

# Scone Local Environmental Plan 1986

[1986-392]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Authorisation

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](#).

File last modified 20 February 2009

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New South Wales

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# Scone Local Environmental Plan 1986



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Scone Local Environmental Plan 1986*.

### 2 Aims, objectives etc

This plan aims to encourage the proper management, development and conservation of natural and man-made resources within the local government area of Scone by protecting, enhancing and conserving:

- (a) important agricultural resources,
- (b) timber, minerals, soils, water and other natural resources, and
- (c) scenic and rural landscape, and
- (d) the environmental and cultural heritage of the local government area.

### 3 Land to which plan applies

This plan applies to all land within the Shire of Scone, as shown edged heavy black on the map marked "*Scone Local Environmental Plan No 1986*" deposited in the office of the Council of the Shire of Scone.

### 4 (Repealed)

### 5 Interpretation

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

**agriculture** means:

- (a) the production of crops or fodder, or
- (b) horticulture, including fruit, vegetable and flower crop production, and the use of land for wholesale plant nurseries, or

(c) the grazing of livestock, or

(d) the keeping and breeding of livestock, including poultry, other birds and bees, for commercial purposes,

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

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

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

**automotive use**, in relation to land and any building or work erected on any land, means a use of a building, work or land for the purpose of fuelling, lubricating, cleaning, caring for, maintaining or repairing motor vehicles and offering for sale and installing automotive accessories or parts and includes an auto-electrician's workshop, a shop for the sale of auto spare parts, tyres or car batteries or a tyre retreading workshop, but does not include a building or place elsewhere specifically defined in this clause or in any definition adopted for the purposes of this plan.

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

(a) provides temporary accommodation for the short-term traveller,

(b) offers meals for guests only,

(c) does not accommodate more than 12 persons,

(d) does not have a floor area greater than 300m<sup>2</sup>,

(e) does not contain cooking facilities in rooms for the preparation of meals by guests, and

(f) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who normally reside in the dwelling.

**brothel** means premises used for the purpose of prostitution, including those where only one person is engaged in prostitution at any one time.

**building line** means the building line fixed by the Council pursuant to section 308 of the [Local Government Act 1919](#).

**bulky goods sales room or showroom** means a building or place used for the sale (by retail or auction) or the hire or display, of items (whether goods or materials) that are of such size, shape or weight as to require:

(a) a large area for handling, storage or display, or

(b) direct vehicular access to the site of the building or place by customers for the purpose of collecting their items after purchase,

and that may also be used for the sale of motor-powered or motor-drawn vehicles and agricultural or industrial plant or machinery, but does not include a building or place used for the sale of foodstuffs or clothing.

**bushfire hazard reduction** means the reduction or modification (by burning, mechanical or manual means) of material that constitutes a bushfire hazard.

**communications facility** means a building or other structure, work or place primarily for transmitting or receiving signals for the purpose of communication and includes radio masts and towers, satellite disks and the like.

**conservation area** means the land identified as such, and marked "Conservation Area", on the map.

**cluster development** means the erection, on a single allotment of land, of more than 1 dwelling-house, but does not include the erection of a dwelling-house on such an allotment where that dwelling-house is intended to replace entirely an existing dwelling-house on that allotment.

**Council** means the Council of the Shire of Scone.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of that building or work in whole or in part.

**eco-generating works** means a building, work or place used for the generation of energy using:

- (a) renewable resources, such as solar, wind or tidal energy and the like, or
- (b) resources such as methane gas produced from land-fill operations.

**environmental conservation** means the protection, rehabilitation or restoration of land, which is consistent with practices agreed to by Council, National Parks and Wildlife Service, Department of Land and Water Conservation or NSW Agriculture, whichever is appropriate.

**existing holding** means:

- (a) except as provided by paragraph (b), a lot, portion or parcel of land as it was on the 15th May, 1970, or
- (b) where, on the 15th May 1970, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on the date.

**farm stay establishment** means an established farming enterprise which:

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

**feed lot** means a building or place in which or on which cattle, sheep or any other livestock are held for the purpose of nurturing either wholly or partly by a feeding method other than natural grazing, but does not include a piggery or stock home.

**floor space**, in relation to a building, means all that floor area contained within the external face of the outer walls of the building measured at a height of 1.5 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors, toilets, lift shafts and service ducts, but does not include:

- (a) any car parking space in the building provided to meet the standards required by the responsible authority (but not any space provided in excess of those standards) and any access to it,
- (b) space used for the loading or unloading of goods,
- (c) lift towers, cooling towers, machinery and plant rooms and any related storage space, or
- (d) space permanently available for public access through the building.

**floor space ratio**, in relation to a building erected or to be erected on an allotment of land, means the ratio of the floor space of the building to the area of the allotment.

**general agriculture**, means agriculture that does not need to be carried out on land that is within an area identified on a map (prepared by or on behalf of the Director General of the Department of Agriculture, deposited in an office of the Council and a copy of which is deposited in an office of the Department of Agriculture) as class 1 and 2 agricultural land, and that is generally carried out on substantial land areas.

**Heritage Council** means the Heritage Council of New South Wales constituted under the [Heritage Act 1977](#).

**height**, in relation to a building, means the vertical distance between the level of the natural ground adjacent to a wall and a point 3 metres above the floor level of the topmost floor of that building measured at any point along a wall of that building.

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



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

***intensive agriculture*** means:

- (a) the use of a site predominantly for the cultivation by irrigation of fruit, vegetable crops, flower crops, pasture or fodder, or like crops which rely on irrigation, or
- (b) the commercial keeping or breeding (or both) of livestock which substantially depend on high quality forage produced from the land, such as the operation of a dairy, horse stud or similar enterprise.

***intensive livestock keeping establishment*** means a building or place on which cattle, sheep, goats, poultry or other livestock are kept for the purposes of nurturing by a feeding method other than natural grazing, including feed lots, piggeries, poultry farms, fish farms and crustacean farms, but does not include an animal boarding, breeding or training establishment or land used solely for the keeping of livestock or poultry intended for personal consumption or enjoyment by the owner or occupier of the land, or the intensive hand feeding of livestock as a result of a natural disaster such as drought, flood or bushfire.

***item of environmental heritage*** means a building, work or relic identified by a circled number on the map and any item described in Schedule 4.

***land within a flood-prone area*** means land identified as such on a map marked

“Flood-Prone Land Map” held in the office of the Council.

**moveable dwelling** means a dwelling other than a caravan, mobile home and the like which is:

- (a) a self contained dwelling including at least a kitchen, bathroom, bedroom, living area, toilet and laundry facilities,
- (b) manufactured off-site in one or more major sections and transported to a site for installation, and
- (c) capable of being placed on and removed from a site within 24 hours.

**property management plan** means a plan prepared by an appropriately qualified consultant that provides details of such of the following matters, as are relevant to the application to which the property management plan relates:

- (a) Existing landuse:
  - (i) the existing and proposed use of the subject property,
  - (ii) identification of adjoining land uses, and
  - (iii) description of any potential conflicts between the proposed development and the existing land use on the subject property and/or land use on adjoining properties (including but not limited to an examination of issues such as noise, dust, odour or chemical spray),
  - (iv) proposed means of minimising any potential conflicts identified,
- (b) Infrastructure/Plant:
  - (i) any specialised machinery to be used in the proposed agricultural use,
  - (ii) any specialised handling, processing and storage facilities to be used for the proposed agricultural use,
  - (iii) specialised internal fencing to be used in the proposed agricultural use,
  - (iv) the adequacy of road access to and within the allotment for the proposed agricultural use. (Any proposed roads should be included in an erosion and sediment control plan as required below),
  - (v) the adequacy of the supply of electricity to the allotment and the arrangements for the distribution of electricity to the proposed agricultural use and for its connection to any proposed dwelling house, and
  - (vi) the location intended for any proposed dwelling house,
- (c) Water:

- (i) any existing water allocation, including riparian rights, that has been obtained and how it is appropriate for the proposed development,
  - (ii) any additional water allocations proposed or required for the proposed development,
  - (iii) any irrigation system and its likely impact on waterways and aquifers,
  - (iv) any drainage works to contain runoff of effluent or chemical residues, or any other available substance or material stored or generated on site that is likely to result in the contamination of surface or ground waters, and
  - (v) the impact that any localised flooding has on the land and/or the impact that the development may have on localised flooding,
- (d) Aquifer:
- (i) the location of any aquifer, dam, river, creek or other water source situated under or on, or passing through the land, and
  - (ii) the potential impact of the proposed use on any aquifer, including its impact on ground water levels and water quality,
- (e) Soils:
- (i) a soil survey mapping the major soil types of the land and identifying any constraints to development including the physical and chemical limitations and the on-site effluent disposal capability of the soils,
  - (ii) an erosion and sediment control plan prepared in accordance with the requirements of the Department of Land and Water Conservation,
- (f) Land capability:
- (i) a land capability study prepared in accordance with any standards, guidelines or requirements of the Department of Land and Water Conservation, identifying the different land capability classes within the area,
  - (ii) the identification of any land degradation issues, including soil erosion, dry land salinity and mass movement. This must include methods to minimise sediment loss from the site and incorporate an erosion and sediment control plan for the site, and
  - (iii) the land management practices appropriate for the land capability classes identified,
- (g) Vegetation:
- (i) the impact vegetation clearance may have on the existing habitat of native

fauna and in particular addressing the requirements of the *Native Vegetation Conservation Act 1997*,

- (ii) the risk of bushfire and proposed mitigation measures, and
  - (iii) whether the removal of native vegetation will result in land degradation or reduce surface or ground water quality,
- (h) Conservation measures:
- (i) the location of and the, purpose and management strategies, for any areas set aside for conservation purposes,
  - (ii) the location of and management strategies, for any areas designated for rehabilitation, and
  - (iii) the location, staging and management of any restoration works proposed within the area.

**qualified consultant** means a person who possesses tertiary qualifications in agricultural science land management, or both, has at least two years practical experience in that field and is a member of a professional agricultural, natural resource management or land use planning association that has a code of ethics, or any other person who Council is satisfied is capable of preparing the necessary documentation.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include racecourses or showgrounds.

**recreation facility** means a building or place used for sporting, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere specifically defined in this clause.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation), prior to 1 January 1900, of the area of the Council.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**residential building** means a building used or intended for use as a residential flat building, a boarding-house, a lodging-house or a hostel but does not include a motel.

**residential flat building Class A** means a residential flat building containing not more than 2 flats, and includes buildings such as are commonly known as duplex flats, maisonettes or semi-detached cottages.

**residential flat building Class B** means a residential flat building containing more than 2 flats in a group such as are commonly known as group houses, villa homes, town houses, terrace buildings and the like.

**road transport depot** means a building or place used for the servicing, repair or parking of vehicles used for the purpose of a road transport undertaking but does not include a road transport terminal.

**rural workers' dwelling** means a dwelling which Council is satisfied will be used as the place of residence of persons whose principal employment is for the purpose of agriculture, intensive agriculture, general agriculture or any other approved use of the land on which the dwelling will be located.

**small gravel pits** means a gravel pit which does not exceed 1 hectare in disturbed area, the use of which is not declared as "designated development" by or under the [Environmental Planning and Assessment Act 1979](#) or this plan, and which has been established for the sole means of winning gravel to be utilised on roads maintained by Council or any other Public Authority.

**storey** means any floor containing any habitable room or rooms.

**the map** means the series of maps marked "Scone Local Environmental Plan 1986" deposited in the office of the Council, as amended by the maps so deposited and marked as follows:

**Editorial note—**

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

*Scone Local Environmental Plan 1986 (Amendment No 3)*

*Scone Local Environmental Plan 1986 (Amendment No 4)*

*Scone Local Environmental Plan 1986 (Amendment No 5)*  
*Scone Local Environmental Plan 1986 (Amendment No 6)*  
*Scone Local Environmental Plan 1986 (Amendment No 8)*  
*Scone Local Environmental Plan 1986 (Amendment No 11)*  
*Scone Local Environmental Plan 1986 (Amendment No 14)*  
*Scone Local Environmental Plan 1986 (Amendment No 15)*  
*Scone Local Environmental Plan 1986 (Amendment No 16)*  
*Scone Local Environmental Plan 1986 (Amendment No 19)*  
*Scone Local Environmental Plan 1986 (Amendment No 20)*  
*Scone Local Environmental Plan 1986 (Amendment No 21)*  
*Scone Local Environmental Plan 1986 (Amendment No 22)*  
*Scone Local Environmental Plan 1986 (Amendment No 23)*  
*Scone Local Environmental Plan 1986 (Amendment No 28)*  
*Scone Local Environmental Plan 1986 (Amendment No 29)*  
*Scone Local Environmental Plan 1986 (Amendment No 31)*  
*Scone Local Environmental Plan (Amendment No 33)*  
*Scone Local Environmental Plan 1986 (Amendment No 34)*  
*Scone Local Environmental Plan 1986 (Amendment No 36)*  
*Scone Local Environmental Plan 1986 (Amendment No 41)*  
*Scone Local Environmental Plan 1986 (Amendment No 43)*  
*Scone Local Environmental Plan 1986 (Amendment No 45)*  
*Scone Local Environmental Plan 1986 (Amendment No 57)*  
*Scone Local Environmental Plan 1986 (Amendment No 58)*  
*Scone Local Environmental Plan 1986 (Amendment No 59)*  
*Scone Local Environmental Plan 1986 (Amendment No 65)*  
*Scone Local Environmental Plan 1986 (Amendment No 67)*

*Scone Local Environmental Plan 1986 (Amendment No 68)*

**transitional land** means that land which is within 20 metres of a boundary between two zones.

**waste disposal facility** means a place set aside for the disposal of domestic and/or commercial waste.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (b) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in clause 8 (1) as the means of identifying land within the zone so specified.
- (3) Notes in this plan do not form part of this plan.

## 6 Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, with the exception of clauses 15, 34 and 36 and the definitions of **agriculture, gross floor area, recreation facility, rural worker's dwelling** and **the map** in clause 4 (1) of those Model Provisions.

## 7 Consent authority

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

## Part 2 General restrictions on development of land

### 8 Zones and development control table

- (1) For the purposes of this plan, land to which this plan applies shall be within a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Zone No 1 (c) (Rural Small Holdings Zone)—coloured light brown with heavy black edging and lettered "1 (c)".

Zone No 1 (c1) (Small Holdings Zone)—coloured light brown with heavy black edging and lettered "1 (c1)".

Zone No 1 (d) (Rural Holdings Zone)—coloured light brown with heavy black edging and lettered "1 (d)".

Zone No 1 (e) (General Agricultural Zone)—coloured light brown and lettered "1

(e)".

Zone No 1 (f) (Forestry Zone)—coloured light brown with heavy black edging and lettered "1 (f)".

Zone No 1 (i) (Intensive Agricultural Zone)—coloured light brown with heavy black edging and lettered "1 (i)".

Zone No 1 (s) (Small Farm Zone)—coloured light brown with heavy black edging and lettered "1 (s)".

Zone No 2 (a) (Residential "A" Zone)—coloured light scarlet and lettered "2 (a)".

Zone No 2 (b) (Residential "B" Zone)—coloured light scarlet with heavy black edging and lettered "2 (b)".

Zone No 2 (c) (Residential "C" Zone)—coloured light scarlet with heavy black edging and lettered "2 (c)".

Zone No 2 (d) (Residential (Release Area) Zone)—coloured light scarlet with heavy black edging and lettered "2 (d)".

Zone No 2 V (Village or Township Zone)—coloured light scarlet with heavy black edging and lettered "V".

Zone No 3 (a) (General Business Zone)—coloured light blue and lettered "3 (a)".

Zone No 3 (b) (Special Business Zone)—coloured light blue with heavy black edging and lettered "3 (b)".

Zone No 3 (c) (Neighbourhood Business Zone)—coloured medium blue and lettered "3 (c)".

Zone No 4 (a) (General Industrial Zone)—coloured purple and lettered "4 (a)".

Zone No 4 (b) (Light Industrial—Special Business Zone)—coloured light brown with heavy black edging and lettered "4 (b)".

Zone No 5 (a) (Special Uses "A" Zone)—coloured yellow and lettered "5 (a)".

Zone No 5 (b) (Special Uses "B"—Proposed Arterial Road Reservation Zone)—coloured with a broken red band between a heavy black line and a broken black line.

Zone No 5 (c) (Special Uses "C"—Water Conservation Zone)—coloured yellow and lettered "5 (c)".

Zone No 5 (d) (Special Uses "D"—Railway Zone)—coloured blue-purple and lettered "5 (d)".



Zone No 5 (e) (Special Uses “E”—Proposed Local Road and Car Parking Zone)—coloured grey between heavy black lines and lettered “5 (e)”.

Zone No 6 (a) (Open space—Public Recreation Zone)—coloured dark green and lettered “6 (a)”.

Zone No 6 (b) (Open Space—Private Recreation Zone)—coloured dark green with heavy black edging and lettered “6 (b)”.

Zone No 6 (c) (Open Space—Local Open Space Zone)—coloured light green and lettered “6 (c)”.

Zone No 7 (a) (Environment Protection “A”—Scenic Zone)—coloured orange and lettered “7 (a)”.

Zone No 8 (a) (National Parks and Nature Reserves Zone)—coloured with a dark green border with heavy black edging and lettered “8 (a)”.

Zone No 8 (c) (State Recreation Areas Zone)—coloured with a dark green border with heavy black edging and lettered “8 (c)”.

- (2) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) Development may be carried out without development consent,
  - (b) (Repealed)
  - (c) development may be carried out only with development consent, and
  - (d) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to zone.
- (4) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

**Zone No 1 (c) Rural Small Holdings Zone**

## **1 Objectives of the zone**

- (a) To make provision for small holdings in appropriate locations in response to genuine demand and having regard to accessibility, proximity to existing settlements and availability of services, the future expansion of existing settlements and the impact on agricultural activities,
- (b) To ensure that any land proposed to be utilised for small holding has been the subject of an independent environmental assessment and satisfies all relevant criteria (including water supply, effluent disposal, solid waste disposal and soil type) as determined by the Council for the location of such holding, and
- (c) To encourage only development which is sustainable and carried out in a manner that will not have any adverse impact on the environmental qualities of the locality, particularly, any adverse cumulative impacts.

## **2 Without development consent**

Agriculture; bushfire hazard reduction; environmental conservation; home activities.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#)); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works; hotels; industries (other than rural industries and home industries); institutions; intensive livestock keeping establishments; junk yards; liquid fuel depots; motels; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; sawmills; service stations; shops (other than general stores); transport terminals; warehouses, waste disposal facilities.

## **Zone No 1 (c1) Small Holdings Zone**

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

- (a) To facilitate and encourage a mix of small rural holdings on land deemed potentially suitable for such use to meet demands for lifestyle allotments,

small productive agricultural units, animal boarding breeding or training establishments and hobby farms,

- (b) To ensure that any land proposed to be utilised for small holdings has been the subject of an independent environmental assessment and is satisfy all relevant criteria (including water supply, effluent disposal, solid waste disposal and soil type) as determined by the Council for the location of such holdings,
- (c) To ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and to agricultural activity, and
- (d) To encourage only development which is ecologically sustainable and carried out in a manner that will not have any adverse impact on the environmental qualities of the locality, particularly any adverse cumulative impact.

## **2 Without development consent**

Agriculture; bushfire hazard reduction; environmental conservation; forestry—including plantation forestry; home activities.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#)); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works; hotels; industries (other than rural industries and home industries); institutions; intensive livestock keeping establishments; junk yards; liquid fuel depots; motels; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; sawmills; service stations; shops (other than general stores); stock and sale yards; transport terminals; warehouses; waste disposal facilities.

## **Zone No 1 (d) Rural Holdings Zone**

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

- (a) To promote the conservation of agricultural holdings that are of sufficient

area to be utilised for commercial farming practice,

- (b) To provide for a range of compatible land uses which maintain the rural environment, character and landscape of the locality, and
- (c) To encourage only development which is ecologically sustainable and carried out in a manner that will not have any adverse impacts on the environmental qualities of the locality, particularly any adverse cumulative impacts.
- (d) (Repealed)

## **2 Without development consent**

Agriculture; bushfire hazard reduction; environmental conservation; forestry—including plantation forestry; home activities.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#)); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works (other than eco-generating works); hotels; industries (other than extractive industries; rural industries and home industries); institutions; junk yards; motels; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; service stations; shops; warehouses; waste disposal facilities.

## **Zone No 1 (e) General Agricultural Zone**

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

- (a) To preserve the essential broadacre agricultural landscape of the local government area of Scone, by encouraging continued extensive agricultural land use and by discouraging land uses that may detract from that character,
- (b) To protect and conserve large agricultural holdings and to encourage continuing and sustainable agricultural land use,
- (c) To provide for a range of compatible land uses which maintain the rural

environment, character and landscape of the locality,

- (d) To encourage only development which is ecologically sustainable and carried out in a manner that will not have any adverse impacts on the environmental qualities of the locality, particularly any adverse cumulative impact, and
- (e) To permit non-agricultural land uses such as rural industries, tourist facilities and the like which are in keeping with the preceding zone objectives and which will not adversely affect agricultural productivity.

## **2 Without development consent**

Agriculture; bushfire hazard reduction; environmental conservation; forestry—including plantation forestry; home activities.

## **3 Only with development consent**

Any purpose other than a purpose in item 2 or 4.

## **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#)); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works (other than eco-generating works); hotels; industries (other than extractive industries; rural industries and home industries); institutions; junk yards; motels; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; service stations; shops; warehouses.

## **Zone No 1 (f) Forestry Zone**

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

To make special provisions for all State forests within which forestry activities do not require the consent of Council.

### **2 Without development consent**

Agriculture; anything authorised by or under the [Forestry Act 1916](#).

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

Drainage; extractive industries; mines; public utility installations; roads;

subdivision.

#### **4 Prohibited**

Any purpose other than those included in item 2 or 3.

### **Zone No 1 (i) Intensive Agricultural Zone**

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

- (a) To conserve prime crop and pasture land which is suitable for intensive agricultural pursuits,
- (b) To encourage the development of intensive commercial agricultural enterprises which meet sustainable natural resource management principles and will not have any adverse impact on the environmental qualities of the locality, particularly any adverse cumulative impact,
- (c) To protect intensive agricultural enterprises from operational constraints caused by land use conflicts, especially those arising from a pressure to maintain a level of amenity more appropriate to a residential or hobby farming area,
- (d) To prevent the inappropriate use of land with a high potential for agricultural productivity (including to prevent its use for rural residential and hobby farm purposes),
- (e) To ensure that holdings used for the purpose of intensive agriculture are of a suitable size for that use,
- (f) To protect land within the zone from inefficiencies posed by excessive and non productive improvements, fragmentation of holdings and conflict between land uses,
- (g) To permit supporting, small scale and compatible value adding industries to intensive agriculture where they are ancillary to agriculture, and
- (h) To prevent adverse impact on the environmental qualities of the locality, particularly any adverse cumulative impact.

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

Agriculture; bushfire hazard reduction; environmental conservation; forestry—including plantation forestry; home activities; intensive agriculture.

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

Any purpose other than a purpose in item 2 or 4.

### **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the *Environmental Planning and Assessment Model Provisions 1980*); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works; hotels; industries (other than extractive industries; rural industries and home industries); institutions; junk yards; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; shops; waste disposal facilities; warehouses.

## **Zone No 1 (s) Small Farm Zone**

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

- (a) To provide for a range of compatible land uses which maintain the rural environment, character and landscape of the locality,
- (b) To encourage only development which is sustainable and carried out in a manner that will not have any adverse impact on the environmental qualities of the locality, particularly any adverse cumulative impact,
- (c) To permit underground mining,
- (d) To provide for small scale farming in defined areas where the potential for conflict with sustainable natural resource management and with agricultural and other productive uses can be minimised, and
- (e) To permit non-agricultural land uses such as rural industries, tourist facilities and the like which are in keeping with the preceding zone objectives and which will not adversely affect agricultural productivity.

### **2 Without development consent**

Agriculture; bushfire hazard reduction; environmental conservation; forestry—including plantation forestry; home activities.

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

Any purpose other than a purpose in item 2 or 4.

#### **4 Prohibited**

Advertising structures (other than permitted by clause 33 of the *Environmental Planning and Assessment Model Provisions 1980*); automotive uses; boarding houses; brothels; bulk stores; clubs; commercial premises; funeral parlours; gas holders; generating works (other than eco-generating works); industries (other than extractive industries; rural industries and home industries); institutions; intensive livestock keeping establishments; junk yards; motor showrooms; nuclear facilities; professional consulting rooms; residential buildings; shops; service stations; waste disposal facilities; warehouses.

#### **Zone No 2 (a) (Residential “A” Zone)**

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

To limit the development of land to development for the purposes of dwelling-houses, duplex flats, maisonettes and semi-detached cottages and other purposes which have a minimal impact on the amenity of low density residential environments.

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

Dwelling-houses.

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

Any purpose other than those included in item 2 or 4.

##### **4 Prohibited**

Abattoirs; advertising structures; aerodromes; animal boarding; breeding or training establishments; automotive uses; bulk stores; caravan parks; car repair stations; cemeteries and crematoria; clubs; commercial premises; extractive industries; funeral parlours; generating works; gas holders; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public buildings; refreshment rooms; residential flat buildings (other than Class “A” or units of two storey construction for aged persons); retail plant nurseries; roadside stalls; road transport terminals; sawmills; service stations; shops; stock and sale yards; timber yards; warehouses; wholesale markets.

#### **Zone No 2 (b) (Residential “B” Zone)**



### **1 Objectives of zone**

To allow residential densities to attain a maximum of 90 bedrooms per hectare in the form of group houses, villa homes, town houses, terrace buildings and the like.

### **2 Without development consent**

Dwelling-houses.

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

Any purposes other than those included in item 2 or 4.

### **4 Prohibited**

Abattoirs; advertising structures; aerodromes; animal boarding, breeding or training establishments; automotive uses; bulk stores; caravan parks; car repair stations; cemeteries and crematoria; clubs; commercial premises; extractive industries; funeral parlours; generating works; gas holders; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public buildings; residential flat buildings (other than Class "A" or Class "B" or units of two storey construction for aged persons); retail plant nurseries; roadside stalls; road transport depots; road transport terminals; sawmills; service stations; shops; stock and sale yards; timber yards; warehouses; wholesale markets.

## **Zone No 2 (c) (Residential "C" Zone)**

### **1 Objectives of zone**

To provide opportunities for a more dense type of residential flat development to a maximum level of 120 bedrooms per hectare and to permit a variety of non-residential uses such as commercial premises, certain shops (see Schedule 3), motels and plant nurseries.

### **2 Without development consent**

Dwelling-houses.

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

Any purpose other than those included in item 2 or 4.

#### **4 Prohibited**

Abattoirs; aerodromes; animal boarding, breeding or training establishments; automotive uses; bulk stores; caravan parks; car repair stations; cemeteries and crematoria; extractive industries; generating works; gas holders; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; places of assembly; roadside stalls; road transport depots; road transport terminals; sawmills; service stations; shops (other than those specified in Schedule 3); stock and sale yards; timber yards; warehouses; wholesale markets.

### **Zone No 2 (d) (Residential (Release Area) Zone)**

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

To make provision for the flexible development of new residential areas.

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

Nil.

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

Any purpose other than those included in item 4.

#### **4 Prohibited**

Abattoirs; aerodromes; animal boarding, breeding or training establishments; automotive uses; bulk stores; cemeteries and crematoria; commercial premises (other than those referred to in Schedule 4); extractive industries; funeral parlours; gas holders; generating works; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; places of assembly; residential flat buildings (other than Class "A" or "B"); roadside stalls; road transport depots; road transport terminals; sawmills; service stations; shops (other than those specified in Schedule 3); stock and sale yards; timber yards; warehouses; wholesale markets.

### **Zone No 2 (V) (Village or Township Zone)**

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

To retain the existing provisions which regulate development in the villages of the area of Scone and allow land to be utilised for most purposes with the consent of the Council.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than those included in item 4.

**4 Prohibited**

Institutions; junk yards within 90m of a main road; mines; offensive or hazardous industries.

**Zone No 3 (a) (General Business Zone)**

**1 Objectives of zone**

To encourage the development of shops and other general business up to a floor space ratio of 1.5:1.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than those included in item 4.

**4 Prohibited**

Abattoirs; aerodromes; agriculture; animal boarding, breeding or training establishments; boarding houses; caravan parks; cemeteries and crematoria; extractive industries; forestry; gas holders; heliports; industries (other than home industries and light industries); junk yards; liquid fuel depots; mines; quarries; retail plant nurseries; roadside stalls; road transport depots; road transport terminals; sawmills; stock and sale yards; timber yards.

**Zone No 3 (b) (Special Business Zone)**

**1 Objectives of zone**

To make specific provision for particular businesses such as service stations, car repair stations and service establishments (such as shoe repairers, dry cleaners and tailors) up to a floor space ratio of 1.5:1.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Advertising structures; clubs; commercial premises; drainage; drive-in liquor shops; drive-in take-away food shops; dwelling-houses or dwellings attached to and used in conjunction with a purpose specified in Schedule 1 or 2; hotels; motels; open space; places of assembly; purposes specified in Schedule 1 or 2; refreshment rooms; retail plant nurseries; roads; utility installations (other than gas holders or generating works); warehouses.

## **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 3 (c) (Neighbourhood Business Zone)**

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

To make provision for local shopping centres of limited size to serve the requirements of local neighbourhoods.

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

Nil.

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

Advertising structures; child care centres; clubs; commercial premises; drainage; general stores; hotels; motels; nurseries; open space; parking; places of assembly; professional consulting rooms; public utility installations (other than gas holders or generating works); purposes referred to in Schedule 2 or 3; refreshment rooms; residential buildings; roads; service stations.

#### **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 4 (a) (General Industrial Zone)**

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

To provide adequate and appropriate land for the accommodation and

development of industrial and ancillary purposes.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than those included in item 4.

**4 Prohibited**

Abattoirs; agriculture; animal boarding, breeding or training establishments; boarding houses; caravan parks; commercial premises; educational establishments; extractive industries; forestry; institutions; mines; motels; places of assembly; places of public worship; professional consulting rooms; public buildings; refreshment rooms; residential flat buildings; roadside stalls; shops (other than small goods and sandwich shops); stock and sale yards; units for aged persons.

**Zone No 4 (b) (Light Industrial—Special Business Zone)**

**1 Objectives of zone**

- (a) To provide adequate and appropriate land for the accommodation and development of light industrial and ancillary purposes, and
- (b) To encourage the establishment of business that is complementary to the future development of the existing commercial centre of Scone, and
- (c) To service the travelling public by promoting the carrying out of development for the purpose of accommodation, entertainment and food outlets.

**2 Without development consent**

Nil.

**3 Only with development consent**

Advertising structures; bulky goods sales rooms or showrooms; car repair stations; commercial premises; communications facilities; dwelling-houses or dwellings attached to and used in conjunction with a purpose referred to in this item; drainage; drive-in takeaway food shops; light industries; motels; motor showrooms; open space; parking; passenger transport terminals;

recreation areas; recreation facilities; retail plant nurseries; road transport depots; roads; rural industries; service stations; veterinary clinics; warehouses.

#### **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 5 (a) (Special Uses “A” Zone)**

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

To make provision for particular specialised uses such as abattoirs and sewerage works.

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

Nil.

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

Any purpose ordinarily incidental or subsidiary to the particular use indicated by black lettering on the map; drainage; the particular use indicated by black lettering on the map; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 5 (b) (Special Uses “B”—Proposed Arterial Road Reservation Zone)**

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

To identify lands, the public acquisition of which will facilitate and improve traffic movement and flow along existing or proposed main roads.

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

Nil.

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

Drainage; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 5 (c) (Special Uses “C”—Water Conservation Zone)**

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

To protect and preserve land which falls within the catchment area of Glenbawn Dam for the purpose of maintaining water quality and supply.

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

Agriculture.

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

Caravan parks; drainage; dwelling-houses; forestry; residential buildings; roads; tourist facilities; water conservation and any purpose ordinarily incidental or subsidiary thereto; utility installations (other than gas holders).

#### **4 Prohibited**

Any purpose other than those included in item 2 or 3.

### **Zone No 5 (d) (Special Uses “D”—Railway Zone)**

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

To identify land owned by the State Rail Authority which may be used for any purposes ordinarily incidental or subsidiary to railways.

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

Nil.

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

Any purpose ordinarily incidental or subsidiary to railways; drainage; open space; roads; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

Any purpose other than those included in item 3.

### **Zone No 5 (e) (Special Uses “E”—Proposed Local Road And Car Parking**

## **Zone)**

### **1 Objectives of zone**

To identify land, the public acquisition of which will provide for improved traffic movement along local roads and within public car parking areas.

### **2 Without development consent**

Nil.

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

Car parking; drainage; roads; utility installations (other than gas holders of generating works).

### **4 Prohibited**

Any purpose other than those included in item 3.

## **Zone No 6 (a) (Open Space—Public Recreation Zone)**

### **1 Objectives of zone**

To protect and preserve land in general community recreational usage.

### **2 Without development consent**

Works for the purposes of gardening, landscaping and bushfire hazard reduction.

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

Agriculture; caravan parks; clubs; drainage; forestry; marinas; public parks; racecourses; recreation areas; recreation facilities; refreshment rooms; roads; showgrounds; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than those included in item 2 or 3.

## **Zone No 6 (b) (Open Space—Private Recreation Zone)**

### **1 Objectives of zone**

To identify land which is to be used in a recreational capacity by private



groups, organisations or clubs.

**2 Without development consent**

Nil.

**3 Only with development consent**

Agriculture; animal boarding, breeding or training establishments; boat clubs; bowling greens; clubs; commercial premises; and industries required in connection with a purpose referred to in this item; drainage; dwelling-houses and residential buildings required for use or occupation by persons employed in connection with a purpose referred to in this item; golf courses; marinas; public utility installations (other than gas holders or generating works); racecourses; recreation areas; recreation facilities; showgrounds; sportsgrounds; training tracks.

**4 Prohibited**

Any purpose other than those included in item 3.

**Zone No 6 (c) (Open Space—Local Open Space Zone)**

**1 Objectives of zone**

To allocate suitable and appropriate land for future public local open space purposes.

**2 Without development consent**

Works for the purpose of gardening, landscaping and bushfire hazard reduction.

**3 Only with development consent**

Agriculture; clubs; drainage; forestry; public utility installations (other than gas holders or generating works); racecourses; recreation areas; refreshment rooms; roads; showgrounds.

**4 Prohibited**

Any purpose other than those included in item 2 or 3.

**Zone No 7 (a) (Environment Protection “A”—Scenic Zone)**

### **1 Objectives of zone**

To protect hill land, escarpments and river valleys of scenic significance and permit a variety of uses subject to more particular control as, for example, in the choice of building materials, position of a building site, access roads and landscaping.

### **2 Without development consent**

Home occupations.

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

Agriculture; dams; animal boarding, breeding or training establishments; drainage; dwelling-houses; eco-generating works; forestry; home industries; hospitals; underground mines; open space; picnic grounds; places of public worship; recreation establishments; retail plant nurseries; roads; roadside stalls; tourist facilities; utility installations.

### **4 Prohibited**

Any purpose other than those included in item 2 or 3.

## **Zone No 8 (a) (National Parks And Nature Reserves Zone)**

### **1 Objectives of zone**

To make conservation and proper management of the native bush and wildlife prime consideration. Areas within this zone are (or will be, following purchase) the responsibility of the National Parks and Wildlife Service.

### **2 Without development consent**

The purposes of the [National Parks and Wildlife Act 1974](#).

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

Nil.

### **4 Prohibited**

Any purpose other than those included in item 2.

## **Zone No 8 (c) (State Recreation Areas Zone)**

## **1 Objectives of zone**

To identify land which is used for the recreational use and enjoyment of the public.

## **2 Development without consent**

Any purpose authorised under the *National Parks and Wildlife Act 1974*, or Part 5 of the *Crown Lands Act 1989*, or any purpose ordinarily incidental or subsidiary to any such purpose.

## **3 Only with development consent**

Nil.

## **4 Prohibited**

Any purpose other than those included in item 2.

# **Part 3 Special provisions**

## **Division 1 Subdivision**

### **9 Consent required**

Land within any zone shall not be subdivided except:

- (a) where the Council is satisfied that the subdivision is for a purpose permitted in respect of the land under this plan, and
- (b) with the consent of the Council.

### **10 Subdivision of land within Zone No 1 (d), 1 (e), 1 (i), 1 (s) or 7 (a)**

- (1) This clause applies to land within Zone No 1 (d), 1 (e), 1 (i), 1 (s) or 7 (a).
- (2) The Council shall consult with any sources of expert advice which it deems appropriate in determining any application for consent for a subdivision of land to which this clause applies.
- (3) If a subdivision would create an allotment wholly within one of the zones specified in Column 1 of the Table to this clause, the allotment must have an area not less than the area shown opposite that zone in Column 2 of that Table.
- (4) If a subdivision creates an allotment with parts in more than one zone, at least one of which is a zone specified in the Table to this clause, the allotment must include an area within each zone specified in the Table to this clause not less than the area shown opposite that zone in Column 2 of that Table.

- (5) An allotment may be created within a zone listed in Column 1 of the Table to this clause which has an area less than the area shown opposite that Zone in Column 2 of that table where the Council is satisfied after the assessment of a Property Management Plan for each such allotment, that the proposed subdivision:
- (a) will enable the land to be used for agricultural purposes,
  - (b) will not diminish the potential of any other land for agricultural purposes,
  - (c) will contribute to the agricultural output of the district within which the land is located,
  - (d) will allow sustainable landuse and that all relevant issues including water supply, effluent disposal and soil conservation have been adequately addressed, and
  - (e) is one in which the ratio of depth to frontage of each allotment of land to be created will be satisfactory having regard to the purpose for which the allotment is intended to be used.
- (6) Despite subclauses (3)–(5), the Council may grant consent to a subdivision that creates an allotment of any size if consent has already been granted for the use of each such allotment in accordance with this plan (for a purpose other than the purpose of agriculture, intensive agriculture or a dwelling house) and the size of the proposed allotment is appropriate.
- (7) (Repealed)
- (8) In calculating the area of a hatchet shaped allotment, for the purpose of this clause, the area of the access handle is to be excluded.

**Table**

<b>Column 1</b>	<b>Column 2</b>
Zone No 1 (d)	120 ha
Zone No 1 (e)	400 ha
Zone No 1 (i)	40 ha
Zone No 1 (s)	40 ha
Zone No 7 (a)	40 ha

**Note—**

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

### **10A Boundary adjustment**

Nothing in Clause 10 prevents the Council from granting consent to a subdivision that changes a boundary between lots if the boundary change is consistent with the objectives of the zone and:

- (a) does not create an additional allotment,
- (b) does not result in the creation of a vacant lot with an additional dwelling-house entitlement by virtue of the size of the lot,
- (c) does not facilitate the transfer of a second dwelling on to a separate allotment,
- (d) results in there being sufficient land within each lot on which a dwelling exists or could exist, for the satisfactory disposal of effluent on each lot, and
- (e) results in there being a separation between dwellings, dwelling-house sites and adjoining property boundaries of at least 150 metres.

### **11 Subdivision of land within Zone No 1 (c)**

- (1) This clause applies to land within Zone No 1 (c).
- (2) The Council shall not grant consent to an application to subdivide land to which this clause applies unless the area of each allotment created by the subdivision will be:
  - (a) not less than 4000 square metres, for allotments with on-site disposal of liquid wastes, or
  - (b) not less than 2000 square metres, for allotments to be served with a common sewage disposal system.

### **11A Subdivision of land within Zone No 1 (c1)**

- (1) This clause applies to land within Zone No 1 (c1).
- (2) The Council shall not grant consent to a subdivision of land to which this clause applies unless the average size of the allotments created by the subdivision will be 10 hectares and the area of each allotment created by the subdivision will be:
  - (a) not less than 5 hectares, or
  - (b) such larger area as may be required for the provision of a reliable water supply and the disposal of effluent or other wastes so that the objectives of Zone No 1 (c1) can be complied with.
- (3) Notwithstanding any other provision of this clause, the Council must not consent to a subdivision of land to which this clause applies unless it is satisfied that the intended use of each allotment to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and

soil type.

- (4) Nothing in this plan prevents the Council from granting consent to a subdivision of land to which this clause applies that changes a boundary between lots if the boundary change is consistent with the objectives of the zone and:
  - (a) does not create an additional allotment, and
  - (b) results in there being sufficient land within each lot on which a dwelling exists, or could exist, for the satisfactory disposal of effluent on each lot.

## **Division 2 Dwelling-houses**

### **12 Rural dwellings**

- (1) This clause applies to land within Zone No 1 (d), 1 (e), 1 (i), 1 (s) or 7 (a).
- (2) A dwelling house may, with the consent of the Council, be erected on land to which this clause applies if the land:
  - (a) comprises the whole of an existing holding on which no other dwelling house is erected, or
  - (b) (Repealed)
  - (c) is an allotment created in accordance with *Interim Development Order No 1—Shire of Scone*, as in force immediately before the appointed day, being an allotment on which a dwelling could have been erected under the provisions of that Order as then in force.
- (3) The General Manager of the Council may issue a certificate to the effect that the Council is satisfied that land specified or described in the certificate is an existing holding.
- (4) Nothing in this clause operates to prohibit the erection, with the consent of the Council, of a second dwelling-house on any land on which a dwelling-house is already erected if the first-mentioned dwelling-house is intended to wholly replace the second-mentioned dwelling-house.

### **12A Dwelling entitlements on existing concessional lots**

The amendment of this plan by the [State Environmental Planning Policy \(Rural Lands\) 2008](#) does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

### **13 Rural workers' dwellings**

- (1) This clause applies to land within Zone No 1 (d), 1 (e), 1 (i) or 1 (s) being land which is used for the purposes of agriculture and on which there is an existing dwelling-house.
- (2) An additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies if the dwelling-house is to be occupied by a person employed or engaged by the owner of the land in the use of the land for the purpose of agriculture and:
  - (a) the land on which the dwelling will be erected will not be capable of being excised from the land containing the existing dwelling-house by way of transfer of a new or existing title,
  - (b) the existing and additional dwellings will share a common access to a public road, and
  - (c) the Council is satisfied by a Property Management Plan that the nature of agricultural activity being undertaken on the land requires the rural worker to be on site as a resident.

### **14 Replacement of existing dwellings**

A dwelling-house may, with the consent of the Council, be erected on an allotment of land to which clause 13 applies and on which another dwelling-house is erected if the first-mentioned dwelling-house is intended wholly to replace the existing dwelling-house or upon the carrying out of alterations upon the existing dwelling-house which render it suitable only for alternative use as a barn or similar outbuilding.

### **15 Housing in residential areas**

- (1) This clause applies to land zoned Residential 2 (a), 2 (b), 2 (c) or 2 (d).
- (2) In this clause, a reference to the area of an allotment does not, in the case of a hatchet-shaped allotment, include a reference to the area of the access corridor of the allotment.
- (3) Development shall not be carried out for the purpose of a dwelling-house on an allotment of land to which this clause applies unless:
  - (a) in the case of a hatchet-shaped allotment, the area of the allotment is not less than 1 000 square metres, or
  - (b) in the case of any other allotment, the area of the allotment is not less than 650 square metres.
- (4) Notwithstanding subclause (3), a person may carry out development for the purpose of a dwelling-house with Zone No 2 (a) or 2 (b) irrespective of the area of the

allotment if the allotment was created by a subdivision made before the appointed day.

## **16 Multiple occupancy of rural allotments**

- (1) This clause applies to land within Zone No 1 (a), 1 (b) or 7 (a).
- (2) Development for residential purposes comprising permanent dwelling or living accommodation may be carried out on land to which this clause applies with the consent of the Council and subject to compliance with subclauses (3), (4) and (5).
- (3) The land upon which any such development is carried out:
  - (a) shall have an area of not less than 40 hectares,
  - (b) shall be and remain unsubdivided under both the *Local Government Act 1919* and the *Strata Titles Act 1973*, so that it comprises a single parcel,
  - (c) shall be owned in its entirety in common by at least two-thirds of all adults residing on the land or otherwise owned on behalf of those persons or for their common benefit,
  - (d) shall not have any motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation developed on it.
- (4) Any consent granted under this clause in respect of land in more than one parcel shall be granted on the condition that the land be consolidated into a single parcel prior to the development being carried out.
- (5) The density of residential accommodation under this clause shall not exceed that reasonably required to house one person for each hectare of the land.
- (6) Where, in accordance with this clause, a building is erected or is proposed to be erected, on land in respect of which development for the purposes of a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan relating to that building is prohibited.
- (7) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development to which this clause applies in the same way as those provisions apply to and in respect of designated development.

## **17 Dual occupancy**

- (1) A person may, with the consent of the Council, alter or add to a dwelling-house so as to create two dwellings, if:
  - (a) the area of the allotment on which the dwelling-house is erected is not less than 400 square metres,



- (b) the floor space ratio of the dwelling-house as altered or added to is not greater than:
- (i) the floor space ratio of the dwelling-house before it was added to or altered, or
  - (ii) 0.5:1,
- whichever is the greater, and
- (c) arrangements have been made for the provision of a water supply and for the disposal of sewage and stormwater drainage from the land.
- (2) The area occupied by a garage or carport shall not be taken into account when calculating floor space, ratios for the purpose of subclause (1).
- (3) The provisions of this plan relating to residential flat buildings do not apply to a building altered or added to or proposed to be altered or added to pursuant to this clause.
- (4) Where, in accordance with this clause, a dwelling-house is altered or added to or is proposed to be altered or added to, on land in respect of which development for the purposes of a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan relating to that building is prohibited.
- (5) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act in relation to development carried out in accordance with this clause, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (6) Pursuant to section 28 of the Act, before the making of this plan the Governor approved of subclause (5).

## **Division 3 Buildings generally**

### **18 Height of buildings**

A person shall not erect a building containing more than 2 storeys above ground level without the consent of the Council.

### **19 Floor space ratios**

- (1) Except as provided in subclause (2), a person shall not erect any building on land within a zone specified in Column 1 of the Table to this clause unless the ratio of the floor space of the building to the area of the allotment on which the building is to be erected does not exceed the ratio shown opposite that zone in Column 2 of that Table.

#### **Table**

<b>Column 1</b>	<b>Column 2</b>
Zone No 2 (a)	0.5:1
Zone No 2 (b)	0.5:1
Zone No 2 (c)	0.5:1
Zone No 2 (d)	0.5:1
Zone No 2 (v)	0.5:1
Zone No 3 (a)	1.5:1
Zone No 3 (b)	1.5:1
Zone No 3 (c)	1.0:1

- (2) The ratio of the floor space of the residential component of a building to the area of the allotment on which the building is to be erected shall not exceed:
- (a) in the case of land within Zone No 3 (a)—0.75:1, or
  - (b) in the case of land within Zone No 3 (c)—0.4:1.
- (2A) A person shall not erect a building, carry out a work upon, or use land within Zone No 1 (a), 1 (b) or 1 (c) for the purposes of a registered club, a hospital, a motel or a refreshment room unless the ratio of the floor space of the buildings on that land to the area of the land does not exceed 0.25:1.
- (3) For the purposes of subclause (1), **floor space** does not include the area of unenclosed private balconies at a height of more than 2 metres above the ground level immediately beneath the balcony.

## **Divisions 4-6**

### **20-28 (Repealed)**

## **Division 7 Suspension of laws etc and acquisition of land**

### **29 (Repealed)**

### **30 Acquisition and development of land reserved for roads—Zone No 5 (b)**

**Note—**

Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

- (1) The owner of any land within Zone No 5 (b) may, by notice in writing require the RTA to acquire the land.

(2) On receipt of such a notice, the RTA must acquire the land if:

(a) the land is vacant,

(b) the land is not vacant but:

(i) the land is included in the a 5 year works program of the RTA current at the time of receipt of the notice, or

(ii) the RTA has decided not to give concurrence to an application for consent to the carrying out of development on the land, or

(iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated for public road purposes.

(3) A person may, with the consent of the Council, carry out development on land within Zone No 5 (b):

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

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

(4) (Repealed)

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

(6) In this clause:

**the RTA** means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

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

### **30A Acquisition of land in Zone No 5 (e) or 6 (c)**

(1) The owner of any land within Zone No 5 (e) or 6 (c) may by notice in writing require the Council to acquire the land.

(2) On receipt of a notice in writing referred to in subclause (1) the Council shall acquire the land.

(3) Nothing in subclause (1) requires the Council to acquire any land within Zone No 5 (e)

or 6 (c) that may be required to be dedicated to the Council by the owner of the land as a condition of consent to a subdivision of land.

- (4) Land within Zone No 5 (e) or 6 (c) may be developed for any purpose, with the consent of the Council, until that land is acquired by the Council but only if the Council is satisfied that the development will not adversely affect the usefulness of the land for the purposes for which has been reserved.

## **Division 8 The environmental heritage**

### **31 Items of environmental heritage**

- (1) A person shall not, in respect of a building, work or relic that is an item of the environmental heritage:
- (a) demolish or renovate any such building or work,
  - (b) damage or despoil any such relic or any part of any such relic,
  - (c) excavate any land for the purpose of exposing or removing any such relic, or
  - (d) carry out any development in relation to land on which any such building, work or relic is situated,
- except with the consent of the Council.
- (2) The Council shall not grant consent under the Act pursuant to subclause (1) in respect of an item of the environmental heritage unless it has made an assessment of:
- (a) the significance of the item as an item of the environmental heritage of the Shire of Scone,
  - (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
  - (c) whether any stylistic, horticultural or archaeological features of the item or its site should be retained,
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public,
  - (e) whether the permanent conservation of any such item is considered necessary,
  - (f) the probability that any such item will be incapable of reasonable or economic use.
- (3) The council shall not grant consent under the Act pursuant to subclause (1) to the renovation of a building that is an item of the environmental heritage, unless it has made an assessment of:

- (a) the colour, texture, style, size and type of finish of any materials to be used on the exterior of the building and the effect which the use of those materials will have on the appearance of the exterior of the building and of any other building in its vicinity,
- (b) the style, size, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development, and
- (c) the pitch and form of the roof, if any.

### **32 Use of items of environmental heritage**

- (1) Nothing in this plan prevents the council from granting consent to the use of a building which is an item of the environmental heritage for any purpose, where the council is satisfied that:
  - (a) the use would have little or no adverse effect on the amenity of the area, and
  - (b) conservation of the building depends on the use of the building for that purpose.
- (2) Where, but for subclause (1), the use of a building for some purpose would be prohibited under this plan, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act shall, subject to subclause (3), apply to and in respect of that use of the building.
- (3) Section 84 (4) of the Act shall not be applied under subclause (2) to the extent that it requires the notice referred to in that subsection to contain a statement to the effect that the development application referred to in the notice and the documents accompanying that application may be inspected at the office of the Department.

### **33 Conservation areas**

- (1) A person shall not demolish, renovate or erect a building or work within a conservation area except with the consent of the Council.
- (2) The Council shall not grant consent to development referred to in subclause (1) in respect of a building or work unless it has made an assessment of:
  - (a) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, architectural or aesthetic significance of the building or work or its site or of the conservation area and in particular:
    - (i) the pitch and form of the roof,
    - (ii) the style, size, proportion and position of the openings for windows and doors, and
    - (iii) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used

in the existing buildings on the site and in the conservation area.

- (b) whether any stylistic, horticultural or archaeological features of the building or work or its site should be retained, and
- (c) whether the item constitutes a danger to the users or occupiers of the building or work or to the public.

### **34 Advertising of application to demolish**

Pursuant to section 34 (1) of the Act, the provisions of sections 84, 85, 86, 87 and 90 of the Act shall apply to and in respect of the demolition of an item of the environmental heritage in the same way as those provisions apply to and in respect of designated development.

### **35 Development in the vicinity of an item of the environmental heritage**

The Council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development would have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of the environmental heritage and its site.

### **36 Development incentives**

The Council, when considering an application to erect a building on an allotment of land upon which there is an item of the environmental heritage, may exclude from its calculations of the floor space of the buildings erected on the allotment the floor space of the item of the environmental heritage:

- (a) for the purposes of determining the floor space ratio, and
- (b) for the purposes of determining the number of parking spaces to be provided on the site,

but only if, in the opinion of the Council, that action would achieve the purposes of conservation and enhancement of the item of the environmental heritage.

## **Division 8A Exempt and complying development**

### **36A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed in *Scone Shire Council Development Control Plan—Exempt and Complying Development* adopted by the Council on 22/3/99 is **exempt development**, despite any other provisions of this plan.
- (2) Development listed in *Scone Shire Council Development Control Plan—Exempt and Complying Development* adopted by the Council on 22/3/99 is **complying**

**development** if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Scone Shire Council Development Control Plan—Exempt and Complying Development* adopted by the Council on 22/3/99.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Scone Shire Council Development Control Plan—Exempt and Complying Development* adopted by the Council on 22/3/99, as in force when the certificate is issued.

## **Division 9 General**

### **37 Development of flood-prone land**

- (1) This clause applies to land within a flood-prone area.
- (2) An application for the consent of the Council to the carrying out of development on land within a flood-prone area shall be accompanied by the following:
  - (a) a plan of survey, prepared by a person registered as a surveyor under the *Surveyors Act 1929*, indicating elevations of the proposed development from Australian Height Datum,
  - (b) details of protective measures proposed to be taken to prevent flood damage, and
  - (c) particulars of precautions to be taken to prevent pollution by any wastes created by the development.
- (3) No development shall be carried out, except with the consent of the Council, on land within a flood-prone area.
- (4) The Council may consent to the carrying out of development on land within a flood-prone area if:
  - (a) it is satisfied that:
    - (i) adequate measures will be taken in the structural design of the proposed development to prevent flood damage, and
    - (ii) adequate precautions will be taken to prevent waste pollution by any wastes created by the development, and

- (iii) the carrying out of the development proposed and of other development in the locality will not increase the likelihood of flooding of existing development.

### **38 Clearing of land**

- (1) This clause applies to land within Zone No 7 (a).
- (2) Land to which this clause applies may be cleared only with the consent of the Council.

### **39 Landscapes**

In determining the impact of a proposed development on the landscape quality of an area marked with black diagonal hatching on Sheet 1 of the map, the Council may have regard to the extent of any clearing of vegetation and the colour, texture, style, size and type of finish of any materials to be used in any development.

### **40 Development that must be advertised**

The provisions of Sections 84, 85, 86, 87 (1) and 90 of the Act apply to an in respect of development for the purposes specified in Schedule 5 in the same way as those provisions apply to and in respect of designated development.

### **41 Special development provisions**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development for the purpose specified in Column 1 of Schedule 6 on land referred to opposite in Column 2 of that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of a development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

### **43 Suspension of certain agreements, covenants and other instruments**

- (1) For the purposes of enabling developments to be carried out in accordance with this plan (as in force at any time after the commencement of this clause) or in accordance with a consent granted under the *Environmental Planning and Assessment Act 1979*, any agreement, covenant or similar instrument imposing restrictions on the use of land, to the extent necessary to serve that purpose, does not apply to development carried out in accordance with this plan or such a consent.
- (2) Subclause (1) does not apply to any agreement, covenant or other similar instrument for the benefit of a public authority if it is registered at the Land Titles Office.
- (3) Before this clause was made, the Governor approved of subclauses (1) and (2) pursuant to section 28 of the *Environmental Planning and Assessment Act 1979*.



#### **44 Development near zone boundaries**

- (1) This clause applies to transitional land.
- (2) Regardless of any other provision of this plan, development may, with consent of the Council, be carded out on land to which this clause applies within a zone for any purpose for which development may be carried out in the adjoining zone where the Council is satisfied that the development is not inconsistent with the aims and objectives of this plan and the objectives of both zones.

#### **45 Classification and reclassification of public land as operational land**

- (1) The public land described in Schedule 7 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 7:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.
- (3) Land described in Columns 1 and 2 of Part 2 of Schedule 7, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operational 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 those (if any) specified opposite the land in Column 3 of Part 2 of Schedule 7.
- (4) In this clause, ***the relevant amending plan***, in relation to land described in Part 2 of Schedule 7, means the local environmental plan cited at the end of the description of the land.
- (5) Before the relevant amending plan inserted a description of land into Part 2 of Schedule 7, the Governor approved of subclause (3) applying to the land.

### **Schedule 1**

Service Stations.  
Tyre sales establishments.  
Motor parts and accessories sales.  
Motor showrooms.  
Car repair stations.  
Motor repairs (mechanical and electrical).

## **Schedule 2**

Boot and shoe repair.  
Film developing and printing.  
Furniture polishing and repairing.  
Picture framing and signwriting.  
Upholstering.  
Tailoring.  
Dressmaking.  
Millinery.  
Dry cleaning and dyeing.  
Bread, cake or pastry manufacture.

## **Schedule 3**

Agency offices (other than Totalizator Agency Board betting places).  
Banks.  
Butchers' shops.  
Chemists' shops.  
Clothing shops.  
Confectionery shops.  
Crockery shops.  
Delicatessens.  
Drapers' shops.  
Electrical appliances shops.  
Finance and property company premises.  
Florists' shops.  
Friendly and benefit society premises.  
Footwear shops.  
Fruit and vegetable shops.  
Furniture shops.  
General stores.  
Gift shops.  
Grocery and health food shops.  
Hardware shops.  
Hairdressing salons.  
Jewellery and watchmakers' shops.  
Insurance offices.  
Leathergoods and travelgoods shops.  
Milk bars.  
Musical instruments shops.  
Newsagencies.  
Optical goods shops.  
Philatelist shops.  
Photographic apparatus and material shops.  
Refreshment rooms.  
Small arms and ammunition shops.  
Produce stores.  
Professional chambers.

Smallgoods shops.  
Sports requisites shops.  
Stationery shops.  
Tobacconists' and hairdressers' shops.  
Wine and spirit merchants' shops.

## **Schedule 4 Items of the environmental heritage**

### *Scone*

Former Harpers Boot Factory, corner Guernsey Street and Aubins Street.  
Former Boorers Mills, Guernsey Street.  
Mill Cottage, Guernsey Street.  
Former Catholic Church, Kingdon Street.  
St Luke's Church and Rectory, corner Liverpool Street and Hill Street.  
Shops, 95-97 Kelly Street.  
Belmore Hotel, 98 Kelly Street.  
CBC Bank, corner Liverpool and Kelly Streets.  
St Aubins Arms (former Wool Pack Inn), 245 Kelly Street.  
Monuments: Thomas Cook Memorial, Alan Cunningham Memorial, John Graham Memorial, Rotary Park.  
Former Belmore House, now "Geraldton", Shaw Street.  
Former Convent of Sisters of Mercy, 61 Kingdon Street.  
Former Grammar School, originally St Luke's (Anglican) School House 1846.  
Former Constable quarters and Lock-up, now Historical Museum, Kingdon Street.  
Former School of Arts, Kingdon Street.  
Presbyterian Manse, Main Street.  
Former Hospital, Smith Street, 1871.  
Scone Railway Station, Susan Street, 1871.  
Former Court House (now Old Court Theatre) 1848-9 and 1882, Kingdon Street.  
Post Office 1879, Kelly Street.  
Former Presbyterian Church 1861, now Masonic Temple, Kingdon Street.  
House, c. 1893, Kingdon Street.  
St Aubins House, 1.6 kilometres south of Scone, New England Highway.  
"Invermien", Cliftlands Road.  
Bank of New South Wales, 170 Kelly Street.  
Campbell's Corner, 177-181 Kelly Street.  
St Mary's Roman Catholic Church, corner Park and Short Streets.  
Former Willow Tree Hotel, now Butcher Shop, corner Guernsey Street and Liverpool Street.  
Railway Gatekeepers Cottage, 1875, Kingdon Street, Scone.  
Petrified Stump, Moobi Road, Scone.

### *Aberdeen*

Commercial Hotel, New England Highway.  
Former M. Campbell and Co. Store, New England Highway.  
The Grange, New England Highway.  
Segenhoe Mill Ruins, Rouchel Road.  
Aberdeen Bridge (Hunter River), New England Highway.  
Former Butter Factory and Meatworks Water Supply, Rouchel Road.  
Commercial Hotel, New England Highway.

Segenhoe Inn, New England Highway.  
F.J. Walkers Meatworks, McQueen Street.

*Conservation areas*

Central Scone Urban Conservation Area.  
Western Scone Urban Conservation Area.

*Rural areas*

"Belltrees" Homestead and outbuildings, Scone.  
"Segenhoe" Homestead and outbuildings, 8 kilometres east of Scone on Pages River, Segenhoe Road, Scone.  
"Kelvinside" and outbuildings, Rouchel Road, Aberdeen.  
Kelvinside Private Cemetery Monument on river bank between homestead and river.  
Bellevue, 1862, Gundy Road, Scone.  
"Elmswood", 1890, Gundy Road, Scone.  
"Cliffdale" Wyoming Stud, New England Highway, Scone.  
Allen Road Bridge, Allen Bridge Road.  
Turanville, New England Highway, Scone.  
"The Hawthornes", Sparkes Creek.  
"Abbotsford", Wingen.  
"Murulla", Wingen.  
"Yarrandi", off Merriwa Road, Scone.  
"Thornthwaite", Upper Dartbrook Road.  
"Nandowra"  
Barry Station.  
Glenrock Station.  
Grampian Hills, Ridgelands Road, Bunnan.  
Milgarra Station, Kars Springs Road, Bunnan.  
Bundarraga, Bunnan.  
The "Cuan" Station, Merriwa Road, Kars Springs.  
Cressfield Station, Parkville.  
Timber house, Rouchel Road, Rouchel.  
"Roseville", Rouchel.  
Russley and Garden, Gundy Road, Aberdeen.  
Satur (rear Sledmere Horse Stud), Satur Road, Scone.

*Landscapes*

- Wingen/Scone Scenic Protection Area: this area is traversed along its eastern side by Kingdon Ponds and along its western side by Middle Brook, with Dry Creek in between.
- Lower Dartbrook Scenic Protection Area: this area encompasses the river flats of Dart Brook and its tributary streams.
- Momberoi Scenic Protection Area: this area comprises the valleys and streams which rise in the Liverpool Range between Mt. Tinagroo and Towarri Mountain and fall away to the south to join Dart Brook.
- Segenhoe/Rouchel Scenic Protection Area: this area comprises the fertile flats at the lower end of Pages River and the section of the Hunter River below Glenbawn Dam, together with Rouchel

Brook, which joins the main stream from the east.

- Moonan Flat Scenic Protection Area: this area comprises a succession of river meanders and undulating hills, with rolling pastures and scattered woodlands, and stretches from the Mount Royal Range in the north to Glenbawn Dam in the south.
- Rossgole Lookout, Gallaghers Mountain.  
Castle Rock.

## Schedule 5 Development that must be advertised

- 1 Boarding Houses; hotels; motels, residential flat buildings.
- 2 Industries in Zone Nos 1 (a), 1 (b), 1 (c), 2 (v) or 7 (a) other than rural industries.
- 3 Intensive livestock keeping; junk yards, liquid fuel depots; saw-mills; stock and sale yards.

## Schedule 6 Special development provisions

(Clause 41)

Column 1	Column 2
Motel.	Lot 321, DP 625902, New England Highway, Aberdeen.
Automotive land uses; commercial premises; motor showrooms; shops.	Lot 7, Section 11, corner of Macqueen and Short Streets, Aberdeen.
Scout hall, SES Headquarters.	Lot 1 DP 703025, Abercairney Terrace, Aberdeen.
Dwelling-house.	Lot 28, DP 753715, Callemondah Road, Tomalla.
Farm machinery outlet and service area.	Lots 30, 31, 32, 33 and 34, DP 738079, Macqueen Street, Aberdeen.
Farm machinery outlet and service area.	Lots 30, 31, 32, 33 and 34, DP 738079, Macqueen Street, Aberdeen.
“Cellar door” wine sales facility.	Part lot 32 DP 868652, Bunnan Road, Scone, as shown edged heavy black on the map marked “ <i>Scone Local Environmental Plan 1986 (Amendment No 49)</i> ”.
Activities which are ancillary to that of a caravan park.	Part Lot 84 DP 51131, Kelly Street, Scone, as shown edged heavy black on the map marked “ <i>Scone Local Environmental Plan 1986 (Amendment No 48)</i> ”.

Dwelling house, subject to the following:

- (a) Minimum lot size of 2 hectares.
- (b) Direct access to Mareeba Rd.
- (c) Minimum 50m frontage setback while Mareeba Rd is unsealed.
- (d) Mitigation measures to the satisfaction of Council, if the Council is of the opinion the proposed developments will be adversely impacted upon by rail-related noise and vibration.

Lots 63, 65, 66, 67, 69, 122, 124 DP 750949 and Lot 12 DP 848909, Mareeba Rd, Parkville.

Subdivision of land and erection of dwelling-houses, subject to the following conditions:

- (a) minimum resulting lot size of 4000m<sup>2</sup>,
- (b) Council must be satisfied that any proposed or likely development on the land is compatible with the adjacent Scone Memorial Aerodrome,
- (c) dwelling-houses and outbuildings are to comply with AS 2021-2000—*Acoustics—Aircraft noise intrusion—Building siting and construction*.

Lot 42, DP 846091, Bunnan Road, Scone, as shown edged heavy black on the map marked "*Scone Local Environmental Plan 1986 (Amendment No 50)*" deposited in the office of the Council.

Subdivision of land and erection of dwelling-houses and residential flat buildings (Class A or B), subject to the Council being satisfied that any proposed or likely development is compatible with or ancillary to the adjacent equine based activities.

Part of Lot 71, DP 852457, Bunnan Road, Scone, as shown edged heavy black on the map marked "*Scone Local Environmental Plan 1986 (Amendment No 51)*", deposited in the office of the Council.

Subdivision and the erection of dwelling-houses and associated light aircraft hangars on the lots so created, provided that:

- (a) each lot so created has a minimum area of 1 hectare, and
- (c) the erection of the dwelling-houses complies with AS 2021-2000 *Acoustics—Aircraft noise intrusion—Building siting and construction*, and
- (b) the Council is satisfied that the proposed development is compatible with the adjacent Scone Memorial Aerodrome.

Such part of Lots 8, 11, 14, 18 and 22, DP 203152 and part of Lot 1, DP 213010, Moobi Road, Scone, as is within Zone No 1 (i).

Veterinary clinic and ancillary uses.

Lots 2-4, DP 1041230, adjacent to the New England Highway, near the Township of Scone, as shown edged heavy black on the map marked "*Scone Local Environmental Plan 1986 (Amendment No 61)*".

"Cellar door" wine sales facility.

Lot 1, 129796, Hunter Road, Moonan Flat, as shown edged heavy black on the map marked "*Scone Local Environmental Plan 1986 (Amendment No 56)*".

## Schedule 7 Classification and reclassification of public land as operational land

(Clause 45)

### Part 1 Land classified, or reclassified, under amended section 30 of **Local Government Act 1993**—interests not changed

Column 1	Column 2
Locality	Description

### Part 2 Land classified, or reclassified, under amended section 30 of the **Local Government Act 1993**—interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Scone		
Little and Dangar Streets	Lot 11, DP 239406— <i>Scone Local Environmental Plan 1986 (Amendment No 43)</i>	Nil.