both:
 - (i) the use of the office or showroom is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the area of the office or showroom, or both, is not more than 25% of the total gross floor area of the development, and
 - (iii) adequate on-site parking is available to accommodate the parking needs of the office or showroom, or both, or
 - (b) in relation to shops:
 - (i) the use of the shop is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the gross floor area of the shop is not more than 100 square metres.
- (8) **Development on Lot 16, DP 755808, 15-25 Grafton Road, Armidale** Consent must not be granted to development on Lot 16, DP 755808, unless the consent authority is satisfied that the development is unlikely to detract from the existing residential amenity of the locality, taking into consideration:
- (a) the hours of operation of the development, and
 - (b) the location, siting, bulk, scale, height, density, design or external appearance of the development, and
 - (c) the proposed means of access for the development and any provision for loading, unloading, manoeuvring and parking of vehicles in the development or on the land, and
 - (d) the amount of traffic likely to be generated by the development, and
 - (e) any matter that is likely to affect the residential amenity of the locality.

25 Zone No 4 (b) Industrial (Highway)

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to set aside certain land adjacent to the Armidale Regional Airport for a range of industrial and employment generating developments, and
 - (b) to provide for development that serves the travelling public and highway users, and

- (c) to provide for bulky goods retailing, warehousing, light industrial and trade activities that would not jeopardize the viability or function of the business or industrial areas in Armidale, and
 - (d) to provide for development if its activities complement those of Armidale Regional Airport or benefit from being located in proximity to the Armidale Regional Airport.
- (2) **Without development consent** Dams; general agriculture; home occupations; home occupations (sex services); maintenance dredging; public utility undertakings
- (3) **Only with development consent** Development not included in subclause (2) or (4)
- (4) **Prohibited** Abattoirs; boarding houses; caravan parks; clubs; dual occupancies; dwelling houses (but not ancillary dwellings); educational establishments; entertainment facilities; hazardous industries; hazardous storage establishments; hospitals; hotels; institutions; integrated housing; intensive livestock agriculture; intensive plant agriculture; manufactured home estates; mines; multi dwelling housing; offensive industries; offensive storage establishments; places of public entertainment; places of worship; restaurants; roadside stalls; shops (other than shops ancillary or incidental to a permitted use); vehicle showrooms; waste disposal facilities
- (5) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent must not be granted to subdivide land in this zone for a purpose other than a public road if any lot created by the subdivision will have direct vehicular access to an arterial road.
- (6) **Bulky goods premises** Consent must not be granted to development for the purposes of bulky goods premises on land in this zone unless the consent authority is satisfied that:
- (a) suitable land for the development is not available in Zone No 3 (a), and
 - (b) to grant consent would not, because of the number of retail outlets that exist or are proposed on land in this zone, defeat the objective of providing a variety of developments for highway related and industrial purposes allowed in this zone, and
 - (c) the proposed development will not detrimentally affect the viability of the Central Business District of Armidale.
- (7) **Offices, showrooms and shops** Consent may be granted to development in this zone for the purposes of offices, showrooms or shops only if the consent authority is satisfied that:
- (a) in relation to offices or showrooms, or both:

- (i) the use of the office or showroom is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the area of the office or showroom, or both, is not more than 25% of the total gross floor area of the development, and
 - (iii) adequate on-site parking is available to accommodate the parking needs of the office, showroom or both, or
- (b) in relation to shops:
- (i) the use of the shop is ancillary or incidental to a use permitted in this zone and is on the same land, and
 - (ii) the gross floor area of the shop is not more than 100 square metres.

26 Zone No 5 (a) Special Uses

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to facilitate the development of land in this zone for a range of community service uses whether provided publicly or privately and including, but not limited to, educational establishments, places of worship, health care services, utility services and ancillary activities, and
 - (b) to provide for development of land in this zone, not required for community services, that reflects adjoining or nearby land uses, provided that the viability of the business and industrial zones is not compromised.
- (2) **Without development consent** Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Building identification signs; business identification signs; depots; energy generating facilities; telecommunications facilities; the particular purpose indicated by red lettering on the zoning map and purposes associated with or ancillary to the particular purpose indicated on the zoning map
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.
- (6) **Airport related development**
- (a) In this subclause, ***airport related development*** means the primary use of a building or place as an office or for other business or commercial purposes functionally related to an airport, and includes uses or services related to but not restricted to the following:
 - (i) the assembly, storage and land transport of air freight,

- (ii) the transportation of passengers by air or land,
 - (iii) training,
 - (iv) the provision of services for passengers and operators, including accommodation and food outlets,
 - (v) the operation, maintenance or repair of aircraft and associated equipment and machinery,
 - (vi) administrative functions associated with the airport, such as airport management and security,
 - (vii) the functions of government departments and authorities related to air passengers and air freight,
 - (viii) services provided for hotel or motel guests, including banking, dry cleaning, hairdressing, and the like, that are located within the confines of the hotel or motel building.
- (b) Consent may be granted to airport related development on land in the Special Uses 5 (a) zone and shown with red "Airport" notation on the map.

27 Zone No 5 (b) Special Uses (Railway)

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to facilitate the use and development of land in this zone for railways and ancillary purposes, and
 - (b) to allow land that is no longer required for railway purposes to be used for purposes that are consistent with those permissible in adjoining zones and compatible with any remaining railway activity.
- (2) **Without development consent** Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings; railways
- (3) **Only with development consent** Building identification signs; business identification signs; development for a purpose ancillary to a railway; energy generating facilities; telecommunications facilities
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.

28 Zone No 5 (c) Special Uses (Controlled Access Road)

- (1) **Zone objectives** The objective of this zone is to provide for development in this zone for road purposes.

- (2) **Without development consent** Construction camps; dams; public utility undertakings; roads
- (3) **Only with development consent** Telecommunications facilities
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.

29 Zone No 6 (a) Open Space (Public)

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to identify land that is used, or intended to be used, for public open space, recreation and associated purposes, and
 - (b) to protect and, if appropriate, enhance the environmental characteristics of this zone, including landscape quality and flora and fauna habitat, and to safeguard ecological processes, and
 - (c) to enable development for purposes other than recreation only if it can be demonstrated that the proposed use will not adversely affect the long-term use of the land for recreation.
- (2) **Without development consent** Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Ancillary dwellings; building identification signs; bus stations; business identification signs; car parking stations; caravan parks; child care centres; clubs; community facilities; energy generating facilities; entertainment facilities; markets; recreation areas; recreation facilities; refreshment rooms; telecommunications facilities; tourist facilities
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.
- (6) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:
 - (a) the need for the proposed development on that land, and
 - (b) the impact of the proposed development on the existing or likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use.
- (7) **Armidale Showground** The Armidale Showgrounds may be used without consent for the purposes of trade stands, livestock pens, judging rings and pavilions involving the

occasional display of goods for sale or exhibition.

30 Zone No 6 (b) Open Space (Private)

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to identify land used or to be used for private open space, recreation and associated purposes that is not owned by Council or another public authority, and
 - (b) to enable development of the land for recreational purposes and uses associated with recreation.
- (2) **Without development consent** Dams; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Ancillary dwellings; building identification signs; bus stations; business identification signs; car parking stations; child care centres (ancillary to permissible use); clubs; community facilities; energy generating facilities; entertainment facilities; general agriculture; helipads; markets; recreation areas; recreation facilities; refreshment rooms; restaurants; telecommunications facilities; tourist facilities
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.

31 Zone No 7 (a) Environment Protection (Prime Scenic)

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to conserve and enhance the biodiversity, visual and recreational values of the hilltops and ridges surrounding Armidale, and
 - (b) to enable development only if it can be shown that the development will not damage or compromise the ecological or scenic attributes of the locality, and
 - (c) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, and
 - (d) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.
- (2) **Without development consent** General agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Animal boarding, breeding or training establishments; aquaculture; bed and breakfast accommodation; boarding houses; building identification signs; business identification signs; child care centres; community facilities; dams; dual occupancies; dwelling houses; educational establishments;

energy generating facilities; forestry; home businesses; home industries; recreation areas; refreshment rooms; retail plant nurseries; rural industries; telecommunications facilities; veterinary hospitals

(4) **Prohibited** Development not included in subclause (2) or (3)

(5) **Development generally**

- (a) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration the impact of the development on biodiversity conservation, including wildlife corridors linking remaining areas of native vegetation in and surrounding Armidale.
- (b) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration, with respect to its scenic impact:
 - (i) the extent to which the proposed development would affect the scenic qualities of the site or the locality, and
 - (ii) the pitch and form of the roof of any building to be erected, and
 - (iii) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with materials used in the existing buildings on the site or in the locality.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision has an area of at least 4 hectares.
- (c) If land to be subdivided is in both Zone No 7 (a) and Zone No 7 (b), then, despite any other provision of this Plan, consent may be granted to subdivide the land if:
 - (i) the number of lots to be created does not exceed the total number of lots allowed under this Plan, and
 - (ii) the lots may be otherwise designed without regard to the minimum lot sizes required in this Plan, if the subdivision includes provisions so that no development may be permitted in the area of the subdivision zoned 7 (a), and
 - (iii) the consent authority is satisfied that the zone objectives and requirements will be met.

(7) **Dual occupancy** Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of land that cannot be subdivided in accordance with subclause (6) (b), the dwellings comprise an attached dual occupancy, and
- (b) in the case of land that can be subdivided in accordance with subclause (6) (b):
 - (i) the dwellings are either an attached or detached dual occupancy, and
 - (ii) in the case of a detached dual occupancy, the lot on which the dwellings are to be located cannot be sold separately unless the lot is subdivided in accordance with subclause (6) (b).

(8) Removal or clearing of vegetation

- (a) A person must not, on land in this zone, cut down or lop live trees that are not native vegetation and have a height of 3 metres or more without consent.
- (b) A person must not clear, cut down, top, lop, prune, remove, injure or wilfully destroy any native vegetation on land in this zone without consent.
- (c) Despite paragraphs (a) and (b), consent is not required in relation to:
 - (i) the removal or clearing of any vegetation in association with the construction or use of a building or work for which development consent has been granted, or
 - (ii) the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (iii) the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (iv) the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (v) the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (vi) the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (vii) the removal or clearing of any vegetation, but not trees, for maintenance of a garden, within its existing boundaries, or
 - (viii) the removal or clearing of any vegetation, but not trees, for the maintenance of existing cleared areas or areas for which consent has been granted authorising clearing, or

- (ix) a tree if its condition constitutes an immediate threat to life or property, or
 - (x) vegetation included in any current list of noxious plants from time to time published by the New England Weeds Authority, or
 - (xi) a tree, if the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (xii) work that involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or
 - (xiii) the removal or clearing of native vegetation in accordance with development consent granted or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (xiv) the removal or clearing of native vegetation, but not trees, for the purpose of creating gardens if the area to be cleared:
 - (A) is within 35 metres of a dwelling for which consent or a building approval has been granted on the same lot as the proposed clearing, and
 - (B) is not more than 500 square metres.
- (d) The consent authority must not grant consent to the removal or clearing of native vegetation on land in this zone unless it has taken into consideration:
- (i) the adequacy of vegetation retention and future landscape proposals, and
 - (ii) the contribution of the vegetation to wildlife corridors or as habitat for native fauna, and
 - (iii) the contribution of the vegetation to the scenic qualities of the locality, and
 - (iv) the effect of any vegetation clearing on the viability and quality of the bushland and, in particular, the likelihood of the spread of weeds or of undesirable and exotic species in the bushland, and
 - (v) protection of vegetation to be retained on the site of development from activities that may reduce the safe useful life expectancy of that vegetation, and
 - (vi) protection of all vegetation to be retained on the site during the construction process.

(9) Setbacks to arterial roads

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the

minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is 18 metres.

- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road, is 38 metres.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:
 - (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and
 - (ii) the erection of the building will not cause a traffic hazard, or create, or tend to create, ribbon development along the arterial road to which the site has frontage.

(10) **Flora and fauna** Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:

- (a) with respect to flora and fauna:
 - (i) the location and identity of any threatened species, populations or ecological communities on the site, including scientific and common names, and
 - (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
 - (iii) whether the site contains or forms part of a fauna corridor, and
 - (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
 - (v) the total area of vegetation to be removed in square metres, and
 - (vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,
- (b) with respect to other environmental characteristics:
 - (i) the location of, and measures proposed to protect, vegetation to be retained, and
 - (ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and

- (iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.

(11) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

- (a) the proposed water supply is adequate, and
- (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
- (c) any adverse impact of water use on environmental and human health is minimised.

32 Zone No 7 (b) Environment Protection (Support Scenic)

(1) **Zone objectives** The objectives for development in this zone are:

- (a) to protect and enhance the visual amenity and setting of the prime scenic hilltop lands that positively contribute to the landscape character and setting of the district, and
- (b) to conserve and enhance the biodiversity values of land on the urban fringe of Armidale, and
- (c) to provide a transitional area between the built-up urban area of Armidale and the hills and ridges on the edges of the City, and
- (d) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, and
- (e) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.

(2) **Without development consent** General agriculture; home occupations; maintenance dredging; public utility undertakings

(3) **Only with development consent** Aquaculture; bed and breakfast accommodation; building identification signs; business identification signs; caravan parks; cemeteries; child care centres; community facilities; convenience shops; dams; dual occupancies; dwelling houses; educational establishments; energy generating facilities; exhibition homes; forestry; intensive plant agriculture; manufactured home estates; medical centres; mortuaries; motels; recreation areas; recreation facilities; refreshment rooms; retail plant nurseries; telecommunications facilities; tourist facilities; veterinary

hospitals

(4) **Prohibited** Development not included in subclause (2) or (3)

(5) **Development generally**

- (a) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration the impact of the development on biodiversity conservation, including wildlife corridors linking remaining areas of native vegetation in and surrounding Armidale.
- (b) Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration, with respect to its scenic impact:
 - (i) the extent to which the proposed development would affect the scenic qualities of the site, the locality and any land in Zone No 7 (a) adjoining the site, and
 - (ii) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with materials used in the existing buildings on the site or in the locality.

(6) **Subdivision**

- (a) Land in this zone may be subdivided, but only with consent.
- (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision will have an area of at least 1 hectare.
- (c) If land to be subdivided is in Zone No 7 (a) and Zone No 7 (b), then, despite any other provision of this Plan, consent may be granted to subdivide the land if:
 - (i) the number of lots to be created does not exceed the total number of lots allowed under this Plan, and
 - (ii) the lots may be otherwise designed without regard to the minimum lot sizes required in this Plan, if the subdivision includes provisions so that no development may be permitted in the area of the subdivision zoned 7 (a), and
 - (iii) the consent authority is satisfied that the zone objectives and requirements will be met.

(7) **Dual occupancy** Consent may be granted for dual occupancy on a lot in this zone only if:

- (a) in the case of a lot that cannot be subdivided in accordance with subclause (6) (b) the dwellings are an attached dual occupancy, and
- (b) in the case of a lot that can be subdivided in accordance with subclause (6) (b):

- (i) the dwellings are either an attached or detached dual occupancy, and
- (ii) in the case of a detached dual occupancy the lot on which the dwellings are located cannot be sold separately unless the lot is subdivided in accordance with subclause (6) (b).

(8) Removal or clearing of vegetation

- (a) A person must not, on land in this zone, cut down or lop live trees that are not native vegetation and have a height of 3 metres or more without consent.
- (b) A person must not clear, cut down, top, lop, prune, remove, injure or wilfully destroy any native vegetation on land in this zone without consent.
- (c) Despite paragraphs (a) and (b), consent is not required in relation to:
 - (i) the removal or clearing of any vegetation in association with the construction or use of a building or work for which development consent has been granted, or
 - (ii) the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (iii) the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (iv) the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (v) the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (vi) the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (vii) the removal or clearing of any vegetation, but not trees, for maintenance of a garden, within its existing boundaries, or
 - (viii) the removal or clearing of any vegetation, but not trees, for the maintenance of existing cleared areas or areas for which consent has been granted authorising clearing, or
 - (ix) a tree if its condition constitutes an immediate threat to life or property, or
 - (x) vegetation included in any current list of noxious plants from time to time published by the New England Weeds Authority, or

- (xi) a tree if the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (xii) work that involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or
 - (xiii) the removal or clearing of native vegetation in accordance with development consent granted or a property vegetation plan approved under the *Native Vegetation Act 2003*, or
 - (xiv) the removal or clearing of native vegetation, but not trees, for the purpose of creating gardens if the area to be cleared:
 - (A) is within 35 metres of a dwelling for which consent or a building approval has been granted on the same lot as the proposed clearing, and
 - (B) is not more than 500 square metres.
- (d) The consent authority must not grant consent to the removal or clearing of native vegetation on land in this zone unless it has taken into consideration:
- (i) the adequacy of vegetation retention and future landscape proposals, and
 - (ii) the contribution of the vegetation to wildlife corridors or its habitat for native fauna, and
 - (iii) the contribution of the vegetation to the scenic qualities of the locality, and
 - (iv) the effect of any vegetation clearing on the viability and quality of the bushland and, in particular, the likelihood of the spread of weeds or of undesirable and exotic species in the bushland, and
 - (v) protection of vegetation to be retained on the site of development from activities that may reduce the safe useful life expectancy of that vegetation, and
 - (vi) protection of all vegetation to be retained on the site during the construction process.
- (9) **Flora and fauna** Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:
- (a) with respect to flora and fauna:
 - (i) the location and identity of any threatened species, populations or ecological

- communities on the site, including scientific and common names, and
- (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
 - (iii) whether the site contains or forms part of a fauna corridor, and
 - (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
 - (v) the total area of vegetation to be removed in square metres, and
 - (vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,
- (b) with respect to other environmental characteristics:
- (i) the location of, and measures proposed to protect, vegetation to be retained, and
 - (ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and
 - (iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.
- (10) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:
- (a) the proposed water supply is adequate, and
 - (b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and
 - (c) any adverse impact of water use on environmental and human health is minimised.

33 Zone No 7 (c) Environment Protection (Rural Scenic)

- (1) **Zone objectives** The objectives for development in this zone are:
- (a) to conserve and enhance the biodiversity and scenic values of the hills and ridges beyond Armidale in the predominantly rural areas, and
 - (b) to enable development only if it can be shown that the development will not

- damage or compromise the ecological or scenic attributes of the locality, and
- (c) to preserve and re-establish native bushland in areas that exhibit predominantly bushland character, if consistent with the protection of assets from bush fire, and
 - (d) to encourage the retention and re-establishment of native bushland along significant fauna corridors and in areas of high visual significance.
- (2) **Without development consent** Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Animal boarding, breeding or training establishments; aquaculture; bed and breakfast accommodation; boarding houses; building identification signs; business identification signs; cemeteries; community facilities; dual occupancies; dwelling houses; educational establishments; energy generating facilities; extractive industries; forestry; helipads; intensive livestock agriculture; intensive plant agriculture; medical centres; mines; mortuaries; recreation areas; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural workers' dwellings; telecommunications facilities; tourist facilities; veterinary hospitals
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:
- (a) the extent to which the proposed development would affect the scenic or environmental qualities of the site or the locality, and
 - (b) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building are compatible with the natural surroundings of the locality.
- (6) **Subdivision**
- (a) Land in this zone may be subdivided, but only with consent.
 - (b) Consent may be granted to subdivide land in this zone if each lot to be created by the subdivision has an area of at least 40 hectares.
 - (c) Consent may be granted to subdivide land in this zone so as to create a lot with an area of less than 40 hectares, but not less than 2 hectares, if the consent authority is satisfied that:
 - (i) the lot is intended to be used for intensive livestock, intensive plant agriculture or a purpose that is permitted in this zone, other than agriculture or a dwelling house, and
 - (ii) the proposed use to which the lot will be put is economically viable, having

regard to the size and layout of the lot, and

- (iii) an adequate water supply is available, or can be made available, to the proposed lot, and is of a suitable capacity for the proposed use, and
- (iv) adequate all-weather vehicular access is available, or can be made available, to the lot, and
- (v) the proposed use will not adversely affect the amenity of the land surrounding the proposed lots, and
- (vi) if the lot will have a frontage to an arterial road, the frontage to that road will be at least 200 metres.

(7) **Dwelling houses** Consent may be granted for a dwelling house to be erected on land in this zone if:

- (a) the land does not have a dwelling house erected on it and is part of a holding that has an area of at least 40 hectares, or
- (b) the holding has the same configuration as it had on 4 June 1985, other than where it has been affected by any of the following:
 - (i) consolidation with adjoining land,
 - (ii) subdivision for the purposes of road widening,
 - (iii) a minor boundary adjustment, or
- (c) it is ancillary or incidental to the use of the land for a use permitted in this zone, other than general agriculture, or
- (d) the lot on which the dwelling is to be erected was created between 4 June 1985 and 31 July 1992 and a dwelling house could have been lawfully erected on the lot when it was created, or
- (e) there is an existing dwelling house on the lot and the proposed dwelling house will wholly replace the existing dwelling house.

(8) **Additional dwellings** Consent may be granted to the erection of an additional dwelling on land in this zone only if:

- (a) the development comprises the alteration of an existing dwelling house to create 2 dwellings, or
- (b) the additional dwelling will be separate to the existing dwelling house on the land and the following are satisfied:
 - (i) the land has an area of at least 40 hectares and will be consolidated into one

lot,

- (ii) the additional dwelling is located on the same land as the existing dwelling house and the additional dwelling will not be capable of being excised by way of transfer of a new or existing title,
- (iii) the dwellings share a common access to a public road, if practicable.

(9) Setbacks to arterial roads

- (a) If land in this zone has a frontage of 40 metres or more to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road is 18 metres.
- (b) If land in this zone has a frontage of less than 40 metres to an arterial road, the minimum setback, being the distance between any building to be erected on the land and the nearest alignment of the road is 38 metres.
- (c) Despite paragraphs (a) and (b), a person may, with consent, erect a building for a purpose incidental to the use of land for agriculture within a lesser setback than that set out in those paragraphs if, in the opinion of the consent authority:
 - (i) the levels, depths or other exceptional physical conditions of the site make it necessary or expedient to do so, and
 - (ii) the erection of the building will not cause a traffic hazard, or create or tend to create ribbon development along the main or arterial road to which the site has frontage.

(10) Flora and fauna Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration a site analysis plan that includes, or is accompanied by, supporting information, if appropriate, about the site and its surrounds in accordance with the following:

- (a) with respect to flora and fauna:
 - (i) the location and identity of any threatened species, populations or ecological communities on the site, including scientific and common names, and
 - (ii) the location and identity of any rare species of flora on the site, including scientific and common names, and
 - (iii) whether the site contains or forms part of a fauna corridor, and
 - (iv) the location and identity of all vegetation to be removed, including scientific and common names, and
 - (v) the total area of vegetation to be removed in square metres, and

(vi) details of the qualifications and experience of the person who supplied the particulars required by this paragraph,

(b) with respect to other environmental characteristics:

(i) the location of, and measures proposed to protect, vegetation to be retained, and

(ii) the location of all existing and proposed hard or impervious surfaces on the site, including areas covered by buildings, sealed driveways or paving, and

(iii) the total area of the lot covered or proposed to be covered by hard or impervious surfaces in square metres and the percentage of the lot that will be covered by hard surfaces when the proposed development has been carried out.

(11) **Water cycle management** If a development will generate sewage and the land, building or work is not connected to a reticulated water supply or sewer system, consent must not be granted unless the consent authority has taken into consideration an integrated water cycle management plan and is satisfied that:

(a) the proposed water supply is adequate, and

(b) the quality and quantity of surface water, especially stream flow, is maintained and if possible enhanced, and

(c) any adverse impact of water use on environmental and human health is minimised.

34 Zone No 8 (a) National Parks and Nature Reserves

(1) **Zone objectives** The objectives are:

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

(b) to allow for the management and appropriate use of land as provided by that Act.

(2) **Without development consent** Any land use authorised by the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary to such a land use

(3) **Only with development consent** Nil

(4) **Prohibited** Any development not included in subclause (2) or (3)

35 Zone No 9 (a) Reservations

(1) **Zone objectives** The objectives for development in this zone are:

(a) to identify land proposed to be acquired by the council or another public authority

for public purposes such as community facilities, flood mitigation and arterial roads, and

- (b) to enable land to be used for the purpose for which it was acquired, and
- (c) to allow land to be used temporarily for a purpose other than that for which the land was reserved if the council or another public authority does not require immediate use, and
- (d) to ensure that temporary use of the land does not restrict or compromise the future use of the land for which it was reserved.

- (2) **Without development consent** Dams; forestry; general agriculture; home occupations; maintenance dredging; public utility undertakings
- (3) **Only with development consent** Building identification signs; business identification signs; temporary uses that are consistent with the zone objectives; telecommunications facilities; the particular purpose indicated by black lettering on the map and any purpose ordinarily incidental or subsidiary to that purpose
- (4) **Prohibited** Development not included in subclause (2) or (3)
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.
- (6) **Development generally** Consent must not be granted to carry out development on land in this zone unless the consent authority has taken into consideration:
 - (a) the need for the proposed development on that land, and
 - (b) the impact of the proposed development on the existing or likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use.

36 Zone No 10 (a) Enterprise

- (1) **Zone objectives** The objectives for development in this zone are:
 - (a) to facilitate development for the purposes of high technology industry and research and other compatible employment activities, provided the activities are not of a nature that would be offensive or hazardous in the locality, and
 - (b) to ensure that development in this zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale City.
- (2) **Without development consent** Dams; general agriculture; home occupations; maintenance dredging; public utility undertakings

- (3) **Only with development consent** Development not included in item (2) or (4)
- (4) **Prohibited** Abattoirs; airports; animal boarding, breeding or training establishments; bed and breakfast accommodation; bulky goods premises; caravan parks; cemeteries; clubs; dual occupancies; dwelling houses (other than ancillary dwellings); entertainment facilities; group of convenience shops; hazardous industries; hazardous storage establishments; heliports; highway service centres; hotels; institutions; integrated housing; manufactured home estates; markets; mines; multi dwelling housing; offensive industries; offensive storage establishments; passenger transport terminals; places of public entertainment; places of public worship; refreshment rooms; restaurants; retail plant nurseries; restricted premises; road transport terminals; roadside stalls; sawmills; service stations; sex services premises; shops (other than convenience shops); stock and sale yards; take away food outlets; transport depots; vehicle body repair workshops; vehicle repair stations; vehicle showrooms; waste depots; waste disposal facilities
- (5) **Subdivision** Land in this zone may be subdivided, but only with consent.

Part 3 Special provisions

Division 1 Development on land subject to constraints or particular consideration

37 Development on land below flood planning level

- (1) The objectives of this clause are:
- (a) to maintain the existing flood regime and flow conveyance capacity, and
 - (b) to enable safe occupation of land below the flood planning level, and
 - (c) to avoid significant adverse impacts on flood behaviour, and
 - (d) to avoid significant adverse affects on the flood plain environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) to limit uses to those compatible with flow conveyance function and flood hazard.
- (2) Development may be carried out for the following purposes, on land below the flood planning level, but only with consent:
- (a) subdivision of land,
 - (b) filling and earthworks,
 - (c) the erection of a building,

- (d) the carrying out of a work,
 - (e) flood mitigation works.
- (3) Consent under subclause (2) must not be granted unless the consent authority is satisfied that the development:
- (a) will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the flood plain, and
 - (c) will enable safe occupation of land below the flood planning level, and
 - (d) will not significantly detrimentally affect the flood plain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank or watercourse, and
 - (e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and
 - (f) is compatible with the flow conveyance function of the flood way, and
 - (g) is compatible with the flood hazard within the flood way.
- (4) In this clause, **flood planning level** means the 1% AEP flood level, shown on the flood maps for Armidale held in the offices of the Council, + 0.5 metres.

38 Land acquisition in certain zones

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land.

Land to be acquired

Authority of the State

Zone No 6 (a) Open Space (Public) for “public open space purposes” Council

Zone No 9 (a) Reservations for “road purposes” or “flood mitigation purposes” Council

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

39 Development on land in riparian buffer areas

- (1) In this clause, a **riparian buffer area** means land:
- (a) within 50 metres of a permanent waterbody, or
 - (b) within 20 metres of an intermittent waterbody.
- (2) Consent must not be granted to carry out development on land in a riparian buffer area, unless the consent authority is satisfied that adequate measures have been, or will be, taken to offset the likely effects of the development on stream bank instability, stream water quality and aquatic habitat.
- (3) Adequate measures referred to in subclause (2) include (if practicable):
- (a) retention of endemic vegetation,
 - (b) new plantings comprising endemic riparian vegetation, including emergent vegetation,
 - (c) replacing exotic vegetation with endemic vegetation,
 - (d) protecting instream vegetation, including trees, snags, macrophytes and algae,
 - (e) keeping hard surfaces, such as cycle ways and footpaths, to a minimum and constructing these surfaces from permeable material, and
 - (f) staging development so that improvements to the riparian buffer areas are in place and acting to minimise erosion and runoff prior to carrying out the remainder of the development.

40 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without consent.

Note—

The [Rural Fires Act 1997](#) also makes provision relating to the carrying out of development on bush fire prone land.

41 Development in the airport buffer area

- (1) Consent must not be granted to carry out development for the purposes of a caravan park or manufactured home estate in the airport buffer area.
- (2) Development may be carried out for the following purposes, on land in the airport buffer area, but only with consent:
 - (a) a dam (not being a water storage dam for a public authority),
 - (b) the handling or storage of grain,
 - (c) the disposal of refuse,
 - (d) an abattoir,
 - (e) a stock and sale yard,
 - (f) intensive plant agriculture or intensive livestock agriculture,
 - (g) a wind turbine or windfarm, or
 - (h) planting trees, if clearance from natural ground level to the obstacle limitation surface height shown on the Obstacle Limitation Surface Plan is less than 40 metres.

42 Development that exceeds the height specified in the Obstacle Limitation Surface Plan

- (1) Consent must not be granted to erect a building or structure of a height that exceeds the limitation specified in the Obstacle Limitation Surface Plan unless the application for consent has been referred to the Civil Aviation Safety Authority for comment.
- (2) In considering whether to grant consent, the consent authority must consider any comment made by the Civil Aviation Safety Authority within 28 days (or such longer period as may be agreed on before or after the expiration of the 28 day period) after referral of the application.

43 Tall structures that may affect aircraft operations

- (1) This clause applies to the erection or alteration of a structure if the finished height of the structure will be at least 110 metres above natural ground level.
- (2) Consent must not be granted to carry out development described in subclause (1), unless the consent authority has taken into consideration evidence that the Civil Aviation Safety Authority has been notified of the development, and any assessment by the Civil Aviation Safety Authority of the effect of the proposal on aircraft operations.

44 Lighting structures in the vicinity of Armidale Regional Airport

Consent must not be granted for lighting structures or fixtures within 4.5 kilometres of the runway ends, and 750 metres of the runway centreline extension, of the Armidale Regional Airport unless the consent authority has considered the requirements of the Civil Aviation Safety Authority for Lighting in the Vicinity of Aerodromes.

45 Development in areas affected by aircraft related noise

- (1) This clause applies to all land in the area bounded by the 20 ANEF contour as shown on a plan or plans of Armidale Regional Airport and surrounding land prepared to the specifications set by the Civil Aviation Safety Authority, a copy of which is retained in the office of the Council.
- (2) A building may be erected on land to which this clause applies, but only with consent.
- (3) Consent must not be granted to erect the following on land to which this clause applies:
 - (a) a building to be used for residential purposes if the ANEF exceeds 25,
 - (b) a school, hospital, place of public worship or entertainment facility if the ANEF exceeds 20,
 - (c) a hotel, motel, office or public building if the ANEF exceeds 30.
- (4) Consent must not be granted for the following development on land to which this clause applies:
 - (a) a building to be used for residential purposes if the ANEF is between 20 and 25,
 - (b) a hotel, motel, office or public building if the ANEF is between 25 and 30,
 - (c) a building to be used for commercial or industrial purposes if the ANEF is above 30,

unless the development meets AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* regarding interior noise levels.

46 Development affected by rail related noise and vibration

- (1) In this clause ***noise-sensitive development*** means development that may be adversely affected by rail noise, including residential development, places of public worship, hospitals, nursing homes, educational establishments, passive recreation areas and mixed use developments.
- (2) Consent must not be granted to noise-sensitive development within 60 metres of an operating railway track unless the development incorporates noise attenuation measures to the satisfaction of the consent authority, that are consistent with advice

from the State Rail Authority and Rail Infrastructure Corporation.

- (3) Consent must not be granted to any other development that, in the opinion of the consent authority, may be adversely affected by rail noise and vibration unless the development incorporates noise attenuation measures to the satisfaction of the consent authority.

47 Development in the waste water treatment facility buffer area

Consent must not be granted to erect a dwelling house, motel, caravan park or manufactured home estate in the waste water treatment facility buffer area.

48 Development adjacent to land reserved or dedicated under the [National Parks and Wildlife Act 1974](#)

- (1) This clause applies to land that is adjacent to land reserved or dedicated under the [National Parks and Wildlife Act 1974](#).
- (2) The consent authority must not grant consent to develop land that, in the opinion of the consent authority, has the potential to adversely impact on land reserved or dedicated under the [National Parks and Wildlife Act 1974](#), unless:
 - (a) it has referred the application to the Director-General of the Department of Environment and Climate Change for comment, and
 - (b) it has had regard to any response given to it by the Director-General of the Department of Environment and Climate Change within 28 days of the referral of the application.

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

- (1) This clause applies to land bound by Beardy Street, Jessie Street, Allingham Street and Dumaresq Street and Dumaresq Creek, comprising Lots 13 and 14, DP 574307, Lots 11-13, DP 251514, Lots 2-5 and 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21-23, DP 621344 (**the former gasworks site**).
- (2) In this clause, a reference to the **remediation strategy** for the land is a reference to the remediation strategy for contaminated land at the former gasworks site and adjoining land for which consent has been granted and that comprises construction of a containment cell over the former gasworks site and capping of the residue of the land.
- (3) Despite any other provision of this Plan, consent is required for development that would result in penetration of the capping layer installed over Lots 13 and 14, DP 574307, Lots 11-13, DP 251514 and Lots 2-5, DP 25398 as part of the remediation strategy for the land.
- (4) Consent must not be granted to development referred to in subclause (3) unless the

consent authority has taken into consideration the impact of carrying out the development on human health and the environment resulting from the disturbance or exposure to potentially contaminated land on the site.

- (5) Despite any other provision of this Plan, development that would penetrate the containment cell erected, as part of the remediation strategy, on Lot 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21-23, DP 621344 is prohibited.
- (6) Development referred to in subclause (5) does not include repair, maintenance or contingency works that are part of the remediation strategy for the land.

Division 2 Urban release areas

50 Aims of Division

This Division aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and
- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

51 Relationship between Division and remainder of Plan

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

52 Application of Division

This Division applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

53 Designated State public infrastructure

In this Division:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,

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

54 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (2) Subclause (1) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
 - (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (3) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

55 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

Division 3 Arterial roads

56 Development along arterial roads

- (1) This clause applies to land:
 - (a) having frontage to an arterial road, or
 - (b) that relies on an arterial road for its sole means of access, or
 - (c) that has access to a road that intersects with an arterial road, if the point of access is within 90 metres of the intersection of the road and the arterial road.
- (2) Consent must not be granted to development on land to which this clause applies unless the consent authority has taken the following into consideration:
 - (a) whether access to that land can be provided other than by the arterial road, wherever practical or essential,
 - (b) the amount of traffic that is generated by the development and its potential to have an impact on the traffic using the road,
 - (c) the access arrangements to the site and its adequacy for the proposal,
 - (d) the internal access and movement patterns for the development,
 - (e) the potential for the development to cause ribbon development along the arterial road.

57 Development on land potentially affected by traffic related noise

Consent must not be granted for development on land near an arterial road unless the consent authority has taken into consideration the impact of traffic noise from the arterial road on the proposed development and any measures required to mitigate such impacts.

Division 4 Special provisions relating to Armidale Dumaresq generally

58 Tree preservation

- (1) Except as provided by subclause (2), a person must not ringbark, cut down, top, lop, remove, injure, poison or wilfully destroy a tree with an overall height of 5 metres or more on a lot in the following zones, except with consent:
 - (a) Zone No 1 (d) Urban Fringe,
 - (b) Zone No 2 (a) Residential,
 - (c) Zone No 2 (b) Low Density Residential,
 - (d) Zone No 2 (c) Future Residential,

- (e) Zone No 3 (a) General Business,
 - (f) Zone No 4 (a) Industrial,
 - (g) Zone No 4 (b) Industrial (Highway),
 - (h) Zone No 5 (a) Special Uses,
 - (i) Zone No 6 (b) Open Space (Private),
 - (j) Zone No 9 (a) Reservations, or
 - (k) Zone No 10 (a) Enterprise.
- (2) Consent referred to in subclause (1) is not required if:
- (a) the tree is dead, or
 - (b) the tree's condition constitutes an immediate threat to life or property, or
 - (c) the tree is included in any current list of noxious plants from time to time published by the New England Weeds Authority, or
 - (d) the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (e) the work involves only minor pruning that is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy and is not likely to jeopardize the tree's existence, or
 - (f) the work involves the removal or trimming of any vegetation in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
 - (g) the work involves the removal or trimming of any vegetation in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*, or
 - (h) the work involves the removal or clearing of any vegetation in conjunction with works approved under Part 5 of the Act, or
 - (i) the work involves the removal or clearing of vegetation in accordance with the *Surveying Act 2002* or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor if no alternative survey method is feasible, or
 - (j) the work involves the removal or clearing of vegetation in accordance with an order issued by the Council under the *Local Government Act 1993*, or
 - (k) the tree is in a State forest or on Crown-timber lands within the meaning of the

Forestry Act 1916.

- (3) Consent must not be granted for any action referred to in subclause (1) unless the consent authority has assessed the following matters:
- (a) the reason for the proposed work,
 - (b) the visibility and contribution of the tree or trees in the local landscape or streetscape,
 - (c) the type and rarity of the species,
 - (d) the number of trees in the vicinity,
 - (e) whether the tree may become dangerous or damage property or utility services,
 - (f) whether new plantings are proposed or are desirable,
 - (g) the effect of the tree or trees on local views, on solar access to properties and on local amenity,
 - (h) any heritage significance of the tree, and
 - (i) soil conservation and erosion issues.

59 Roads, bridges, footpaths, cycleways, drainage, recreation areas and parking

- (1) Subject to subclause (3), nothing in this Plan prevents the Council, or any person acting on the Council's behalf, from carrying out development on land in any zone for the purposes of roads, cycleways, stormwater drainage (or other utility service infrastructure), recreation areas, landscaping, gardening or parking.
- (2) The reference in subclause (1) to the carrying out of development for the purpose of roads includes a reference to the winning of extractive material in the road reserve by a public authority for the purpose of road construction.
- (3) Nothing in subclause (1) permits any development without consent if the proposed development is to be carried out on land on which a heritage item is situated.

60 Fish passages in natural watercourses

- (1) Subject to subclause (2), nothing in this Plan prevents the provision of fish passages in natural watercourses that has been authorised by the Department of Primary Industries, including the removal of weirs or other man made barriers, or the construction of fishways, fish ladders or fish bypasses.
- (2) Nothing in subclause (1) permits any development without consent if the proposed development is to be carried out on land on which a heritage item is situated.

61 Waste management

Before granting consent to any development, the consent authority must take into consideration any of the following matters relating to waste management that are relevant to the application:

- (a) re-use and recycling of building and construction materials,
- (b) re-use and recycling of household, commercial and industrial waste,
- (c) site storage requirements for construction, and for managing household, commercial and industrial waste.

62 Community use of educational establishments

Nothing in this Plan prevents the consent authority from granting consent to:

- (a) the community use of the facilities and sites of educational establishments, and
- (b) the commercial operation of those facilities and sites, and
- (c) the carrying out of development for community purposes on land used for the purposes of educational establishments, whether or not the development is ancillary to any such purpose.

63 Solar access as a matter for consideration

Consent must not be granted for the purposes of erecting a building on land if, in the opinion of the consent authority, the building would significantly affect the access of solar radiation between the hours of 9 am and 3 pm Eastern Standard Time (as measured on 21 June) to existing or likely developments on adjoining land or on other land in the locality.

64 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for any temporary purpose for a maximum period of 12 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this Plan and other relevant environmental planning instruments, and
 - (b) the temporary use will not prejudice the subsequent carrying out of development

- on the land in accordance with this Plan and any such other instrument, and
- (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (d) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

65 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council, by means of this Plan, to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note—

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 1 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 1 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 1:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 1, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant classification Plan and, by the operation of that Plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 1, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

(6) In this clause, the **relevant classification Plan**, in relation to land described in Part 2 of Schedule 1, means this Plan or, if the description of the land is inserted into that Part by another environmental planning instrument, that instrument.

(7) Before the relevant classification Plan inserted a description of land into Part 2 of Schedule 1, the Governor approved of subclause (5) applying to the land.

66 Savings provisions

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

Division 5 Heritage conservation

67 Heritage conservation

(1) **Objectives** The objectives of this clause are:

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

(2) **Requirement for consent** Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree in a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place in a heritage conservation area including (in the case of a building) by making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) erecting a building on land on which a heritage item is located or that is in a heritage conservation area,
- (f) subdividing land on which a heritage item is located or that is in a heritage

conservation area.

- (3) **When consent is not required** However, consent under this clause is not required if:
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, archaeological site or a building, work, relic, tree or place in a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
 - (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or
 - (c) the development is limited to the removal of a tree or other vegetation if a matter listed in clause 58 (2) (a)-(k) of this Plan applies, or
 - (d) the development is exempt development.
- (4) **Heritage impact assessment** The consent authority may, before granting consent to any development on land:
- (a) on which a heritage item is situated, or
 - (b) in a heritage conservation area, or
 - (c) within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) **Heritage conservation management plan** The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (6) **Archaeological sites** The consent authority must, before granting consent to the

carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(7) **Demolition of item of State significance** The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 2 as being of State heritage significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received within 28 days after the notice is sent.

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

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse affect on the amenity of the surrounding area.

Schedule 1 Classification and reclassification of public land

(Clause 65)

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

Column 1	Column 2
Locality	Description
Nil	Nil

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

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

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	Nil

Schedule 2 Heritage items

(Clause 67 (7))

Note—

In this Schedule, items marked * are of State heritage significance (other than items already listed on the State Heritage Register).

Part 1 Individual buildings

Street No	Building/Site details	Property description
Barney Street		
No 88 (Part)	Southall	Lot 5, DP 880142
No 88 (Part)	SH Smith House including grounds (also Landscape Item)	Lot 5, DP 880142
Nos 140–146	(Corner Allingham Street)	Lots 1–4, DP 241777
No 166	ASCA building (corner Markham Street)	Lot 2, DP 550693
Beardy Street		
No 62	JB Moriarty Store (corner Douglas Street)	Lot 3, DP 846893
Nos 88–90		Part Lots 3 and 4, Sec 11, DP 533726
Nos 134–136		Lot 21, DP 540778
Nos 135–137	AMP Society	Lot 1, Sec 7, DP 758032
No 139	Westpac (corner Faulkner Street)	Lot 2, DP 322378

Nos 142-156	Imperial Hotel (corner Faulkner Street)*	Lot 1, DP 900121
Nos 143-145	Court House (100 Faulkner Street)*	Lot 4, Sec 2, DP 758032
No 157		Lots 5 and 6, DP 1094193
Nos 158-160	Armidale Post Office (corner Faulkner Street)	Lot 11, Sec 5, DP 758032
Nos 164-166	Former CBA Bank	Lot 1, DP 123572
No 174	Tattersall's Hotel	Lot 7, DP 564754
No 176	Commonwealth Bank	Lot B, DP 332918
Nos 194-198	New England Hotel (corner Dangar Street)	Lot 3, DP 597852
No 195	J Richardson and Co (corner Dangar Street)*	Lot 7, DP 1012314
Nos 207-209	Former Cinema	Lot 31, DP 610678
No 208	State Bank*	Lot 16, DP 707571
No 261	Victoria Cottage	Lot 14, DP 737932
No 282	(Corner Butler Street)	Lot 1, DP 383157
No 307	(Corner Ohio Street)	Lot 1, DP 650806

Bona Vista Road

Nos 36-46	Bona Vista and Grounds (Landscape Item)	Lots 669 and 670, DP 755808
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Bracken Street

No 130	Eleanoa Mine Chimney, Former Eleanoa Mine	Lot 2, DP 597107
	Baker's Creek Mine Chimney, Former Baker's Creek Mine	Crown Land
	Baker's Creek Winding Engine House, Former Baker's Creek Mine	Lot 407, DP 755834
	Baker's Creek Mine Surface Buildings, Former Baker's Creek Mine	Crown Land
	Garibaldi Mine Chimney, Hillgrove	Crown Land

Brown Street

Nos 82-84	Trelawney (corner Taylor Street) including garden (also Landscape Item)	Lot 13, Sec 32, DP 758032
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No 89	Wiluna	Lot 7, Sec 17, DP 83824
Nos 91-93	Including garden and hedge (also Landscape Item)	Lots 5 and 6, DP 1058810
No 98		Lot 37, DP 581120
No 108	Birida (corner Marsh Street) including garden (also Landscape Item)	SP 39370
No 111	House and Stable	Lot 5, DP 542804
No 113		Lot 18, DP 550823
No 131		Lot 14, DP 832730
No 134		Lot 1, DP 78722
No 138		Lot 13, Sec 29, DP 758032
No 166	(Corner Allingham Street)	Lot 1, DP 781376
No 193		Lot 22, DP 716198
No 195		Lot 21, DP 716198
No 196	Arelo	Lot 1, DP 522220
No 198		Lot 1, DP 1066037
No 216	(Refer Armidale Railway Station)	
No 247	Former Police Lock-up (Refer to Railway Parade)	Lot 16, Sec 52, DP 758032
Butler Street		
	Armidale High School (corner Kentucky Street) including grounds (also Landscape Item)	Lot 1, DP 196298; Lot 704, DP 755808; Lots 1 and 2, Sec 49, DP 758032; Lot 1, Sec 161, DP 758032; Lot 1151, DP 821627
No 102	(Corner Brewery Lane)	Lot 27, DP 855958
No 163		Lot A, Sec 40, DP 157084
Chapel Street		
	(Refer Galloway Street)	
Crescent Street		
Nos 1-3	Former Trim and Co Store	Lot 16, DP 814532
Dangar Street		
No 114		Lot 1, DP 88590
No 133	Arran Cottage	Lot 1, DP 37407

Nos
135-137 Lots 1 and 2, DP 319350

Nos
159-161 (Refer Reginald Avenue) "Kilbucho" Lots 1 and 2, DP 503487

No 160 Former Hilton School (Corner Brown Street) Lots 1 and 2, Sec 29, DP 996619

No 176 (Corner Mann Street) Including trees (also
Landscape Item) Lot 56, DP 1064237

No 194 (Corner Mossman Street) Lot A, DP 184339

Dangarsleigh Road

Nos
345-347 "Palmerston" Lot 494, DP 66672; Lot 2, DP 569410; Lot
192, DP 66672; Lot 1, DP 66672; Lots 554
and 555, DP 66672; Lot 767, DP 66672

No 643 "Chevy Chase" Lots 59 and 60, DP 4356

No 755 War Memorial Lot 1, DP 809402

Donnelly Street

No 118 (Refer Nos 68-70 Faulkner Street) Lot Y, DP 161586

Dorothy Avenue

Nos 3-3A Lots 54 and 55, DP 596242

Douglas Street

Nos 98-106
(excluding "Beverley", "Lutton", "Stanley" and "Sutton".
No 102) Lot 1, DP 784408; Lot 1, DP 999245; Part Lot
10, DP 758032; Lot 1, DP 709855

Dumaresq Street

No 93 Former Hotel Lot 2, DP 617526

No 263 Lot 15, DP 579467

Nos
269-271 Lot 1, DP 199547

Dumaresq Road

Dumaresq Railway Station Old System Conveyance Book 261-220 (20
Dec 1882)

No 530 Dumaresq Railway Stationmaster's Residence Lot 1, DP 792093

Faulkner Street

No 54 "Yarrobindi", house and grounds Lot 1, DP 504855

Nos 68–70	(also known as 118 Donnelly Street)	Lot Y, DP 161586
No 89	Legacy House	Lot 30, DP 788185
No 110	Police Station (corner Moore Street)	Lot 6, Sec 2, DP 758032
No 111	Pastoral Chambers	Lot 1, DP 104630
No 115	Highbury (Corner Mann Street) including hedge and trees (also Landscape Item)	Lot 4, DP 339610
No 118	Lands Office (corner Cinders Lane)	Lot 6, Sec 5, DP 758032
No 120	Former State Emergency Services Office (corner Cinders Lane)	Lot 17, DP 837491
No 121		Lot 11, DP 791397
No 122	Folk Museum (corner Rusden Street)	Lot 13, Sec 5, DP 758032
No 128	Lindsay House (corner Barney Street)	Lot 1, DP 880142
No 132	Denham Cottage including garden (also Landscape Item)	Lot 1, DP 974137
No 137	Johnstone Memorial Hall*	Lot 15, Sec 9, DP 758032
No 137	St Paul's Presbyterian Church including grounds, fence, trees and hedge (also Landscape Item)*	Lot 15, Sec 9, DP 758032
No 139		Lot 1, DP 743281
No 147A	Masonic Hall	Lot 2, DP 582526
No 157	(Corner Brown Street) including hedge and garden layout (also Landscape Item)	Lot 1, Sec 18, DP 758032
No 160	Uloola (corner 2A Reginald Avenue) including garden (also Landscape Item)	Lot 20, DP 1046000
No 169	(Corner St Andrews Avenue)	Lot 12, DP 234220

Galloway Street

No 65	Corner Chapel Street including garden (also Landscape Item)	Lot 23, DP 621218
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Glen Innes Road

No 69	(Corner Simpson Avenue)	Lot 7, DP 232385
No 101	Canoindra including garden setting (also Landscape Item)	Lot 5, DP 608284

Golgotha Street (South)

No 96		Lot 2, DP 867101
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Grafton Road

No 20		Lot 2, DP 39091
No 3138	“St Helena” Homestead	Lots 9 and 10, 12–18, 26, 32, 42, 53, 57 and 58, 73, 75 and 76, 96, DP 755828
No 7120	“Milamba” Original Guy Fawkes Post Office and Sheep Dip	Lots 27, 28, 49 and Part Lots 30 and 31, DP 751462
No 7314	“Kotupna”	Lot 2, DP 830823

Jeffrey Street

No 79		Lot 1, DP 735455
No 83		Lot 1, DP 730537
No 95		Lot 1, DP 517875
No 109		Lot 2, DP 130007

Jessie Street

No 168		Lot 2, DP 153868
No 170	Sturry (corner Mann Street) including garden (also Landscape Item)	Lot 1, DP 153868

Kellys Plains Road

No 478	St John’s Church of England, Kellys Plains	Lot 850, DP 755808
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Kennedy Street

No 27		Lot 1, DP 712397
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Kentucky Street

Nos 116–122	Former Public School Buildings (Opposite the CB Newling Centre of the University of New England)	Lot 1, DP 1055438
No 46	(Corner Chapel Street)	Lot 8, DP 616255

Kirkwood Street

No 160		Lot 1, DP 524851
No 187	(Corner Markham Street)	Lot 1, DP 562034

Lambs Avenue

No 29	Former Railway Gatekeeper’s Cottage	Lot 5, DP 805771
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Mann Street

Nos 65-65A	Opawa including garden and trees (also Landscape Item)	Lots B and C, DP 364214
Nos 108-110	Teringa	Lot 5, DP 239922
No 118	Loombra (corner Faulkner Street) including garden and cedar tree (also Landscape Item)	Lot 9, DP 564560
No 128	including garden, hedge and fence (also Landscape Item)	Lots 1 and 3, DP 212280
No 146	Linden Hall	Lot A, Sec 36, DP 410290
No 200	Carlisle	Lot 14, DP 576854

Markham Street

No 123		Lot 72, DP 815369
No 129	Owlscott (corner Barney Street)	Lot 27, DP 881189
No 136	(Corner Butler Lane)	Lot 1, DP 196798
No 208	(Corner Murray Avenue)	Lot 18, DP 701223
No 236	Hepplegate	Lot 5, DP 1064920

Marsh Street

No 45		Lot 1, Sec 113, DP 12546
No 49		Lot 2, DP 998907
No 129	St Kilda Cellars	Lot 2, DP 578182
No 175		Lot Y, DP 371436
No 179	(Corner Mann Street) including Himalayan Cypress Trees (also Landscape Item)	Lot 1, DP 745132
No 32	Cotswold, including fence and grounds (also Landscape Item)	Lot 22, DP 610117
No 168	Belmore Cottage (corner Brown Street) including garden, trees and hedge (also Landscape Item)	Lot A, DP 155192
No 184	Comeytrove (corner Mann Street) including garden and trees (also Landscape Item)	Lot 23, DP 590445
No 192	(Corner Drummond Avenue)	Lot 1, DP 334596

Martin Street

No 32		Lot 1, DP 194023
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Metz Road

Tattersalls Hotel Brick Outbuildings (Corner of Phillips and Moore Streets, see Metz village map) Lot 97, DP 2345

Millie Street

Nos 16-20 Kiola Lot 1, DP 709983

Moore Street

No 32 The Stables (corner Dangar Street) Lot 1, DP 903351

No 100 Former Sheriff's cottage (corner Faulkner Street—at rear of Court House) Lot 4, Sec 2, DP 758032

Moore Park Lane

No 63 Moore Park Inn Lot 1, DP 881813

Mossman Street

No 113 Lot B, Sec 34, DP 389072

No 144 Lot 7, Sec 75, DP 14312

No 145 The Turrets including garden (also Landscape Item) Lot A, Sec 36, DP 370218

New England Highway

Saumarez Homestead (Refer Saumarez Road)

Moore Park Inn (Refer Moore Park Road)

Bishopscourt (Refer to Uralla Road)

"Canowindra" (Refer to Glen Innes Road)

"Pinch Flat" Lot 5, DP 876537

No 11312 "Tilbuster" Homestead Lot 20, DP 1066162

Newholme Road

No 495 "Newholme" Lot 2, DP 597896; Lots 2, 3, 5, 7, 11, 12, 23, 24, 27-31, 33, 34, 38-50, 58, 59, 77, 86-90, 99, 101-105, 109, 110, 112, 114, 117, 118, 142, 145, 150, 152, 161-163, 165, 172, 173, 175, 176, 178, 179, 181, 194 and 195, DP 755819; Lot 1131, DP 1032729; Lot 1, DP 1035499; Lot 94, DP 1034700

Niagara Street

No 120 Johnson and Kennedy Service Station (corner Rusden Street) Lot 19, DP 1076915

Ohio Street

No 66 Lot 2, DP 506901

Point Lookout Road

Cement Weir Lot 41, DP 751462

Reginald Avenue

Nos 1-3 Mongoola Lot 1, DP 663177

No 10 Kilbucho, including garden (also Landscape Item) (corner Dangar Street, also known as 161 Dangar Street) Lots 1-2, DP 503487

Rockvale Road

No 1062 "Thalgarrah" Part Lot 1, DP 706601

Roseneath Lane

No 36 "Roseneath" Lot 1, DP 526699

Rowlands Road

No 47 "Wood Park Cottage" Lot 20, DP 871384

Rusden Street

Town Hall Part Lot 12, DP 758032

No 69 Lot 1, DP 859091

No 94 Mallam House Lot 1, DP 815479

Nos 102-104 St Kilda Hotel (corner Marsh Street) Lots 1, DP 567726

No 116 Former St Peter's Church Hall* Lot 1, DP 605314

No 161 Minto Building (Former Central Hotel) (corner Jessie Street) Lot 1, DP 795233

Nos 163-165 Baptist Church and Hall (corner Jessie Street) Sec 28, DP 907495

No 222 Railway Hotel Lot 26, DP 706203

No 277 (corner Niagara Street) Lot A, DP 156827

No 286 St Mary's Anglican Church Lot 26, DP 208029

Sandon Road

No 41 Cottage Lot 330, DP 755834

Saumarez Road

No 230 Saumarez Homestead (including outbuildings, gardens, grounds and driveway) Lot 5, DP 731015

Short Street

No 16 Wyevale Lot 4, DP 810419

Soudan Terrace

No 3 Soudan Lot 1, DP 253268

Stoneleigh Road

No 46 "Stoneleigh", Machinery Shed Lots 27-30, DP 755840; Part Lot 93, DP 4356

Taylor Street

No 7 Lot 8, DP 247309

Nos 36-36A Lot 1125, DP 39933; Lot A, Sec 132, DP 393048

No 150 Lot 1, DP 745627

The Boulevarde

Former St Patrick's Orphanage including grounds (also Landscape Item) SP 49700

Uralla Road

Nos 2-14 Former Bishops court and grounds (also Landscape Item) Lots 701 and 702, DP 834291

Part 2 Buildings in groups or located on special sites

Street No Building/Site details

Property description

Armidale Cemetery (bounded by O'Connor Street, Lambs Avenue and Lynches Road)

Armidale Cemetery Lots 576-584, DP 755808

Cemetery buildings (also Landscape Item) Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329

Armidale Racecourse (Grafton Road/Douglas Street)

Jockeys' rooms (also Landscape Item) Lot 1130, DP 39842

Armidale Railway Station (Brown Street)

Railway Station Lot 33, DP 883524

No 216 Pair of Railway Cottages (216 Brown Street) Lot 31, DP 883524

Former Stationmaster's residence (also
Archaeological Site) Lot 2, DP 818123

Armidale Showground (Bounded by Dumaresq, Kennedy, Kirkwood and Canambe Streets) (also Landscape Item)

Grandstands; The Queen Victoria Jubilee Urinal;
Twin Chimneys; Main Pavilion Lots 1 and 2, DP 875013

Catholic Church School Convent Group Listings include grounds, particularly churchyard (also Landscape Item) and convent grounds (also Landscape Item) (bounded by Dangar, Barney, Jessie and Rusden Streets)*

Cathedral of St Mary and St Joseph (corner
Dangar and Barney Streets)*; Bishop's House;
Former Church hall St Mary's School (124
Dangar Street); Merici House (Dangar Street);
Former St Ursula's College (Barney Street);
Chapel, Ursuline Convent (Corner Barney and
Jessie Streets); Ursuline Convent (Jessie Street);
St Anne's Building, St Mary's School (Jessie
Street); St Mary's School, 1959 Building (156
Rusden Street, corner Jessie Street) Sec 7, DP 758032; Lot 15, DP 1048143

CB Newling Centre of the University of New England Listing includes grounds (also Landscape Item) (Bounded by Mossman, Faulkner, Kentucky and Dangar Streets)

CB Newling Centre of the University of New
England; Former Teachers' College, Main
Building; Residence Lot 1, Sec 78, DP 758032

New England Girls' School Group (New England Highway)

New England Girls' School Group Lot 613-616, DP 755808

Akaroa Lot 619, DP 755808

Chapel Lot 621, DP 755808; Lot 22, DP 112882

Dining Room Complex Lot 620, DP 755808

Music Building Lot 618, DP 755808

St John's Junior School* Lot 615, DP 755808

O'Connor Catholic High School Group Listing includes Kirkwood Street entry gates, avenue of trees and grounds (also Landscape Item) (Bounded by Kirkwood, Kennedy, Donnelly and Canambe Streets)

No 37	De La Salle Brothers Residence (37 Kirkwood Street); Original Main Building; 1920's classroom building	Lots 1-4, DP 522525; Lot 10, DP 112882
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St Peter's Church Group Listing includes churchyard and rectory garden (also Landscape Item) (Bounded by Dangar, Tingcombe, Faulkner and Rusden Streets)

No 131	Former St Peter's Church Hall (31 Faulkner Street)*	Lot 1, DP 605314
	St Peter's Anglican Cathedral Church (Dangar Street)*	Lot 100, DP 869687
	Deanery*	Lot 100, DP 869687
No 118	The Diocesan Registry (118 Rusden Street, corner Faulkner Street)*	Lot 100, DP 869687

The Armidale School Listing includes grounds (see Landscape Item) 87 Douglas Street (Bounded by Douglas, Barney, Chapel and Mann Streets and Black Gully)

Original Main Building including classrooms, library, dormitory and headmaster's residence*; Chapel (Douglas Street)*; Wakefield House (Barney Street)

The University of New England Listing includes grounds to Booloominbah and Trevenna (also Landscape Items)

Booloominbah; The Lodge (Enquiries Cottage)*; Sub-Lodge; Science Block (Library Road); Shingled cottage (Library Road); Trevenna*	Lot 3, DP 549961; Lots 5 and 6, DP 871514; Lots 1 and 2, DP 1074902
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Uniting Church Group Listing includes grounds and gardens of Parsonage (also Landscape Item) (Nos 112-114 Rusden Street)

No 112	Wesley Hall (112 Rusden Street)	Lot 12, DP 758032
No 114	Uniting Church (114 Rusden Street)	Lot 13, DP 758032

Part 3 Archaeological sites

Street No **Building/Site details**

Property description

Armidale Cemetery (bounded by O'Connor Street, Lambs Avenue and Lynches Road)

Armidale Cemetery	Lots 576-584, DP 755808
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Cemetery buildings (also Landscape Item)	Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329
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Beardy Street

Timber suspension footbridge and former pool entrance building	Lot 4, DP 877846; Part 1, Sec 171, DP 758032
Site of Edward Allingham's Mill (corner Allingham Street)	Lot 1, DP 781352

Brewery Lane

Site of Simpson's Brewery	Lot 3, DP 625057; Lot 5, DP 832288
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Brown Street

Former boiler for footwarmers, Armidale Railway Station	Lot 33, DP 883524
Turntable—Armidale Railway Station	Lot 33, DP 883524

Crescent Street

Stone Kerbing (Crescent Street Road Reserve)

Dumaresq Street

Site of Tuck's Brewery (between Butler and O'Dell Streets)	Lot 11, DP 596544
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Faulkner Street

Site of Trim's Store (corner Dumaresq Street)	Lot 16, DP 814532
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Lambs Avenue/Lynches Road

General Cemetery

Markham Street

No 136	Site of Cordial Factory and cottage (corner Butler Lane)	Lot 1, DP 196798
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Rusden Street

No 237	Domed cistern	Lot 24, DP 716036
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Tancredi Street

Site of B A Moses' Tannery	Lot 4, DP 590416
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Taylor Street

Site of Robert Kirkwood's Mill	Lot 4, DP 758032
Site of Commissioner's Quarters Macdonald Park	Lot 1, DP 758032

Part 4 Landscape items

Note—

This list does not include landscape items already identified elsewhere in this Schedule.

Street No	Building/Site details	Property description
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Barney Street

	Smith House and trees located along eastern boundary of 125 Brown Street being SP 64758 (Refer to Heritage Item)	SP 64758; Lot 5, DP 880142
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Beardy Street

	Monument and tree (east side of Court House)	Lot 4, DP 758032
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Bona Vista Road

	Bona Vista House and Garden	Lots 669 and 670, DP 755808
No 19	Trees and garden	Lot 43, DP 1054738

Brown Street

No 84	'Trelawney' Garden (Refer to Heritage Item)	Lot 13, DP 758032
Nos 91-93	Garden and Hedge	Lot 6, DP 1058810
No 108	"Birida" Garden (Refer to Heritage Item)	SP 70597

Butler Street

	Armidale High school Grounds (Refer to Heritage Item)	Lots 1 and 2, DP 758032; Lot 1, DP 196298; Lot 705, DP 755808; Lot 1151, DP 821627
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Cooks Road

Nos 90-92	Maroombra garden (200m south of Erskine Street)	Lot 12, DP 777282
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Dangar Street

NE corner Rusden Street	Victorian cast iron post box	
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	Central Park, including rotunda	Lot 16, DP 1048143
	Armidale City Public School grounds (bounded by Faulkner, Brown and Dangar Streets)	Sec 30, DP 758032
No 146	Himalayan Cedar tree (corner Barney Street)	Lot 1, DP 782856
No 161	“Kilbucho” Garden	Lots 1 and 2, DP 503487
Nos 184-188	Hedges and tree	Lot 20, DP 627295

Dangarsleigh Road

	Terangan grounds	Lots 1-6, DP 857997
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Douglas Street

Corner Dumaresq Street	Armidale Sportsground (corner Dumaresq Street)	Lot 1129, DP 39842
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Elm Avenue

	Entrance to University of New England	Elm Avenue Road Reserve
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Erskine Street

No 125	Presbyterian Ladies’ College grounds (bounded by Glen Innes Road, Duval Street and Crest Road)	
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Faulkner Street

No 132	Denman Cottage including Garden (Refer to Heritage Item)	Lot 1, DP 974137
No 137	St Paul’s Presbyterian Church including grounds, fence, trees and hedge (Refer to Heritage Item)	Lot 15, Sec 9, DP 758032
No 157	Hedge and Garden (Refer to Heritage Item)	Lot 1, Sec 18, DP 758032
No 160	“Uloola” including Garden (Refer to Heritage Item)	Lot 20, DP 1046000
No 177	“Highbury” Hedge and trees (Refer to Heritage Item)	Lot 4, DP 339610
No 187	Garden, trees and hedge	Lot 1, DP 129759
No 189	Hedge	Lot 1, DP 119181
No 201 (corner College Ave)	Garden (corner College Avenue)	Lot 2, DP 324646

No 140 Elm trees Lot 2, DP 573158

Galloway Street

No 65 Garden (Refer to Heritage Item) Lot 23, DP 621281

Glen Innes Road

“Canowindra” Lot 5, DP 608284

Jessie Street

No 170 “Sturry” Garden Lot 1, DP 153868

No 174 Eucalyptus tree Lot 11, DP 758032

No 178 Garden Lot 1, DP 995365

Lambs Avenue/Lynches Road

Armidale Cemetery Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 7036, DP 1073329

Lynches Road

No 68
(corner
Barclay
Road) Trees in garden (corner Barclay Road) Lot 1, DP 242027

Mann Street

No 65 Opawa including garden and trees (Refer to Heritage Item) Lot C, DP 364214

No 89 Garden Lot 48, DP 632165

Nos 91-93 Gardens, hedge and fence Lot 10, DP 557652; Lot 13, DP 559703

No 112 Garden Lot 1, DP 130024

No 116 Cedar Trees Lot 10, DP 564560

No 118
(corner
Faulkner
Street) Loombra (Corner Faulkner Street) Garden and Cedar Tree (Refer to Heritage Item) Lot 9, DP 564560

No 128 Garden, Hedge and Fence (Refer to Heritage Item) Lots 1 and 3, DP 212280

No 150 Hedge and peppercorn tree Lot 14, Sec 46, DP 758032

No 157 Garden Lots 3 and 4, Sec 28, DP 758032

No 164 Garden Lot 1, DP 555691

Marsh Street

No 139	Two Himalayan Cedar Trees	Lot 1, DP 1102010
Nos 159-163	Hedge, fence, garden trees	Lot 1, DP 711560; Part Lot 1, Sec 17, DP 758032
No 189	Garden	Lot A, DP 330161
No 34	“Cotswold” including fence and grounds (Refer to Heritage Item)	Lot 22, DP 610117
No 179	Garden	Lot 1, DP 745132
No 168	“Belmore Cottage” Garden, Trees and Hedge (corner Brown Street) (Refer to Heritage Item)	Lot A, DP 155192
No 184	“Comeytrowe” (including garden and trees)	Lot 23, DP 590445

Middlefarm Road

Eucalyptus tree	Road reserve
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Mossman Street

No 120	Yo-Merrie garden (corner Faulkner Street)	Lot 1, DP 327470
No 145	The Turrets Garden (Refer to Heritage Item)	Lot A, DP 370218

Rusden Street

No 291	Cypress trees in garden	Lot 10, DP 1036607
	Drummond School grounds and trees	Sec 59, DP 758032

Taylor Street

CB Newling Administration Centre and playing fields grounds	Lot 3, DP 1046262
Indigenous eucalypts	Lot 3, DP 1046262

The Boulevarde

Former St Patrick’s Orphanage including grounds (Refer to Heritage Item)	SP 49700
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Uralla Road

Former Bishops court and grounds (Refer to Heritage Item)	Lot 701, DP 834291
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Schools, public places

Armidale Cemetery

Cemetery Grounds (refer Heritage Item)

Armidale Racecourse

(refer Heritage Item)

Lot 1130, DP 39842

Armidale Showground

Including trees (refer Heritage Item)

Lot 2, DP 875013

Catholic Church—Convent

Churchyard

Sec 7, DP 758032

Convent Grounds (refer Heritage Item)

Sec 7, DP 758032

CB Newling Centre of the University of New England

Including Grounds (refer Heritage Item)

Lot 1, Sec 78, DP 758032

O'Connor Catholic College

Entry gates, avenue of trees and grounds (refer Heritage Item)

Lots 1-4, DP 522525; Lot 10, DP 112882

St Peter's Church Group

Includes Churchyard and rectory garden (refer Heritage Item)

Lot 100, DP 869687

Uniting Church Group

Uniting Church Grounds and grounds of Parsonage (refer Heritage Item)

Lots 10-13, DP 758032

University of New England

Grounds to Booloominbah; Grounds to Trevenna; Elm Avenue of Trees (refer Heritage Item)

Lot 3, DP 549961; Lots 5 and 6, DP 871514; Lots 1 and 2, DP 1074902

Dictionary

(Clause 5)

abattoir means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed at or from the building of place, and includes a knackery.

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made

for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

adjoining, in relation to an area, means abutting or separated only by a public reserve, road, river, watercourse, or tidal or non-tidal water, or other like division.

advertisement has the same meaning as in the Act.

Note—

The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

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

airport means a place used for the landing, taking-off or parking of aeroplanes (including terminals, buildings for the parking or maintenance of aeroplanes, associated installations and movement areas), and includes heliports.

airport buffer area means the area around Armidale Regional Airport as shown by diagonal hatching on the map.

alignment means the boundary line between any public place and any land abutting that place.

ancillary dwelling means a dwelling that is fundamental, but subordinate, to the operation of a non-residential use that is permitted on the land, but does not include a rural worker's dwelling.

ANEF means Australian noise exposure forecast within the meaning of Australian Standard AS 2021-2000, *Aircraft Noise Intrusion—Building siting and construction*.

animal boarding, breeding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary clinic.

aquaculture has the same meaning as in the [Fisheries Management Act 1994](#).

Note—

The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial

purpose, or

(e) any other thing prescribed by the regulations (made under the [Fisheries Management Act 1994](#)).

archaeological site means the site (as listed in Part 3 of Schedule 2) of one or more relics.

arterial road means an existing road shown on the map as a continuous red band on white between firm black lines.

attached dual occupancy means a dual occupancy where the 2 dwellings share a common wall and roofline so as to give the appearance of a single building.

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel accommodation.

brothel has the same meaning as in the Act.

Note—

The term is defined as a brothel within the meaning of the [Restricted Premises Act 1943](#) (ie premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose), but excludes premises used or likely to be used for the purposes of prostitution by no more than one prostitute.

building has the same meaning as in the Act.

Note—

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure) or a temporary structure within the meaning of the [Local Government Act 1993](#).

building identification sign means a sign that identifies or names a building and that may include the name of a business or building, the street name and number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or

auction of (or for the hire or display of) goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading and unloading the items into their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale of bulky goods.

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

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note—

The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note—

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the [Environmental Planning and Assessment Act 1979](#).

bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

business identification sign means a sign:

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

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

car parking station means a building or place, whether operated for gain or not, used for parking vehicles not specifically for use in relation to another use, and includes any manoeuvring space and access from or to the building or place.

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

cemetery means a building or place designed to be used for the burial, cremation or processing of human corpses, and includes a chapel, crematorium and burial ground but does not include a family burial ground.

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

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

but does not include:

- (c) a family day care home or home-based child care home, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

clearing means:

- (a) cutting down, felling, thinning, logging, removing or transplanting vegetation, or

- (b) killing, destroying, poisoning, ringbarking, uprooting or burning vegetation, or
- (c) severing, topping, lopping or pruning branches, limbs, stems or trunks of vegetation, or
- (d) substantially damaging or injuring vegetation in any other way.

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 a different kind and whether or not the whole or a part of any 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 does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a purpose elsewhere specifically defined in this Dictionary.

community facility means a building or place owned or controlled by a public authority or community organisation and used for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this Dictionary.

construction camp means a temporary camp site for workers involved in a construction activity.

convenience shop means a shop that:

- (a) trades principally in the retail sale of groceries, takeaway foods, smallgoods and household items and services and may include the facilities of a post office, and
- (b) may be attached to or form part of a dwelling, and
- (c) does not have an area devoted to retailing that exceeds 75 square metres.

Council means Armidale Dumaresq Council.

Crown land has the same meaning as in the [Crown Lands Act 1989](#).

Note—

This term is defined as follows:

Crown land means land that is vested in the Crown or was acquired under the Closer Settlement Acts as in force before their repeal, not in either case being:

- (a) land dedicated for a public purpose, or
- (b) land that has been sold or lawfully contracted to be sold and in respect of which the purchase price or other consideration for the sale has been received by the Crown.

Crown reserve means a reserve within the meaning of section 78 of the [Crown Lands Act 1989](#).

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place in a heritage conservation area, that contributes to its heritage significance.

dam means an excavation in which water is stored by the use of earthen walls or walls made of other materials.

demolish, in relation to a heritage item, or a building, work, relic or tree in a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere defined in this Dictionary.

display, in relation to signage, means the erection of a structure for the purposes of display and the use of land, or a building on land, for the purposes of display.

dredging work means:

- (a) any work that involves excavating water land, or
- (b) any work that involves the removal of material from water land that is prescribed by the regulations to the *Fisheries Management Act 1994* as being dredging work to which Division 3 of Part 7 of the *Fisheries Management Act 1994* applies.

drive-in theatre means any place or structure:

- (a) that is used or intended to be used for the purpose of exhibiting or screening films in the open air, and
- (b) in respect of which provision is made for the parking or accommodation of motor vehicles from which such films are to be viewed, and
- (c) to which admission may ordinarily be gained by members of the public on payment of money, or other consideration, as the price or condition of admission,

and includes any building used or intended to be used in connection with the place or structure.

dual occupancy means 2 dwellings (whether attached or detached) on a single lot.

dwelling means a building or part of a building used as a self-contained residence.

dwelling house means a building containing 1 but not more than 1 dwelling.

educational establishment means a building or place used principally for education (including teaching), and includes:

- (a) a school or tertiary institution, whether or not accommodation for staff and students is provided and whether or not used for the purposes of gain, and
- (b) an art gallery or museum,

with ancillary facilities such as shops and restaurants.

energy generating facility means a structure or work that is privately supplied and generates energy for consumption by a development or activity on the same site, but does not include generating works or public utility undertakings.

entertainment includes:

- (a) amusement provided by means of any ride or device or by any other means (such as pin-ball machines and video games), and
- (b) an exhibition, sporting event or contest,

but does not include amusement provided by means of an approved gaming machine within the meaning of the [Gaming Machines Act 2001](#).

entertainment facility means a building or place used for the purpose of sport, entertainment, exhibition, displays, or cultural events, and includes:

- (a) sports stadiums, showgrounds, race courses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

exhibition home means a dwelling house or other dwelling used temporarily for display purposes.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

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

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

floor area, of a building, means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

forestry has the same meaning as **forestry operations** in the [Forestry and National Park Estate Act 1998](#).

Note—

The term is defined as follows:

forestry operations means:

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

frontage means a boundary of a lot that abuts a road.

general advertising means all signage except for the following:

- (a) business identification signs,
- (b) building identification signs,

(c) signage, the display of which is exempt development,

(d) signage on vehicles,

and includes any structure for the advertising.

general agriculture means the rearing of animals using grazing as a feeding method or the growing of plants using natural rainfall (except for irrigated pasture and fodder crops), but does not include intensive livestock or intensive plant agriculture.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy, but does not include energy generating facilities or public utility undertakings.

gross floor area means the sum of the areas of each floor of a building if 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 1,400mm above each floor level excluding:

(a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall,

(b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,

(c) car-parking needed to meet any requirements of the council and any internal access thereto,

(d) space for the loading and unloading of goods.

group of convenience shops means a group of no more than 4 shops that are:

(a) located on adjoining land, and

(b) not located closer than 400m to another shop or business zone or group of convenience shops.

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

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

(a) to human health, life or property, or

(b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality:

(a) to human health, life or property, or

(b) to the biophysical environment.

health care professional means a person who provides professional health care services to members of the public.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public regularly used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land that is shown edged by a broken blue line on the map (including any heritage items situated on or in that conservation area).

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

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 2.

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

high technology industry means an industry or associated commercial activity that is directly associated with the activities of a research establishment or tertiary educational establishment or that predominantly involves the use, development or production of advanced technologies.

highway service centre means development that has direct access to a freeway or controlled access road and that may include petrol and diesel fuel outlets, toilets, restaurant facilities (for either sit-down or take-away meals, or both), parking for cars, buses and trucks, and emergency repair facilities.

holding means:

- (a) except as provided by paragraph (b), the area of a lot or parcel of land, or
- (b) if a person owns 2 or more adjoining or adjacent lots or parcels of land, the aggregation of the areas of those lots or parcels.

home business means a business undertaken by the permanent residents of a dwelling, if no more than 3 other persons are also employed.

home industry means an industry carried on in a building (other than a dwelling) under the following circumstances:

- (a) the building does not occupy floor space exceeding 50 square metres and is erected in the curtilage of the dwelling house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, 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 or grit, oil or otherwise,
 - (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.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more the permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hotel means licensed premises under the [Liquor Act 1982](#) the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include accommodation and whether or not food is sold on the premises.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include an extractive industry or a mine.

institution means a correctional centre within the meaning of the [Crimes \(Administration of Sentences\) Act 1999](#), and includes a correctional complex within the meaning of that Act.

integrated housing means the subdivision of land into at least 5 lots, each having an area of at least 232 square metres, and the erection of a single dwelling on each of those lots.

intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or general agriculture or aquaculture.

intensive plant agriculture means the commercial cultivation of fruit, flowers, nuts, vegetables, mushrooms or turf, and includes vineyards, wholesale plant nurseries or the use of hydroponic horticultural systems but does not include where the produce is grown for personal household consumption or enjoyment.

land includes:

- (a) the sea or an arm of the sea,
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and
- (c) a river, stream or watercourse, whether tidal or non-tidal, and
- (d) a building erected on the land.

landing area means an area of ground suitable for the take-off and landing of aeroplanes and associated aeroplane operations.

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

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

maintenance in relation to a heritage item, or a building, work, archaeological site, tree or place in a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

maintenance dredging means the winning or removal and the disposal of extractive material from the bed of a watercourse to enable the watercourse:

- (a) to continue to function as a watercourse, or
- (b) to resume its function as a watercourse.

manufactured home means a self contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- (a) that comprises 1 or more major sections, and
- (b) that is not a registrable vehicle within the meaning of the [Road Transport \(Vehicle Registration\) Act 1997](#),

and includes any associated structures that form part of the dwelling.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

market means premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

materials recycling facility means a building or place used for collecting, dismantling, storing or recycling of second-hand or scrap materials, goods or machinery for the purpose of resale, reuse or transfer.

medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment, or counselling) to outpatients only.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mineral has the same meaning as in the [Mining Act 1992](#).

mining means obtaining (by methods including excavating, quarrying, dredging, tunnelling or drilling) or removing minerals, petroleum or natural gas and includes the storage and processing of the material obtained.

mixed use development means a building or place comprising 2 or more different land uses.

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

motel means premises used for the temporary or short-term accommodation of travellers but does not include premises defined elsewhere in this Dictionary.

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note—

The term is defined as follows:

moveable dwelling means:

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

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land.

native vegetation has the same meaning as in the [Native Vegetation Act 2003](#).

Note—

The term is defined as follows:

Meaning of “native vegetation”

(1)

Native vegetation means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2)

Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3)

Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

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

Obstacle Limitation Surface Plan means the plan entitled *Obstacle Limitation Surface Plan* approved by the Commonwealth Civil Aviation Safety Authority and held in the office of the Council.

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

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

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

place of public entertainment has the same meaning as in the Act.

Note—

The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment,

but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or

(c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

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.

permanent group home means a dwelling:

- (a) used to provide a household environment for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, with or without paid or unpaid supervision or care and with or without payment for board and lodging being required,

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

premises means any of the following:

- (a) a building of any description or any part of it and the appurtenances to it,
- (b) a manufactured home, moveable dwelling and associated structure,
- (c) land, whether built on or not,
- (d) a shed or other structure,
- (e) a tent,
- (f) a swimming pool,
- (g) a ship or vessel of any description (including a houseboat), or
- (h) a van.

professional consulting office means a building or place used for the purpose of professional or like activities that do not involve dealing with members of the public on a direct and regular basis or otherwise than by an appointment, except if this is a minor activity ancillary to the main purpose for which the building or place is used.

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

Note—

The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public road has the same meaning as in the *Roads Act 1993*.

Note—

The term is defined as follows:

public road means:

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

railway means a fixed rail transport route for conveying passengers and goods.

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

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

and any ancillary buildings, but does not include a recreation facility.

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 an entertainment facility.

recreation vehicle area has the same meaning as in the *Recreation Vehicles Act 1983*.

refreshment room means a cafe, tea room, eating house, kiosk or the like that has a floor space of less than 75 square metres, but does not include a restaurant.

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

- (a) that relates to the settlement of the area of Armidale Dumaresq, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly in the ground.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted premises means commercial premises or shops that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a hotel, a motel, a pub, home occupation (sex services) or sex services premises.

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

road means a public road or a private road within the meaning of [Roads Act 1993](#), and includes a classified road.

road transport terminal means a building or place used for the bulk handling of goods for transport by motor vehicle, and includes the loading and unloading of containers.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

rural industry means an industry that involves the handling, treating, production, processing or packing of primary products, and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality, but does not include an extractive industry or mining.

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

sawmill means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

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

- (a) the hiring of trailers,
- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,

- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles (not involving body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

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

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

shop means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

take away food outlet means a shop that is predominantly for the preparation of food and refreshments for consumption elsewhere.

telecommunications facility means a building, structure, or thing, including telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit or pole, that is used in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

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

the map means the map marked “*Armidale Dumaresq Local Environmental Plan 2007*”, as amended by the maps (or sheets of maps) marked as follows:

Editorial note—

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

threatened species, populations or ecological communities means species, populations or ecological communities specified in Schedule 1, 1A or 2 of the *Threatened Species Conservation Act 1995* or Schedules 4, 4A or 5 of the *Fisheries Management Act 1994*.

tourist facility means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat handling 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 tourist activities.

transitional group home means a dwelling:

- (a) used to provide temporary accommodation, for the purposes of relief or rehabilitation, for disabled persons or socially disadvantaged persons, whether those persons are related or not, and
- (b) occupied by the persons referred to in paragraph (a) as a single household, either with or without paid or unpaid supervision or care and either with or without payment for board and lodging being required,

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

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

urban release area means an area of land shown hatched and lettered “Urban Release Area” on the Urban Release Area Map.

Urban Release Area Map means Sheet 4 of the map.

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

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

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

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purposes of treatment and may include laboratory facilities.

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

waste depot means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

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

waste water treatment facility buffer area means the area within 900 metres of MGA Zone 56 (GDA 94) Coordinates E 376487.97 N 6623317.44.

water land has the same meaning as in the [Fisheries Management Act 1994](#).

Note—

The term is defined as follows:

water land means land submerged by water:

- (a) whether permanently or intermittently, or
- (b) whether forming an artificial or natural body of water,
- (c) and includes wetlands and any other land prescribed by the regulations as water land to which this Division applies.

waterbody means a natural body of water, whether perennial or intermittent fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes:

- (a) a river, creek or stream that is named or is shown as a permanent watercourse on 1:25,000 topographic maps prepared by the Department of Lands, or
- (b) a lake, lagoon, natural wetland, estuary, bay or inlet.

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

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