

# Bathurst Regional Local Environmental Plan 2014

[2014-729]



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.

### About this plan

This Plan is a [standard instrument local environmental plan](#) under the [Environmental Planning and Assessment Act 1979](#).

### Notes—

- **See also**  
[Planning Legislation Amendment Bill 2019](#)

### 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 18 June 2019

# Bathurst Regional Local Environmental Plan 2014



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	6
1.1 Name of Plan .....	6
1.1AA Commencement.....	6
1.2 Aims of Plan.....	6
1.3 Land to which Plan applies .....	7
1.4 Definitions .....	7
1.5 Notes .....	7
1.6 Consent authority .....	7
1.7 Maps.....	7
1.8 Repeal of planning instruments applying to land .....	8
1.8A Savings provision relating to development applications .....	8
1.9 Application of SEPPs .....	9
1.9A Suspension of covenants, agreements and instruments .....	9
1.9B (Repealed).....	10
<b>Part 2 Permitted or prohibited development</b> .....	10
2.1 Land use zones.....	10
2.2 Zoning of land to which Plan applies .....	11
2.3 Zone objectives and Land Use Table.....	11
2.4 Unzoned land.....	12
2.5 Additional permitted uses for particular land .....	12
2.6 Subdivision—consent requirements .....	12

2.7 Demolition requires development consent .....	13
2.8 Temporary use of land .....	13
<b>Land Use Table</b> .....	<b>13</b>
Note .....	13
Zone RU1 Primary Production .....	14
Zone RU2 Rural Landscape .....	15
Zone RU3 Forestry .....	16
Zone RU4 Primary Production Small Lots .....	16
Zone RU5 Village .....	17
Zone R1 General Residential .....	18
Zone R2 Low Density Residential .....	19
Zone R5 Large Lot Residential .....	20
Zone B1 Neighbourhood Centre .....	21
Zone B3 Commercial Core .....	22
Zone B5 Business Development .....	23
Zone IN1 General Industrial .....	24
Zone SP1 Special Activities .....	25
Zone SP2 Infrastructure .....	26
Zone SP3 Tourist .....	26
Zone RE1 Public Recreation .....	27
Zone RE2 Private Recreation .....	28
Zone E1 National Parks and Nature Reserves .....	29
Zone E2 Environmental Conservation .....	29
Zone E4 Environmental Living .....	30
Zone W2 Recreational Waterways .....	31
<b>Part 3 Exempt and complying development</b> .....	<b>31</b>
3.1 Exempt development .....	31
3.2 Complying development .....	33
3.3 Environmentally sensitive areas excluded .....	33
<b>Part 4 Principal development standards</b> .....	<b>34</b>
4.1 Minimum subdivision lot size .....	34
4.1AA Minimum subdivision lot size for community title schemes .....	36

4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones .....	36
4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings....	37
4.1C Minimum lot size for certain split zone lots .....	37
4.2 Rural subdivision .....	38
4.2A Lot size exceptions for certain rural subdivisions .....	39
4.2B Erection of dwelling houses on land in certain rural zones.....	39
4.2C Erection of rural workers’ dwellings on land in Zone RU1 .....	41
4.2D Boundary changes between lots in certain rural and environment protection zones.....	41
4.3 Height of buildings .....	42
4.4 Floor space ratio .....	43
4.5 Calculation of floor space ratio and site area .....	43
4.6 Exceptions to development standards .....	45
<b>Part 5 Miscellaneous provisions .....</b>	<b>46</b>
5.1 Relevant acquisition authority .....	46
5.2 Classification and reclassification of public land.....	47
5.3 Development near zone boundaries.....	48
5.4 Controls relating to miscellaneous permissible uses .....	48
5.5 (Repealed) .....	50
5.6 Architectural roof features.....	50
5.7 Development below mean high water mark.....	50
5.8 Conversion of fire alarms.....	50
5.9, 5.9AA (Repealed).....	51
5.10 Heritage conservation .....	51
5.11 Bush fire hazard reduction.....	54
5.12 Infrastructure development and use of existing buildings of the Crown.....	54
5.13 Eco-tourist facilities .....	54
5.14 Siding Spring Observatory—maintaining dark sky.....	56
5.15 Defence communications facility.....	56
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones .....	56
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations .....	57
5.18 Intensive livestock agriculture.....	57

5.19 Pond-based, tank-based and oyster aquaculture.....	59
<b>Part 6 Urban release areas</b> .....	<b>61</b>
6.1 Arrangements for designated State public infrastructure.....	61
6.2 Public utility infrastructure .....	61
6.3 Development control plan .....	62
6.4 Relationship between Part and remainder of Plan .....	63
<b>Part 7 Additional local provisions</b> .....	<b>63</b>
7.1 Flood planning .....	63
7.2 Bush fire prone land .....	64
7.3 Airspace operations .....	65
7.4 Development in areas subject to aircraft noise .....	66
7.5 Essential services .....	66
7.6 Mount Panorama environs .....	67
7.7 Mount Panorama tourist and visitor accommodation and eco-tourist facilities .....	67
7.8 Mount Panorama commercial motor race hosting .....	68
7.9 Conservation incentives for heritage conservation areas.....	68
7.10 Signage .....	69
7.11 Subdivision of land in Mount Haven Estate, Meadow Flat.....	70
7.12 Former Bathurst Gasworks site.....	71
7.13 Location of sex services premises .....	71
7.14 Drinking water catchments .....	71
<b>Schedule 1 Additional permitted uses</b> .....	<b>72</b>
<b>Schedule 2 Exempt development</b> .....	<b>75</b>
<b>Schedule 3 Complying development</b> .....	<b>123</b>
<b>Schedule 4 Classification and reclassification of public land</b> .....	<b>151</b>
<b>Schedule 5 Environmental heritage</b> .....	<b>152</b>
<b>Schedule 6 Pond-based and tank-based aquaculture</b> .....	<b>175</b>
<b>Dictionary</b> .....	<b>177</b>

# Bathurst Regional Local Environmental Plan 2014



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Bathurst Regional Local Environmental Plan 2014*.

### 1.1AA Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in the Bathurst Regional local government area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to deliver growth and development in the city of Bathurst and rural localities,
  - (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,
  - (c) to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets,
  - (d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:
    - (i) preserve and improve the ecosystem services they provide, and
    - (ii) protect the region's significant vegetation and scenic quality, and
    - (iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,

- (e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,
- (f) to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint,
- (g) to promote the well-being of the people of the region by encouraging living, vibrant and growing rural settlement areas, urban villages and suburbs that generate a sense of community and place,
- (h) to protect the region's key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,
- (i) to provide a secure future for the region's recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,
- (j) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires and to minimise cumulative impacts on environmentally sensitive areas,
- (k) to encourage the dynamic and innovative development and growth of the region's primary resources,
- (l) to protect and enhance the region's landscapes, views, vistas and open spaces,
- (m) to create a land use framework for controlling development in the region that allows detailed provisions to be made in any development control plan made for that purpose.

### **1.3 Land to which Plan applies**

This Plan applies to the land identified on the [Land Application Map](#).

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map

by that name:

- (a) approved by the local plan-making authority when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.

(1AA) (Repealed)

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note—**

The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Environment.

### **1.8 Repeal of planning instruments applying to land**

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

**Note—**

The following local environmental plans are repealed under this provision:

*Bathurst Regional (Interim) Local Environmental Plan 2005*

*Bathurst Local Environmental Plan 1997—Classification and Reclassification of Public Land*

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

### **1.8A Savings provision relating to development applications**

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

**Note—**



However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

### **1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

#### **1.9A Suspension of covenants, agreements and instruments**

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved

of subclauses (1)–(3).

**1.9B (Repealed)**

**Part 2 Permitted or prohibited development**

**2.1 Land use zones**

The land use zones under this Plan are as follows:

**Rural Zones**

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU4 Primary Production Small Lots

RU5 Village

**Residential Zones**

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

**Business Zones**

B1 Neighbourhood Centre

B3 Commercial Core

B5 Business Development

**Industrial Zones**

IN1 General Industrial

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

### **Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E4 Environmental Living

### **Waterway Zones**

W2 Recreational Waterways

## **2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

## **2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

### **Notes—**

- 1** Schedule 1 sets out additional permitted uses for particular land.
- 2** Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

## 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
  - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes—

**1** If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

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

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

### Note—

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

## 2.7 Demolition requires development consent

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

**Note—**

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
  - (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 42 days (whether or not consecutive days) in any period of 12 months.
  - (3) Development consent must not be granted unless the consent authority is satisfied that:
    - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
    - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
    - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
    - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
  - (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
  - (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).
- (5A) This clause does not apply to land in Zone RU2 Rural Landscape.

## Land Use Table

**Note—**

A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not

regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

*State Environmental Planning Policy No 50—Canal Estate Development*

*State Environmental Planning Policy No 64—Advertising and Signage*

*State Environmental Planning Policy (Primary Production and Rural Development) 2019*

## **Zone RU1 Primary Production**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

### **3 Permitted with consent**

Aquaculture; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Food and drink premises; Funeral homes; Garden centres; High

technology industries; Home industries; Hostels; Intensive livestock agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Open cut mining; Plant nurseries; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Amusement centres; Commercial premises; Exhibition homes; Exhibition villages; Heavy industrial storage establishments; Home occupations (sex services); Industries; Public administration buildings; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wholesale supplies

### **Zone RU2 Rural Landscape**

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

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage development that enhances Mount Panorama as an international motor racing circuit.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

#### **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Cellar door premises; Dwelling houses; Farm buildings; Food and drink premises; Home industries; Kiosks; Markets; Plant nurseries; Secondary dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Amusement centres; Cemeteries; Centre-based child care facilities; Commercial

premises; Crematoria; Depots; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Places of public worship; Residential accommodation; Respite day care facilities; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

### **Zone RU3 Forestry**

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

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### **2 Permitted without consent**

Roads; Uses authorised under the [Forestry Act 2012](#) or under Part 5B (Private native forestry) of the [Local Land Services Act 2013](#)

#### **3 Permitted with consent**

Aquaculture; Any use ordinarily incidental or ancillary to a use authorised under the [Forestry Act 2012](#)

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RU4 Primary Production Small Lots**

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

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural and scenic character of the land.
- To provide opportunities for intensive plant agriculture.



- To conserve high quality agricultural land by ensuring that it is not unnecessarily converted to non-agricultural land uses and that any lot created is capable of sustaining a range of agricultural land uses.
- To encourage development that protects, enhances and manages the riparian environment.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

## **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Farm buildings; Farm stay accommodation; Garden centres; Home industries; Kiosks; Markets; Plant nurseries; Restaurants or cafes; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Amusement centres; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Public administration buildings; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone RU5 Village**

### **1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide a strong and viable village system that includes housing choice, business opportunities, adequate transport systems and a concentration of

community services.

- To protect tourism assets and encourage the provision of services within villages that support tourism activities.
- To protect and conserve the historical significance and scenic quality of the village settings.
- To protect and conserve the rural atmosphere and amenity of the village areas.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Agricultural produce industries; Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Amusement centres; Attached dwellings; Correctional centres; Electricity generating works; Exhibition villages; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Multi dwelling housing; Pond-based aquaculture; Residential flat buildings; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sex services premises; Specialised retail premises; Storage premises; Warehouse or distribution centres; Wholesale supplies

### **Zone R1 General Residential**

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

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.
- To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.
- To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roadside stalls; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone R2 Low Density Residential**

## **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Boarding houses, Centre-based child care facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Kiosks; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Respite day care centres; Roadside stalls; Secondary dwellings; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Residential accommodation; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and

minimising impacts on, environmentally sensitive locations and scenic quality.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

## **3 Permitted with consent**

Agricultural produce industries; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Farm stay accommodation; Home industries; Kiosks; Markets; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Secondary dwellings; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Amusement centres; Boat building and repair facilities; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Residential accommodation; Restricted premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone B1 Neighbourhood Centre**

### **1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that

serve the needs of people who live or work in the surrounding neighbourhood.

- To promote development of a scale that is compatible with the role of the Bathurst Central Business District as the primary retail and business centre in the region.

## **2 Permitted without consent**

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Home industries; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Respite day care centres; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Animal boarding or training facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscape material supplies; Mortuaries; Open cut mining; Pond-based aquaculture; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sex services premises; Specialised retail premises; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone B3 Commercial Core**

### **1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To encourage development that confirms the role of the Bathurst central business district as the primary retail and business centre in the region.
- To protect and conserve the historic and scenic quality of the Bathurst central business district as a key economic and social asset.

## **2 Permitted without consent**

Environmental protection works; Home-based child care; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Animal boarding or training facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Open cut mining; Pond-based aquaculture; Rural industries; Rural workers' dwellings; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Waste or resource management facilities

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To enable development that serves the needs of the workforce.
- To promote development that will protect the scenic qualities and enhance

the visual character of the entrances to the city of Bathurst.

- To promote development of a scale and type that is compatible with the role of the Bathurst central business district as the primary retail and business centre in the region.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

## **3 Permitted with consent**

Cellar door premises; Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roadside stalls; Rural supplies; Secondary dwellings; Shop top housing; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Camping grounds; Caravan parks; Cemeteries; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Open cut mining; Pond-based aquaculture; Residential accommodation; Retail premises; Rural industries; Sex services premises; Transport depots

### **Zone IN1 General Industrial**

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

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable development that serves the needs of the workforce.
- To promote development that will protect the scenic qualities and enhance



the visual character of the entrances to the city of Bathurst.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

## **3 Permitted with consent**

Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Hotel or motel accommodation; Industrial training facilities; Kiosks; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Rural supplies; Secondary dwellings; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Camping grounds; Caravan parks; Commercial premises; Eco-tourist facilities; Exhibition homes; Exhibition villages; Forestry; Hazardous industries; Hazardous storage establishments; Offensive industries; Offensive storage establishments; Pond-based aquaculture; Residential accommodation; Tourist and visitor accommodation

### **Zone SP1 Special Activities**

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

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

#### **3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that

purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP2 Infrastructure**

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

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

#### **3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

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

- To provide for a variety of tourist-oriented development and related uses.
- To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.
- To provide regional open space, tourism and recreation opportunities within the city of Bathurst.
- To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.
- To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

## **3 Permitted with consent**

Aquaculture; Cellar door premises; Food and drink premises; Kiosks; Light industries; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

## **4 Prohibited**

Amusement centres; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

### **Zone RE1 Public Recreation**

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

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and conserve the historical and scenic quality of Bathurst's open space areas.
- To provide a network of open space that encourages walking and cycling.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Camping grounds; Car parks; Caravan parks; Cemeteries; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Extractive industries; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; Sewerage systems; Signage; Waste or resource transfer stations; Water recreation structures; Water supply systems

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone RE2 Private Recreation**

### **1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and conserve the historical and scenic quality of Bathurst's recreational areas.

### **2 Permitted without consent**

Environmental facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

### **3 Permitted with consent**

Aquaculture; Cellar door premises; Community facilities; Dwelling houses; Food and drink premises; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roadside stalls; Secondary dwellings; Any other development not specified in item 2 or 4

### **4 Prohibited**

Air transport facilities; Commercial premises; Correctional centres; Depots;

Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Public administration buildings; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

## **Zone E1 National Parks and Nature Reserves**

### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

### **3 Permitted with consent**

Nil

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone E2 Environmental Conservation**

### **1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

## **2 Permitted without consent**

Environmental facilities; Environmental protection works; Roads

## **3 Permitted with consent**

Camping grounds; Car parks; Community facilities; Information and education facilities; Oyster aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Sewerage systems; Signage; Water recreation structures; Water supply systems

## **4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone E4 Environmental Living**

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

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

#### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

#### **3 Permitted with consent**

Animal boarding or training establishments; Bed and breakfast accommodation; Car parks; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Home industries; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Secondary dwellings; Sewerage systems; Signage; Tank-based aquaculture; Waste or resource transfer stations; Water supply systems

#### **4 Prohibited**

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Zone W2 Recreational Waterways**

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

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

#### **2 Permitted without consent**

Environmental protection works; Roads

#### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Extractive industries; Flood mitigation works; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Sewerage systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

### **Part 3 Exempt and complying development**

#### **3.1 Exempt development**

**Note—**

Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in a declared area of outstanding biodiversity value under the *Biodiversity*

[Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#), and

- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
- (3) To be exempt development, the development:
- (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#).
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2-9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (5) To be exempt development, the development must:
- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
  - (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

**Note—**

See [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) and Part 5A of the [Local Land Services Act 2013](#).

- (6) A heading to an item in Schedule 2 is part of that Schedule.



### 3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
  - (a) the development standards specified in relation to that development, and
  - (b) the requirements of this Part,is complying development.

**Note—**

See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

**environmentally sensitive area for exempt or complying development** means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land within the coastal wetlands and littoral rainforests area (within the meaning of the *Coastal Management Act 2016*),
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or

as a marine park under the [Marine Parks Act 1997](#),

- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#).

## **Part 4 Principal development standards**

### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,
  - (b) to ensure residential lots are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,
  - (c) to control the subdivision of land shown on the [Lot Size Map](#) for the purposes of a dwelling house,
  - (d) to ensure that lot sizes are consistent with the desired settlement density and intensities for different localities and reinforce the predominant subdivision pattern of the area,
  - (e) to ensure a secure water supply is available to land in Zone RU4 Primary Production Small Lots to enable the cultivation of land by irrigation.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is

not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

- (3A) Despite subclause (3), development consent must not be granted to the subdivision of land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that a suitable and secure water supply is, or will be, available for irrigation to each resulting lot to enable the cultivation of the land.
- (3B) Despite subclause (3), the size of any lot resulting from the subdivision of land identified as “Area 1” on the [Lot Size Map](#) must not be less than 4,000 square metres if:
- (a) reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision, and
  - (b) the land is not within the 50dBA Noise Contour shown on the [Mount Panorama Environs Map](#).
- (3C) Despite subclause (3), the size of any lot resulting from the subdivision of an existing holding identified as “Area 1” on the *Lot Size Map* must not be less than 4,000 square metres if:
- (a) reticulated water and sewerage will not be connected to each resulting lot immediately following the subdivision, and
  - (b) not more than 1 lot is created for every 1.5 hectares of the existing holding.
- (3D) A lot created under subclause (3C) may not be further subdivided.
- (3E) Despite subclause (3), the size of any lot resulting from the subdivision of land identified as “Area 2” on the *Lot Size Map* must not be less than 6,000 square metres if reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision.
- (3F) Despite subclause (3), a battle-axe lot resulting from the subdivision of the following land must not be less than:
- (a) if the land is in Zone R1 General Residential—750 square metres, or
  - (b) if the land is in Zone R1 General Residential and in the village of Eglinton, Perthville or Raglan—900 square metres, or
  - (c) if the land is in Zone R2 Low Density Residential—750 square metres.
- (3G) For the purpose of calculating the size of a battle-axe lot under subclause (3F), the area of the access handle is excluded.
- (3H) In this clause **existing holding** means the area of a lot as it was on 2 September 1988.

- (4) This clause does not apply in relation to the subdivision of any land:
- (a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or
  - (b) by any kind of subdivision under the *Community Land Development Act 1989*.

**4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows:
- (a) to ensure that land to which this clause applies is not fragmented by subdivision that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

**4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones**

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone R5 Large Lot Residential.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

**Note—**

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

#### **4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

- (1) The objectives of this clause are as follows:
  - (a) to achieve planned residential density,
  - (b) to ensure that the area and dimensions of a lot are able to accommodate development that is consistent with the objectives and development controls for dual occupancies, multi dwelling houses or residential flat buildings,
  - (c) to minimise any likely adverse impact of such development on the amenity of adjoining neighbourhoods.
- (2) Development consent must not be granted to development for the purposes of a dual occupancy on a lot unless the lot is at least the minimum lot size shown on the [Minimum Lot Size—Dual Occupancy Map](#) for that lot.
- (3) Development consent must not be granted to development for the purposes of multi dwelling houses or residential flat buildings on a lot unless the lot is at least the minimum lot size shown on the [Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map](#) for that lot.
- (4) Despite any other provision of this Plan, development consent may be granted for the subdivision of a dual occupancy, multi dwelling housing or a residential flat building development into lots of any size to enable the resulting individual dwellings on those lots to have separate titles.

#### **4.1C Minimum lot size for certain split zone lots**

- (1) The objectives of this clause are as follows:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, 4.1AA or 4.1A,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an **original lot**) that contains:

- (a) land in Zone RU5 Village, Zone E4 Environmental Living or a residential, business, industrial, special purpose or recreation zone, and
  - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation.
- (3) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
- (a) one of the resulting lots will contain:
    - (i) land in Zone RU5 Village, Zone E4 Environmental Living or a residential, business, industrial, special purpose or recreation zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
    - (ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation that was in the original lot, and
  - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

#### 4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.

**Note—**

When this Plan was made it did not include all of these zones.

- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

**Note—**

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

**4.2A Lot size exceptions for certain rural subdivisions**

Land in a zone to which clause 4.2 applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

**4.2B Erection of dwelling houses on land in certain rural zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in rural zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land does not have a dwelling house erected on it and the land:
  - (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
  - (b) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement, or
  - (c) is an existing holding, or
  - (d) is a lot resulting from a subdivision for the purposes of intensive plant agriculture for which development consent was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible before that commencement but only if the consent authority is satisfied that the lot is being

used for the purpose of intensive plant agriculture, or

- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
  - (i) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (ii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note—**

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

- (4) Despite subclause (3), development consent may be granted for the erection of an additional dwelling house on land in Zone RU1 Primary Production if there is already a lawfully erected dwelling house on the land, but only if the additional dwelling house is located on the same lot or parcel of land as the existing lawfully erected dwelling house.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the consent authority imposes a condition of consent that the existing dwelling house must be demolished or altered so that the dwelling house can no longer be used as a dwelling.

- (6) In this clause:

**existing holding** means:

- (a) a lot, portion or other parcel as it was at the relevant date, or
- (b) if, at the relevant date, a person owned 2 or more adjacent lots, portions or parcels—the aggregation of the area of those lots, portions or parcels as they were at the relevant date.

**relevant date** means:

- (a) in relation to land within the former local government area of the City of Bathurst—27 March 1987, or
- (b) in relation to land within the former local government area of Evans Shire to which *Interim Development Order No 1—Shire of Turon* applied—19 April 1968, or
- (c) in relation to land within the former local government area of Evans Shire to which *Interim Development Order No 2—Shire of Abercrombie* applied—31 March 1967.

**Note—**



The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the relevant date.

#### **4.2C Erection of rural workers' dwellings on land in Zone RU1**

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:
  - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
  - (b) the development will not impair the use of the land for agriculture or rural industries, and
  - (c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
  - (d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

#### **4.2D Boundary changes between lots in certain rural and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone E1 National Parks and Nature Reserves,
  - (f) Zone E2 Environmental Conservation.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots to which this clause applies, if the subdivision will not result in:
  - (a) an increase in the number of lots, and

- (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land, and
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values, heritage vistas or landscapes or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

#### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum height limit to which buildings may be erected in certain locations.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to ensure that the density, bulk and scale of development is appropriate for business and industrial land, and
  - (b) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

#### 4.5 Calculation of floor space ratio and site area

- (1) **Objectives** The objectives of this clause are as follows:
  - (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be:
  - (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

- (4) **Exclusions from site area** The following land must be excluded from the site area:
  - (a) land on which the proposed development is prohibited, whether under this Plan or any other law,

- (b) community land or a public place (except as provided by subclause (7)).
- (5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.
- (6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.
- (7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.
- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If:
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### **4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note—**

When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.

## **Part 5 Miscellaneous provisions**

### **5.1 Relevant acquisition authority**

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

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant

authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

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

**Note—**

If land, other than land specified in the table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for the land, the acquiring authority is to be the authority determined by order of the Minister for Planning (see section 21 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#)).

**5.2 Classification and reclassification of public land**

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

**Note—**

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note—**

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries

[Not adopted]

### 5.4 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 10 bedrooms.

**Note—**

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

- (2) **Home businesses** If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 60 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than



60 square metres of floor area.

- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:
- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.
- (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 10 bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 50 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
- (a) 60 square metres,
  - (b) 20% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:
- (a) 30% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

## 5.5 (Repealed)

## 5.6 Architectural roof features

[Not adopted]

## 5.7 Development below mean high water mark

[Not applicable]

## 5.8 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

**private service provider** means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

## **5.9, 5.9AA (Repealed)**

### **5.10 Heritage conservation**

**Note—**

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

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

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

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

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) **When consent not required** However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) **Heritage assessment** The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

- (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
  - (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
    - (a) notify the Heritage Council of its intention to grant consent, and
    - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
  - (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
    - (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
    - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
  - (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
    - (a) notify the Heritage Council about the application, and
    - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
  - (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance,

even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

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

#### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note—**

The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

#### **5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

#### **5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is

permitted with development consent under this Plan.

- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
  - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
  - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
    - (i) measures to remove any threat of serious or irreversible environmental damage,
    - (ii) the maintenance (or regeneration where necessary) of habitats,

- (iii) efficient and minimal energy and water use and waste output,
- (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
- (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**5.14 Siding Spring Observatory—maintaining dark sky**

[Not adopted]

**5.15 Defence communications facility**

[Not adopted]

**5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone E2 Environmental Conservation,
  - (h) Zone E3 Environmental Management,
  - (i) Zone E4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes:
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.



- (4) The following matters are to be taken into account:
- (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

**5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations**

[Not applicable]

**5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are:
- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration:
- (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,

- (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if:
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located:
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) if the development is a poultry farm—within 500 metres of another poultry farm.
- (5) The following types of development are specified for the purposes of subclause (4):
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.

(7) In this clause:

**environmentally sensitive area** has the same meaning as in clause 1.5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

### 5.19 Pond-based, tank-based and oyster aquaculture

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

- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
- (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following:

- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
- (b) in the case of:
  - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
  - (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working

Waterways—that the development will use waterways to source water.

- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones**  
Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if:
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
  - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider:
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
  - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas**  
Development for the purpose of oyster aquaculture may be carried out without development consent:
- (a) on land that is wholly within a priority oyster aquaculture area, or
  - (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

- (7) **Definitions** In this clause:

**aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the *Fisheries Management Act 1994*.

**extensive aquaculture** has the same meaning as in the *Fisheries Management (Aquaculture) Regulation 2017*.

**NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

**priority oyster aquaculture area** means an area identified as a priority oyster

aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

## **Part 6 Urban release areas**

### **6.1 Arrangements for designated State public infrastructure**

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
  - (a) any lot identified in the certificate as a residue lot, or
  - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
  - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
  - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

### **6.2 Public utility infrastructure**

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

### **6.3 Development control plan**

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
  - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of active and passive recreation areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to development for any of the following purposes:
  - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or

dedicated for public open space, public roads or any other public or environment protection purpose,

- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan**

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

### **Part 7 Additional local provisions**

#### **7.1 Flood planning**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
  - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
  - (a) land identified as "Flood Planning Area" on the [Flood Planning Map](#), and
  - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

- (4) Development consent is not required by this clause if:
- (a) the applicant has notified the consent authority in writing of the development, and
  - (b) the consent authority has formed the opinion that the development is of a minor nature, and
  - (c) the consent authority is satisfied that the development meets the requirements of subclause (3), and
  - (d) the consent authority has advised the applicant in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.
- (5) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual*(ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (6) In this clause:
- flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

## 7.2 Bush fire prone land

- (1) This clause applies to land in the following zones that is bush fire prone land within the meaning of the Act:
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone E4 Environmental Living.
- (2) Despite any other provision of this Plan, development must not be carried out on land to which this clause applies without the consent of the consent authority.
- (3) Development consent is not required by this clause if:
- (a) the proponent has notified the consent authority in writing of the development, and
  - (b) the consent authority has formed the opinion that the development is of a minor nature, including minor additions to a residential building or ancillary development, and



- (c) the consent authority is satisfied that the development conforms to the specifications and requirements of *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, that are relevant to the development, and
- (d) the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.

### 7.3 Airspace operations

- (1) The objectives of this clause are as follows:
  - (a) to provide for the effective and ongoing operation of the Bathurst Airport by ensuring that the operation of the airport is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - (b) to protect the community from undue risk from that operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
  - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
  - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (5) In this clause:

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

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

#### 7.4 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
  - (a) to prevent certain noise sensitive developments from being located near the Bathurst Airport and its flight paths,
  - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
  - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
  - (a) is on land that:
    - (i) is near the Bathurst Airport, and
    - (ii) is in an ANEF contour of 20 or greater, and
  - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority:
  - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
  - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
  - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.
- (4) In this clause:

**AS 2021—2000** means AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

#### 7.5 Essential services

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

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

#### **7.6 Mount Panorama environs**

- (1) The objectives of this clause are as follows:
  - (a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events,
  - (b) to ensure the future of Mount Panorama as an international motor racing circuit.
- (2) This clause applies to land identified as “50 dBA” on the [Mount Panorama Environs Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:
  - (a) whether the development will result in an increase in the number of dwellings or land uses identified by the consent authority as sensitive noise receivers exposed to noise and other land use conflicts from motor racing and associated events, and
  - (b) whether noise impacts from motor racing and associated events are mitigated by or minimised by the design, siting or construction of the development to ensure that the amenity of the development is not adversely affected.

#### **7.7 Mount Panorama tourist and visitor accommodation and eco-tourist facilities**

- (1) The objective of this clause is to regulate tourist and visitor accommodation and eco-tourist facilities in Zone RU2 Rural Landscape.
- (2) Development consent must not be granted for development for the purpose of tourist and visitor accommodation or eco-tourist facilities in Zone RU2 Rural Landscape unless the consent authority is satisfied that:
  - (a) if the land on which the development is to be located already contains a lawful dwelling house—the development will be erected within 50 metres of the dwelling house, and
  - (b) the development will be erected at least 40 metres away from the boundary with the Mount Panorama racing circuit, and

- (c) each accommodation unit provided within the development will not have a gross floor area of more than 120 square metres, and
- (d) the development will not be used by the same person for more than 42 days (whether consecutive or not) in any calendar year, and
- (e) the development will not result in the construction of any additional vehicular access point to the land.

#### **7.8 Mount Panorama commercial motor race hosting**

- (1) Despite any other provisions of this Plan, development for the purpose of commercial motor race hosting is prohibited, except within Zone SP3 Tourist.
- (2) In this clause, **commercial motor race hosting** means the use of land to provide viewing areas for motor racing for a fee or reward to 13 or more persons. It may or may not include provision for accommodation, food or drink.

#### **7.9 Conservation incentives for heritage conservation areas**

- (1) Despite any other provision of this Plan, development consent may be granted for development for any purpose relating to a building that is a heritage item or in a heritage conservation area or, in the opinion of the consent authority, a building of heritage significance, or to land on which such a building is erected, if the consent authority is satisfied that:
  - (a) the conservation of the building will be facilitated by the granting of consent, and
  - (b) the development is in accordance with a heritage management document that has been approved by the consent authority, and
  - (c) the development will not adversely affect the heritage significance of the building, including its setting, and
  - (d) the development will not have any significant adverse effect on the amenity of the surrounding area.
- (2) A development consent granted under this clause is to be granted on the condition that all necessary conservation work identified in the heritage management document is to be carried out.
- (3) Despite any other provision of this Plan, the consent authority may, when considering an application for development consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, for the purpose of determining:
  - (a) the floor space ratio, and
  - (b) the number of parking spaces to be provided on the site,

exclude the floor space of the heritage item or the existing building in the heritage conservation area from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item or the existing building in the heritage conservation area depends on its making the exclusion.

### **7.10 Signage**

- (1) Development consent must not be granted to the erection of signage on any land, except land in Zone SP3 Tourist, unless:
  - (a) the signage relates to the approved use of the site and is located on the land on which that use is being conducted, and
  - (b) the dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.
- (2) Despite subclause (1), development consent may be granted to the erection of signage on any land for the specific purpose of directing the travelling public to tourist facilities and places of scientific, historic or scenic interest, if the consent authority is satisfied that:
  - (a) the signage relates to a specific building or place within Bathurst Regional local government area, and
  - (b) the principal purpose of the signage is to direct the travelling public to that building or place, and
  - (c) the dimensions and overall size of the signage are not larger than would reasonably be required so to direct the travelling public.
- (3) Despite subclause (1), development consent may be granted to a directory board sign on any land if the consent authority is satisfied that:
  - (a) the directory board sign relates to a business or industrial estate or park in the Bathurst Regional local government area and is located at the entrance to that estate or park, and
  - (b) the dimensions and overall size of the signage are not larger than would reasonably be required to direct the public to the business or industrial estate or park.
- (4) Despite subclause (1), development consent may be granted to signage of a temporary nature on any land if the consent authority is satisfied that:
  - (a) the signage relates to a local event within the Bathurst Regional local government area, and

(b) the signage will not be displayed for more than 28 days before the event or 7 days after the event.

(5) Despite subclause (1), development consent may be granted to signage on any land for the specific purpose of advertising premises for sale or for lease.

(6) Despite subclause (1), development consent may be granted to interpretive signage on any land for the specific purpose of interpreting the built or natural environment or an item of historic nature.

(7) In this clause:

**directory board sign** means a sign that displays a business identification sign for 2 or more businesses.

**interpretive signage** means a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature.

#### **7.11 Subdivision of land in Mount Haven Estate, Meadow Flat**

(1) This clause applies to land in DP 270159, known as the Mount Haven Estate, Meadow Flat, being land partly in Zone RU1 Primary Production and partly in Zone E4 Environmental Living.

(2) Despite any other provision of this Plan, development consent must not be granted to subdivide land to which this clause applies unless the subdivision is under the [Community Land Development Act 1989](#) and the land is subdivided so as to create no more than:

(a) 42 dwelling lots having an average area of not more than 4 hectares, a minimum area of not less than 2 hectares, and a maximum area of not more than 6 hectares, and

(b) 6 lots having an area of not less than 1 hectare, and

(c) 5 neighbourhood property lots having an area of not less than 1 hectare, and

(d) a community property lot, and

(e) a farm lot and associated dwelling house having an area of not less than 480 hectares.

(3) Development consent must not be granted to a stage of subdivision of land to which this clause applies after the initial stage unless the consent authority is satisfied that at least 60 per cent of lots created in the initial or previous stage under subclause (2) (a) and (b) have been sold and the consent authority is satisfied that the common effluent disposal system for the initial or previous stage is functioning satisfactorily.

(4) Despite any other provision of this Plan, development consent may be granted to the

erection of a dwelling house on a lot created in accordance with subclause (2) (a) or (b).

- (5) Despite any other provision of this Plan, development consent must not be granted to the erection of a dwelling house:
  - (a) on a lot created in accordance with subclause (2) (c) or (d), or
  - (b) on land identified as “Dwelling—House Prohibited” on the [Mount Haven Estate Map](#).

#### **7.12 Former Bathurst Gasworks site**

Despite any other provision of this Plan, development consent must not be granted to the use of Part Lot 8, Section 104, DP 758065 for a purpose other than a gasworks.

#### **7.13 Location of sex services premises**

- (1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land:
  - (a) in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lot, Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B3 Commercial Core, Zone B5 Business Development, Zone SP1 Special Uses, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone E2 Environmental Conservation, Zone E4 Environmental Living, Zone RE1 Public Recreation, Zone RE2 Private Recreation and Zone W2 Recreational Waterways, or
  - (b) used as a place of public worship or for community or school uses.
- (2) In deciding whether to grant development consent to any such development, the consent authority must consider the impact that the development would have on children who use the land.

#### **7.14 Drinking water catchments**

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as “Drinking water catchment” on the [Drinking Water Catchment Map](#).
- (3) In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether or not the development is likely to have any adverse impact on the

quality and quantity of water entering the drinking water storage, having regard to the following:

- (i) the distance between the development and any waterway that feeds into the drinking water storage,
  - (ii) the on-site use, storage and disposal of any chemicals on the land,
  - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at 24 Station Street, Brewongle**

- (1) This clause applies to land at 24 Station Street, Brewongle, being Lots 3 and 4, DP 222793.
- (2) Development for the purpose of one dwelling house is permitted with development consent subject to the consolidation of the lots.

### **2 Use of certain land at 656 Cow Flat Road, Cow Flat and 864 Cow Flat Road, Fosters Valley**

- (1) This clause applies to land at 656 Cow Flat Road, Cow Flat, being Lots 1 and 2, DP 125193 and Lot 1, DP 1139877 and 864 Cow Flat Road, Fosters Valley, being Lots 281–283, DP 878616.
- (2) Development for the purpose of a subdivision of land is permitted with development consent if the subdivision:
  - (a) creates no more than 3 lots no larger than 10 hectares each within Lot 282, DP 878616, and



- (b) consolidates Lots 1 and 2, DP 125193 and Lot 1, DP 1139877 into a single lot, and
- (c) consolidates Lots 281 and 283, DP 878616 and the residue of Lot 282, DP 878616 into a single lot, and

- (3) Development for the purpose of a dwelling house is permitted with development consent on each of the lots created under subclause (2) (a) and (c).
- (4) No further subdivision is permitted of the consolidated lots created under subclause (2) (b) and (c).

### **3 Use of certain land at 18 Hobson Close, Eglinton**

- (1) This clause applies to land at 18 Hobson Close, Eglinton, being Lot 1, DP 1047811.
- (2) Development for the purpose of a subdivision of the land is permitted with development consent if the existing dwelling house on the land will be located on a resulting lot of at least 0.6 hectares.

### **4 Use of certain land at Mid-Western Highway, Evans Plains**

- (1) This clause applies to land at Mid Western Highway, Evans Plains, being Lots 1-9, DP 817711.
- (2) Development for the purpose of a subdivision of land that creates:
  - (a) no more than 8 lots of not less than 10 hectares and not more than 15 hectares each, and
  - (b) no more than one lot of more than 300 hectares,is permitted with development consent.
- (3) Development for the purpose of a dwelling house is permitted with development consent on each of the 9 lots created under subclause (2).
- (4) Further subdivision of the land is prohibited.

### **5 Use of certain land at Stewart Street, Evans Plains**

- (1) This clause applies to land at Stewart Street, Evans Plains, being Lots 1 and 2, DP 114143, Lots 1 and 2, Section 20, DP 758719, Lots 1-10, Section 12, DP 758719, Lots 4-7, Section 11, DP 758719 and Lot 1, DP 998613.
- (2) Development for the purpose of a dwelling house is permitted with development consent subject to the consolidation of all of the lots to which this clause applies into a single lot.

**6 Use of certain land at Limekilns Road, Ardsley Lane and Koonong Place, Forest Grove**

- (1) This clause applies to land at Limekilns Road and Ardsley Lane, Forest Grove, being Lot 103, DP 1114363, Lot 1, DP 67467 and Lot 1, DP 977426.
- (2) Development for the purpose of a subdivision is permitted with development consent if the subdivision creates:
  - (a) no more than 2 lots with an area of not more than 10.5 hectares each within Lot 103, DP 1114363, and
  - (b) no more than 3 lots within Lot 1, DP 67467, Lot 1, DP 977426 and the residue of Lot 103, DP 1114363, being,
    - (i) one lot with an area of not more than 202 hectares, and
    - (ii) one lot of approximately 682 hectares (containing the existing dwelling known as "Ardsley"), and
    - (iii) one lot of approximately 277 hectares.
- (3) Development for the purpose of a dwelling house is permissible with development consent on each new lots mentioned in subclause (2) (a).
- (4) No further dwellings are permitted with development consent on the lot mentioned in subclause (2) (b) (iii).
- (5) No further subdivision is permitted on the lot of approximately 682 hectares mentioned in subclause (2) (b) (ii).
- (6) Development for the purposes of a dwelling house is prohibited on the land comprising Lot 103, DP 1114363 before the subdivision of that lot under subclause (2).

**7 Use of certain land at 51 Gormans Hill Road, Gormans Hill**

- (1) This clause applies to land at 51 Gormans Hill Road, Gormans Hill, being Lot 12, DP 1159190.
- (2) Development for the purposes of centre-based child care facilities, office premises, respite day care centres and seniors housing is permitted with development consent.

**8 Use of certain land at Sydney Road, Kelso**

- (1) This clause applies to land at Sydney Road, Kelso, being Part Lot 2, DP 1079829 and Part Lot 1, DP 1093933.
- (2) Development for the purposes of freight transport terminals and warehouse or distribution centres is permitted with development consent on that part of the land identified as "1" on the [Additional Permitted Uses Map](#).

### **9 Use of certain land at 89 Blacks Mill Lane, O'Connell**

- (1) This clause applies to land at 89 Blacks Mill Lane, O'Connell, being Lot 1, DP 869643 and Lot 35, DP 755784.
- (2) Development for the purpose of a dwelling house on each lot is permitted with development consent.

### **10 Use of certain land at Rockley Road, Rockley Mount**

- (1) Use of certain land at Rockley Road, Rockley Mount being Lot 215, DP 750354.
- (2) Development for the purpose of a dwelling house is permitted with development consent.

### **11 Use of certain land at 1407 Freemantle Road, Watton**

- (1) This clause applies to land at 1407 Freemantle Road, Watton, being Lot 37, DP 755801.
- (2) Development for the purpose of a dwelling house is permitted with development consent.

## **Schedule 2 Exempt development**

(Clause 3.1)

#### **Note 1—**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

#### **Note 2—**

Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

#### **Note 3—**

Despite Note 1, under clause 1.9 (3) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy.

#### **Note 4—**

Development that is the installation of photovoltaic cells, small wind turbine systems, and solar energy systems (including solar hot water systems) may be carried out as exempt development under *State Environmental Planning Policy (Infrastructure) 2007*.

## **Division 1 Access ramps**

### **1.1 Specified development**

The construction or installation of an access ramp is development specified for this Schedule.

### **1.2 Development standards**

- (1) Must be constructed in accordance with AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work*.
- (2) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (3) If constructed or installed on or in, or in relation to, a heritage item—must be located behind the front building line.
- (4) Must not interfere with the functioning of existing drainage fixtures or the natural surface flow of water.
- (5) Must not be situated on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (6) If located on bush fire prone land and less than 10m from a dwelling—must be constructed of non-combustible material.
- (7) Must be erected within the property boundary.
- (8) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (9) Must not be constructed over any easement.
- (10) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (11) Must not be more than one per building or dwelling, unless located behind the building line and not visible from any road or public area.

**Note—**

See AS 1428.1—2009, *Design for access and mobility, Part 1: General requirements for access—New building work* and the *Disability (Access to Premises—Buildings) Standards 2010* under the [Disability Discrimination Act 1992](#) of the Commonwealth which specifies the design requirements for new building work to provide access for people with disabilities.

## **Division 2 Aerials and antennae (including microwave antennae)**

### **2.1 Specified development**

The construction or installation of an aerial or antenna, including microwave antennae, is development specified for this Schedule if it is only for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio (or any combination of these uses).

### **2.2 Development standards**

- (1) If it is roof mounted—must not be higher than 2.5m above the highest point of the roof.
- (2) If it is not roof mounted—must:
  - (a) be not higher than 2.5m above the highest point of the roof of the dwelling on the lot, and
  - (b) except on land within Zone RU1, Zone RU2, Zone RU3 or Zone RU4—be located in the rear yard, and
  - (c) not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (3) Must be structurally sound and capable of supporting the dead and live (wind) loads that may be imposed on the development and the supporting structure.
- (4) Must not be more than one per building or dwelling, unless located behind the building line, and not visible from a road or a public area.

## **Division 3 Air-conditioning units and evaporative cooling units**

### **3.1 Specified development**

The construction or installation of an air-conditioning or evaporative cooling unit is development specified for this Schedule.

### **3.2 Development standards**

- (1) Must be located within the property boundary.
- (2) Must not be located on land in Zone RU5 within the village of Hill End.
- (3) Must not reduce the structural integrity of the building.
- (4) Must not dispose of condensation in a manner that damages or causes nuisance to adjoining properties including roads and public places.
- (5) Any opening created must be adequately waterproofed.

- (6) Must not reduce the existing fire resistance level of a wall.
- (7) Must not be more than one per building or dwelling, unless located behind the building line, and not visible from a road or public area.
- (8) Must not be higher than 1.8m above the highest point of the roof of the building on which it is located.
- (9) Must not be audible inside the interior of any adjoining dwelling between 10 pm and 7 am on weekdays and 10 pm and 8 am on Saturdays, Sundays and public holidays.
- (10) Noise levels must not exceed 5dB(A) above ambient background noise level, measured at the property boundary.
- (11) If within a heritage conservation area or on a heritage item—must be located behind the building line and not be visible from a road or a public place or extend above the roof line.
- (12) If it is constructed or installed on or in, or in relation to, a heritage item—must not be wall or roof mounted.

## **Division 4 Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)**

### **4.1 Specified development**

The construction or installation of an animal shelter is development specified for this Schedule.

### **4.2 Development standards**

- (1) Must be on land within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3 or Zone IN1.
- (2) Must not be used for commercial purposes (other than for agriculture).
- (3) Maximum wall height—3m.
- (4) Maximum overall height—4.5m.
- (5) If within Zone R1, Zone R2, Zone R5, Zone RU5, Zone B1, Zone B3 or Zone IN1, must:
  - (a) have a maximum building floor area of 30m<sup>2</sup>, and
  - (b) be located behind the front building alignment.
- (6) If within Zone RU1, Zone RU2 or Zone RU4 must have a maximum building floor area of 60m<sup>2</sup>.

- (7) Must be constructed of non-reflective materials or painted before use.
- (8) Horse stables must be a minimum 9m from any building used for the manufacture, production or storage of food or from land used for public purposes.
- (9) Must be located so that it does not cause nuisance (for example noise, odour or vermin) to neighbouring properties.
- (10) If proposed to be located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (11) If constructed or installed on or in, or in relation to, a heritage item—must be located in the rear yard, unless it is located in Zone RU1, Zone RU2 or Zone RU4.
- (12) If located on bush fire prone land and the structure is attached to or shares a common roof space with the dwelling, must comply with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (13) Must be erected within the property boundary.
- (14) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (15) Must not be constructed over any easement.
- (16) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (17) Must not be within 40m of a perennial or intermittent named waterway.
- (18) If constructed in Zone R1 or Zone R2—must not be more than one development per dwelling on the lot (except for aviaries).
- (19) Must not be located on a lot located in the “Flood Planning Area” identified on the [Flood Planning Map](#).

## **Division 5 Automatic teller machines**

### **5.1 Specified development**

The construction or installation of an automatic teller machine is development specified for this Schedule.

### **5.2 Development standards**

- (1) Must be located in and accessed from inside an existing business, retail premises or specialised retail premises.
- (2) Must not be located in the external wall of an existing business or retail premises

unless accessed from inside the existing building.

## **Division 6 Awnings, blinds and canopies (including storm, sun and security blinds)**

### **6.1 Specified development**

The construction or installation of an awning, blind (including a storm blind, security blind or sun blind), canopy or similar structure over a window or door opening is development specified for this Schedule.

### **6.2 Development standards**

- (1) The height must not exceed the highest point of the ridge line of the main building.
- (2) Must not be enclosed.
- (3) Must be constructed of non-reflective materials or painted before use.
- (4) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (5) If the same structure already exists on the subject land, the proposed new structure must not be visible from the road or a public area.
- (6) Must not be constructed on land in Zone RU5 within the village of Hill End.
- (7) If in a heritage conservation area or draft heritage conservation area—must be located behind the front building alignment.
- (8) Must not be constructed or installed on, in, or in relation to a heritage item or draft heritage item.
- (9) Must not be used for advertising.

## **Division 7 Balconies, cabanas, decks, gazebos, patios, patio covers, pergolas, terraces, verandahs and shade structures (including attached or detached to a dwelling, roofed and unroofed)**

### **7.1 Specified development**

The construction or installation of a balcony, cabana, deck, gazebo, patio, patio cover, pergola, terrace, verandah or shade structure (whether attached to or detached from a dwelling, or roofed or unroofed) is development specified for this Schedule.

### **7.2 Development standards**

- (1) Maximum floor level height—2.4m.



- (2) Maximum height for shade structures—3.0m.
- (3) Must not be constructed or installed on, or in relation to, a heritage item or draft heritage item.
- (4) Must be located at least 900mm from the property boundary, excluding pergolas and shade sails.
- (5) Must be located behind the front building alignment, excluding verandahs and pergolas.
- (6) Must not be enclosed.
- (7) Must be constructed of non-reflective materials or painted before use.
- (8) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times. For decks, access panels must be provided within the deck above all inspection openings.
- (9) Decks must not be located over gullies unless there is a minimum 2m clearance, alternatively the gully must be relocated so as to be clear of the deck.
- (10) The height must not exceed the highest point of the ridge line of the main building.
- (11) If the floor level is greater than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the *Building Code of Australia*.
- (12) If located on bush fire prone land and the structure is attached to or shares a common roof space with the dwelling, the structure must comply with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (13) Must not be constructed on land in Zone RU5 within the village of Hill End.
- (14) Must be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
- (15) Must not be constructed over any easement.
- (16) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (17) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 8 Barbecues and other outdoor cooking structures**

### **8.1 Specified development**

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this Schedule.

### **8.2 Development standards**

- (1) Must be located within the property boundary.
- (2) Any permanent gas or electricity supply must be connected by a licensed gas fitter or electrician.
- (3) Must be located so that it does not cause nuisance (for example noise, odour or smoke) to neighbouring properties.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed in any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) Must not be constructed over drainage pipes or any house drainage.
- (8) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 9 Bollards**

### **9.1 Specified development**

The construction or installation of a bollard is development specified for this Schedule.

### **9.2 Development standards**

- (1) Must not reduce the existing means of egress from a building or site.
- (2) Must not be higher than 1.5m above the ground level (existing).
- (3) If located in the footpath, must be constructed in accordance with the Council's Drawing No. EN8447 available on the Council's website.

## **Division 10 Building alterations (internal and external) to commercial**

## **premises, including shop fitouts and recladding of roofs and walls**

### **10.1 Specified development**

Building alterations (internal and external) to commercial premises, including shop fitouts and recladding of roofs and walls, is development specified for this Schedule.

### **10.2 Development standards**

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1 or Zone R2.
- (2) Maximum gross floor area of the tenancy—300m<sup>2</sup>.
- (3) The building must have been lawfully constructed to be used for the purpose of a commercial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of the building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, and the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.
- (9) If the premises are used for the storage or preparation of food—the alterations must not involve the fitout of a new food premises or storage area, unless the building alterations involve the maintenance of the food premises or storage area and involve the replacement of like for like components in accordance with AS 4674—2004, *Design, construction and fit-out of food premises*.
- (10) Must not be constructed or installed on or in, or in relation to, a heritage item.
- (11) Must not involve external alterations to shop fronts above awning level.
- (12) If on land within Zone B3—must not involve the external painting or rendering of buildings.
- (13) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 11 Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and**

## rendering of buildings)

### 11.1 Specified development

Building alterations (internal and external) to dwellings, including recladding of roofs and walls, is development specified for this Schedule.

### 11.2 Development standards

- (1) Must not involve any alterations to structural components of the building.
- (2) The building must have been lawfully constructed to be used for the purpose of a dwelling.
- (3) Must involve materials that match the existing materials or match those originally used on the building.
- (4) Must not change the existing footprint of the building.
- (5) Must not change any part of the building from a non-habitable to a habitable use.
- (6) Must not reduce the provision of light or ventilation to any room served by any window, glazed area or door.
- (7) Replacement materials used must comply with AS 1288—2006, *Glass in buildings—Selection and installation* and AS/NZS 2208:1996, *Safety glazing materials in buildings* for use in Buildings (Human Impact Considerations), where applicable.
- (8) Must not include a change to the fire resisting components of a building.
- (9) In the case of the installation of insulation material, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at the rate of not less than 21,000mm<sup>2</sup> per lineal metre of wall.
- (11) Must not be constructed or installed on, in or in relation to a heritage item or a draft heritage item.
- (12) Must not include the external painting or rendering of face brickwork not previously painted or rendered within a heritage conservation area or in relation to a heritage item.
- (13) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 12 Building alterations (internal and external) to industrial premises and agricultural produce Industries, including recladding**

## **of roofs and walls**

### **12.1 Specified development**

Building alterations (internal and external), to industrial premises and agricultural produce industries, including recladding of roofs and walls, is development specified for this Schedule.

### **12.2 Development standards**

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1, Zone R2, Zone R5, Zone RU1, Zone RU2, Zone RU4 or Zone E4.
- (2) Maximum gross floor area—300m<sup>2</sup>.
- (3) The building must have been lawfully constructed to be used for the purpose of an agricultural produce industry or industrial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of a building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, or the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.
- (9) The premises must not be used for the preparation of food.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at a rate of not less than 21,000mm<sup>2</sup> per lineal metre of wall.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (12) Must not be constructed or installed on, in or in relation to a heritage item or draft heritage item.

## **Division 13 Building identification signs and business identification signs**

### **13.1 Specified development**

The installation of new or the alteration of existing building identification signs or business

identification signs is development specified for this Schedule.

### 13.2 Development standards

- (1) **Flush wall sign**—on land in Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3:
  - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
  - (b) maximum area—0.75m<sup>2</sup>, and
  - (c) must be below awning level, and
  - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
  - (e) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (2) **Flush wall sign**—on land in Zone B5 or Zone IN1:
  - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
  - (b) maximum area—6m<sup>2</sup>, and
  - (c) must not be more than one sign per building, and
  - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
  - (e) must not be visible from a classified road, and
  - (f) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (3) **Fascia sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
  - (a) must be attached to the fascia or return end of an awning, and
  - (b) must not extend beyond the depth of the existing building fascia, and
  - (c) must be displayed on the same land as a lawfully approved development to which the sign relates, and
  - (d) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (4) **Pylon sign**—on land in Zone B5 or Zone IN1:

- (a) must be an advertisement erected on a pole or pylon which is independent of any building or structure, and
  - (b) maximum height—below the roof height of the building on the site, but not greater than 5m (measured from natural ground level to the top of the structure), and
  - (c) maximum area (sign panel)—4.5m<sup>2</sup>, and
  - (d) must not be visible from a classified road, and
  - (e) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
  - (f) must not be constructed over any easement, and
  - (g) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
  - (h) must not be more than one sign per property, and
  - (i) if illuminated—must only be internally illuminated and not up-lit, and
  - (j) must be displayed on the same land as a lawfully approved development to which the sign relates, and
  - (k) must not be constructed or installed on or in, or in relation to, a heritage item, or draft heritage item, within a heritage conservation area or a draft heritage conservation area, and
  - (l) must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).
- (5) **Top hamper sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
- (a) must be a sign attached to the transom of a doorway or display window of a building, and
  - (b) must be displayed on the same land as a lawfully approved development to which the sign relates.
- (6) **Under awning sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
- (a) must be a sign attached to the underside of an awning (other than the fascia or return end), and
  - (b) must be displayed on the same land as a lawfully approved development to which the sign relates, and

(c) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.

(7) Changes to wording or content of approved signs in any zone:

(a) must be to a lawfully existing sign, and

(b) must relate to the lawfully approved use of the associated building or place, and

(c) must not be a flashing, illuminated or animated sign, and

(d) must not contain sexually explicit material, and

(e) must not interfere with or confuse interpretation or reading of traffic signals, and

(f) must not result in any additional signage or increase in signage area, and

(g) must not involve painting of the building other than an area previously painted for advertising purposes, and

(h) if within a heritage conservation area or on, in or in relation to a heritage item—must involve traditional colours (bright colours are not permitted).

## **Division 14 Building maintenance, repair and restoration**

### **14.1 Specified development**

Building maintenance, repair and restoration is development specified for this Schedule.

### **14.2 Development standards**

(1) Must involve the copying of the existing fabric of the building.

(2) Must involve the repair or replacement of missing or deteriorated components of the building.

(3) Must involve the restoration of components of the place by returning existing fabric to a known earlier location or configuration by removing accretions or by reassembling existing components without the introduction of new material.

(4) Must involve reinstating components such as doors, windows, decorative detail and landscape features and the removal of infills from verandahs, enclosures to fireplaces and minor partitions.

#### **Note—**

For heritage buildings, repair works should be based on the principle of doing as much as necessary but as little as possible, i.e. only replace the materials that need to be replaced.



## **Division 15 Bus shelters**

### **15.1 Specified development**

The construction or installation of a bus shelter is development specified for this Schedule.

### **15.2 Development standards**

- (1) Maximum overall height—4.5m.
- (2) Must be erected on parks, recreation areas, public footpaths, or at sporting facilities or playing fields under the control and management of the Council.
- (3) Must not be constructed over any easement or other utility service without the express permission from the relevant public authority.
- (4) Must not obstruct the line of sight of vehicular traffic.
- (5) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (6) Must not be constructed over any easement.
- (7) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (8) Must not be constructed over any drainage pipes or any house drainage.
- (9) Must be constructed of non-reflective materials or alternatively painted before use.
- (10) Must not display an advertisement.
- (11) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 16 Caravans and campervans**

### **16.1 Specified development**

The use of a caravan or campervan is development specified for this Schedule.

### **16.2 Development standards**

- (1) Must be on land within Zone RU1, Zone RU4, Zone RU5 (excluding the village of Hill End), Zone R1, Zone R2 or Zone R5.
- (2) Must not be within 40m of a perennial or intermittent named waterway.
- (3) If located within a heritage conservation area or heritage item, must not be visible from a road or public place.

- (4) If located on land within Zone RU1 or Zone RU4 must be located at least 40m from a public road and:
  - (a) be occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
  - (b) if the land is land dedicated or reserved under the [Forestry Act 2012](#), be occupied by persons employed in forestry operations on the land, or
  - (c) up to 2 additional caravans or campervans (other than those to which paragraph (a) or (b) applies) may be installed so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any 12-month period.
- (5) If located on land within Zone R1, Zone R2, Zone R5 or Zone RU5 must be:
  - (a) occupied only by the owner of the land or members of the owner's household, and
  - (b) located behind the front building alignment, and
  - (c) only one per property.
- (6) Must not be located over the Council's sewer access points.
- (7) Must not be located on a lot located in the "Flood Planning Area" identified on the [Flood Planning Map](#).

## **Division 17 Carports**

### **17.1 Specified development**

The construction or installation of a carport is development specified for this Schedule.

### **17.2 Development standards**

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Maximum floor area—60m<sup>2</sup>.
- (3) If on land within Zone R1, Zone R2, Zone R5, Zone RU5, Zone SP3, Zone E4, Zone RE1 or Zone RE2,
  - (a) maximum wall height—3.3m, and
  - (b) maximum overall height—4.5m.
- (4) If on land within Zone RU1, Zone RU2, Zone RU4, Zone B1, Zone B3, Zone B5, Zone IN1 or Zone SP2—the height must be no higher than the highest point of the ridge of the main building located on the land.

- (5) Must be located within the property boundary.
- (6) If constructed within 900mm from a side or rear boundary, must be a minimum 900mm from a dwelling on the same land.
- (7) Must be located at or behind the front building alignment and, if on a corner lot, behind the side building alignment unless it is less than 20m<sup>2</sup> in area, in which case it can be behind a fence on the side building alignment.
- (8) Must have 2 or more sides open and not more than one-third of its perimeter enclosed.
- (9) Must be constructed of non-reflective materials or painted before use.
- (10) If located in a heritage conservation area, the colouring of materials used must match those used on the main building.
- (11) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
- (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (13) Must not be constructed over any easement.
- (14) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (15) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (16) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 18 Change of Use**

### **18.1 Specified development**

A change from a current use to a new use that is a change from:

- (a) a type of business premises to another type of business premises, or
- (b) business premises to office premises, or
- (c) a type of office premises to another type of office premises, or
- (d) office premises to business premises, or
- (e) a type of retail premises to another type of retail premises of the same kind (eg. from specialised retail premises to another specialised retail premises), or

- (f) a type of light industry to another light industry, or
  - (g) an industry to another industry or light industry, or
  - (h) an agricultural produce industry to another type of agricultural produce industry, or
  - (i) a warehouse or distribution centre to another warehouse or distribution centre, or
  - (j) an industry or light industry to a warehouse or distribution centre, or
  - (k) a warehouse or distribution centre to a light industry, or
  - (l) a community or recreation use to another community or recreation use,
- is development specified for this Schedule.

### **18.2 Development standards**

- (1) Must not provide any additional floor area.
- (2) The proposed use must be consistent with the existing classification of the building under the *Building Code of Australia*.
- (3) The current use must be a lawful use and must not be an existing use within the meaning of section 106 of the Act.
- (4) The new use must be permissible in the land use zone in which it is carried out.
- (5) Must not involve any of the following:
  - (a) the sale, storage or handling of food or the selling of liquor,
  - (b) hairdressing or beauty salons,
  - (c) premises for ear piercing, tattooing or other skin penetrating activities,
  - (d) sex service premises or home occupation (sex services), or
  - (e) restricted premises.
- (6) The existing use of the building must not be the subject of an approval incorporating an "Alternative Solution" under the *Building Code of Australia*.
- (7) Must not extend beyond existing approved hours of operation under a current development consent.
- (8) Must comply with any conditions of a current development consent relating to the site.
- (9) Must not involve the discharge of trade waste into the sewer drainage pipes or stormwater drainage systems without first obtaining written approval from the

Council.

- (10) Must have appropriate cross connection control or back flow prevention devices installed in accordance with AS/NZS 3500 and the *Plumbing Code of Australia*.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 19 Clothes lines and hoists**

### **19.1 Specified development**

The construction or installation of a clothes hoist or clothes line is development specified for this Schedule.

### **19.2 Development standards**

Must be located behind the front building alignment.

## **Division 20 Communication dishes (radio and satellite)**

### **20.1 Specified development**

The construction or installation of a radio or satellite communications dish is development specified for this Schedule if it is only for the purpose of receiving television or radio signals (or both).

### **20.2 Development standards**

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be greater than 1.8m in diameter.
- (3) Must not be greater than 1.8m above the highest point of the roof of the building.
- (4) If attached to a free standing structure, the structure must not be constructed within 1.2m of any 150mm diameter sewer main or 2m of any 225mm (or greater) diameter sewer main, or over any easement and must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (5) The roof must be capable of supporting the additional load.
- (6) Must not be constructed over drainage pipes or any house drainage pipelines.
- (7) Must be located within the property boundary and not project over a public road.
- (8) The dish and supporting structure must be capable of supporting the dead and live (wind) loads which may be imposed upon them.

- (9) The dish, whether attached to a building or not, must not be visible from a road or other public place within a heritage conservation area.
- (10) Not more than one dish per building or tenancy.
- (11) Must not be constructed or installed on or in, or in relation to, a heritage item, unless it is free standing and located behind the front building line.

## **Division 21 Cubby houses and play equipment**

### **21.1 Specified development**

The construction or installation of a cubby house or play equipment is development specified for this Schedule.

### **21.2 Development standards**

- (1) Maximum height—3m (measured from natural ground level to the top of the structure).
- (2) If the floor level of any structure is more than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the *Building Code of Australia*.
- (3) Must not be used for habitable purposes.
- (4) Must be within the property boundary.
- (5) If located on private land within Zone R1, Zone R2, Zone RU5, Zone B1 or Zone B3, must be located behind the front building alignment or if a corner lot behind a fence on the side building alignment.
- (6) Must be constructed of non-reflective materials or painted before use.
- (7) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (8) Must not be constructed over any easement.
- (9) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (10) Must not be constructed over drainage pipes or any house drainage.
- (11) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 22 Dams**

### **22.1 Specified development**

The construction of a dam is development specified for this Schedule.

### **22.2 Development standards**

- (1) Must not be located on land in Zone R1, Zone R2, Zone B1 or Zone B3.
- (2) Must not be located on or across a perennial or intermittent named waterway, (including a wetland, stream, creek or river) without the approval of the NSW Office of Water.
- (3) If located on land in Zone R5, Zone RU5 or Zone E4, must be fenced to prevent access by children.
- (4) If on land within the vicinity of the Bathurst Airport, must be designed to reduce its attractiveness to bird life.
- (5) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 23 Demolition**

### **23.1 Specified development**

The demolition of a building or structure is development specified for this Schedule.

### **23.2 Development standards**

- (1) The site must not contain a heritage item, a draft heritage item or be located in a heritage conservation area or in a draft heritage conservation area.
- (2) The site must not be within the *Bathurst Region Heritage Study 2007* or on the State Heritage Inventory database.
- (3) The building to be demolished must not be 50 or more years of age excluding buildings subject to the Council’s *Bathurst Floodplain Management Plan*.
- (4) Work must comply with the requirements of the Council’s demolition code.
- (5) Must be demolished in accordance with AS 2601—2001, *The demolition of structures*.
- (6) Any redundant plumbing and drainage must be capped off in accordance with AS 3500:2003, *Plumbing and drainage set* and the *Plumbing Code of Australia*, and the works inspected by the Council before the capped off works have been concealed.
- (7) Any electricity and telephone services must be disconnected before demolition work commences.

## **Division 24 Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)**

### **24.1 Specified development**

The construction or installation of a driveway, path and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas) is development specified for this Schedule.

### **24.2 Development standards**

- (1) Must be constructed in accordance with the Council's *Guideline for Engineering Works*.
- (2) Driveways and footway crossings must be constructed in accordance with access levels issued by the Council and must be inspected by the Council before pouring of the concrete.
- (3) If on land within Zone RU2 or Zone SP3, must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
- (4) If a driveway for a corner lot, must be located at least 6m from the corner of the intersection.
- (5) Access to the Council's sewer manholes must be maintained at all times.
- (6) All vehicle manoeuvring and car parking areas must be paved and line marked in accordance with the Council's *Guideline for Engineering Works*.

## **Division 25 Earth works and retaining walls**

### **25.1 Specified development**

Earthworks and retaining walls are development specified for this Schedule.

### **25.2 Development standards**

- (1) For earthworks:
  - (a) maximum cut—1m,
  - (b) maximum fill—1m,
  - (c) must use clean fill that is virgin excavated natural material (VENM),
  - (d) must not cause nuisance to adjoining properties,
  - (e) must not obstruct the natural flow of surface water,



(f) if on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, must not be within 40m of a perennial or intermittent named waterway,

(g) must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

(2) For retaining walls:

(a) maximum height—1m,

(b) must not encroach onto or interfere with adjoining properties, including the Council road reserves,

(c) must be provided with drainage of sufficient design and capacity to prevent a build up of hydrostatic pressure behind the wall,

(d) if constructed parallel, or less than 45°, to any sewer main, it must be clear of:

(i) any 150mm diameter sewer main by 1.2m, or

(ii) any 225mm (or greater) diameter sewer main by 2m, or

(iii) any the Council’s rising (pumped) main of any size by 2m, and

(iv) the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website,

(e) if constructed perpendicular, or not less than 45°, to the sewer main:

(i) must only be over any 150mm or 225mm diameter sewer main, and

(ii) the support posts must be at least 500mm clear of the main sewer, and

(iii) must be designed to provide a minimum vertical clearance of 600mm between the footing and the main, and

(iv) if a reinforced concrete footing is proposed—must be designed as a bridging footing so that no loads are transferred to the sewer main,

(f) all water and seepage must be disposed of entirely on the land and must not cause damage or nuisance to adjoining properties,

(g) if of masonry construction:

(i) must comply with AS 3700—2011, *Masonry structures*,

(ii) must comply with AS 3600—2009, *Concrete structures*,

(iii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*,

- (h) if of timber construction:
  - (i) must comply with AS 1720.1—2010, *Timber structures—Design methods*,
  - (ii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*,
- (i) must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#),
- (j) must not be constructed on, or in relation to, a heritage item or draft heritage item.

## **Division 26 Emergency work and temporary repairs**

### **26.1 Specified development**

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the [State Emergency and Rescue Management Act 1989](#) to be an area where a state of emergency exists is development specified for this Schedule.

### **26.2 Development standards**

- (1) Must be carried out within 6 months of the declaration being made.
- (2) Must not change the configuration of the floor space of the building or structure being repaired.
- (3) Must not increase the floor space of the building or structure being repaired.
- (4) Must be to make the building or structure weatherproof and, if a dwelling, suitable for habitation.

## **Division 27 Farm buildings and structures**

### **27.1 Specified development**

The construction or installation of a farm building or other structure used for the purpose of an agricultural activity is development specified for this Schedule.

### **27.2 Development standards**

- (1) Must be on land within Zone RU1, Zone RU2, Zone RU4, Zone R5, Zone E4 or Zone IN1.
- (2) If on land within Zone R5, Zone RU2 or Zone E4:
  - (a) maximum wall height—3.3m, and

- (b) maximum overall height—5m, and
  - (c) maximum floor area—60m<sup>2</sup>.
- (3) If on land within Zone RU1, Zone RU4 or Zone IN1:
- (a) maximum overall height—10m, and
  - (b) maximum floor area—300m<sup>2</sup>.
- (4) Must not be within 40m (100m for stockholding yards) of a perennial or intermittent named waterway.
- (5) Must be located at least 20m from the primary road frontage and at least 3m from the other property boundaries.
- (6) Must be located so that it does not cause nuisance (for example, noise, odour or vermin).
- (7) If stockholding yards, must not be used for the commercial sale of livestock.
- (8) Must be constructed of non-reflective materials or painted before use, excluding silos.
- (9) If located on bush fire prone land and the structure is within 10m of a dwelling, the structure must comply with the requirements of AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (10) Must not to be used for residential, industrial or commercial purposes.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be constructed over any easement.
- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (14) Must not be constructed over any drainage pipes or house drainage.
- (15) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 28 Fences**

### **28.1 Specified development**

The construction or installation of a fence is development specified for this Schedule.

## 28.2 Development standards

- (1) For front fences (a fence built forward of the front building line and in the case of a corner lot, is a fence built forward of both the front and side building alignments):
  - (a) must be located on land within Zone R1, Zone R2, Zone B1 or Zone B3, and
  - (b) must be on or within the property boundary, and
  - (c) must not be barbed wire, man-proof fencing or pre-coloured metal sheet, and
  - (d) must not affect public safety or create danger to the public, and
  - (e) must not obstruct the natural flow of surface water, and
  - (f) if open or partially transparent (eg picket):
    - (i) maximum infill height—1.2m, and
    - (ii) maximum post height—1.5m, and
  - (g) if of masonry construction:
    - (i) maximum height—1m, and
    - (ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
    - (iii) must not be constructed over any easement, and
    - (iv) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
    - (v) must not be constructed over drainage pipes or any house drainage, and
    - (vi) must comply with AS 3700—2011, *Masonry structures*, and
    - (vii) must comply with AS 3600—2009, *Concrete structures*, and
    - (viii) must comply with AS/NZS1170.0:2002, *Structural design actions—General principles*, and
    - (ix) must not be constructed over any utility services unless those services are relocated,
  - (h) the colouring and type of materials used must match those used on the main building or neighbouring fences, and
  - (i) if the site contains a heritage item, draft heritage item or is within a heritage conservation area or draft heritage conservation area, must be constructed of timber, or other traditional materials appropriate to the site, and

- (j) if it includes a gate, the gate must not swing open over the Council's property, and
  - (k) must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).
- (2) For side and rear fences (a fence not built forward of the front building line and in the case of a corner lot, is a fence not built forward of both the front and side building alignments):
- (a) must be located on land within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, and
  - (b) if on land within Zone RU5, Zone R1, Zone R2 or Zone R5, maximum height—1.8m, and
  - (c) if on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, maximum height— 2.5m, and
  - (d) must not affect public safety or create danger to the public, and
  - (e) must be on or within the property boundary, and
  - (f) must not obstruct the natural flow of surface water, and
  - (g) if on land within Zone R1 or Zone R2:
    - (i) must be of traditional residential fencing materials or of pipe, steel, timber, pre-coloured metal sheeting, masonry or the like, and
    - (ii) must not include barbed wire or similar man-proofing materials,
  - (h) if on land within Zone RU5 (excluding the village of Hill End) or Zone R5:
    - (i) must be timber, wire, timber and wire or post and rail, and
    - (ii) must not be pre-coloured metal sheet fences,
  - (i) if on land within Zone RU5 in the village of Hill End:
    - (i) must be timber, either of picket style, palisade, or rough timber paling, and
    - (ii) must not be pre-coloured metal sheet fences,
  - (j) if of masonry construction:
    - (i) maximum height—1.2m, and
    - (ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
    - (iii) must not be constructed over any easement, and

- (iv) must be clear of the zone of influence of any sewer main in accordance with Council's Drawing No. EN7902 available on the Council's website or that section of any sewer affected by the zone of influence must have footings designed to be clear of the zone of influence, and
  - (v) must not be constructed over drainage pipes or house drainage, and
  - (vi) must comply with AS 3700—2011, *Masonry structures*, and
  - (vii) must comply with AS 3600—2009, *Concrete structures*, and
  - (viii) must comply with AS/NZS1170.0:2002, *Structural design actions—General principles*, and
  - (k) if the site contains a heritage item, the fence must be made of timber or other traditional materials appropriate to the site, and
  - (l) must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).
- (3) For front, side and rear fences in rural and environment protection zones (except Zone RU5):
- (a) must be located on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, and
  - (b) maximum height (erected on a boundary not adjoining a public road)—1.8m, and
  - (c) maximum height (erected on a boundary adjoining a public road)—1.2m, and
  - (d) must be constructed of traditional rural fencing materials, or of pipe, steel, timber, masonry or the like, and
  - (e) must not be pre-coloured sheet metal, and
  - (f) must be on or within the property boundary, and
  - (g) must not affect public safety or create danger to the public, and
  - (h) must not obstruct the natural flow of surface water, and
  - (i) if of masonry construction:
    - (i) maximum height—1.2m, and
    - (ii) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
    - (iii) must not be constructed over any easement, and
    - (iv) must be clear of the zone of influence of any sewer main in accordance with

the Council's Drawing No. EN7902 available on the Council's website or that section of any sewer main in accordance with that drawing or that section of any sewer affected by the zone of influence must have footings designed to be clear of the zone of influence, and

- (v) must not be constructed over drainage pipes or house drainage, and
- (vi) must comply with AS 3700—2011, *Masonry structures*, and
- (vii) must comply with AS 3600—2009, *Concrete structures*, and
- (viii) must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
- (j) must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 29 Filming**

### **29.1 Specified development**

Filming is development specified for this Schedule.

### **29.2 Development standards**

The standards specified for that development are as follows:

- (a) the development may only be carried out on land:
  - (i) on which there is a heritage item, or
  - (ii) within a heritage conservation area, or
  - (iii) identified as an environmentally sensitive area,if the filming does not involve or result in any of the following:
  - (iv) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,
  - (v) the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),
  - (vi) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,
  - (vii) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area,

- (b) the development must not create significant interference with the neighbourhood, and
- (c) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location, and
- (d) a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before filming commences at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):
  - (i) the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming,
  - (ii) a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary),
  - (iii) the proposed location of the filming,
  - (iv) the proposed commencement and completion dates for the filming at the location,
  - (v) the proposed daily length of filming at the location,
  - (vi) the number of persons to be involved in the filming,
  - (vii) details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming,
  - (viii) the type of filming equipment to be used in the filming (such as a hand-held or mounted camera),
  - (ix) proposed arrangements for parking vehicles associated with the filming during the filming,
  - (x) whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil),
  - (xi) whether the filming will involve the use of outdoor lighting or any other special effects equipment,
  - (xii) a copy of the public liability insurance policy that covers the filming at the location,
  - (xiii) a copy of any approval given by a public or local authority to carry out an



activity associated with the proposed filming at the location, such as the following:

- (A) an approval by the Roads and Maritime Services for the closure of a road,
- (B) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access,
- (C) an approval by the Environment Protection Authority for an open fire,
- (D) an approval by the NSW Police Force for the discharge of firearms,
- (E) an approval by the Crown Land Division of Primary Industries before the use of Crown land,

(xiv) details of any temporary alteration or addition to any building or work at the location for the purposes of the filming,

(e) the person carrying out the filming must, at least 5 days before filming commences at the particular location, give notice in writing (by way of a letter-box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:

- (i) the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person,
- (ii) a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood,
- (iii) the proposed commencement and completion dates for the filming at the location,
- (iv) the proposed daily length of filming at the location.

## **Division 30 Flagpoles**

### **30.1 Specified development**

The construction or installation of a flagpole is development specified for this Schedule.

### **30.2 Development standards**

- (1) Maximum height—6m (unless attached to a building in which case the height must not exceed 3m above the highest point of the ridge line of the building).
- (2) The bottom end of the flag must be not less than 3.6m above the pathway level of the road.
- (3) Must be erected within the property boundary.

- (4) Must not project over the carriageway of a public road.
- (5) Must not interfere with public services.
- (6) Must be designed and constructed so it is structurally sound and capable of supporting the dead and live (wind) loads which may be imposed on the development and the supporting structure.
- (7) If on land within Zone R1, Zone R2, Zone RU5 or Zone R5, only one per property.
- (8) If the flag is used for commercial advertising, it must directly relate to a lawful commercial activity approved on the land on which the flagpole is erected.
- (9) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (10) Must not be constructed over any easement.
- (11) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (12) Must not be constructed over any drainage pipes or any house drainage.
- (13) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

## **Division 31 Fuel tanks and gas storage**

### **31.1 Specified development**

The construction or installation of an above ground fuel tank or gas storage facility for agricultural activity is development specified for this Schedule.

### **31.2 Development standards**

- (1) Must be located on land within Zone RU1, Zone RU2 or Zone RU4 on a lot larger than 2ha.
- (2) Must not have a capacity of more than:
  - (a) for a fuel tank—5,000L, or
  - (b) for a gas tank—1,000L.
- (3) Must be located at least 20m from the primary road frontage of the lot and at least 10m from each other lot boundary.
- (4) Must be bunded with the capacity to contain at least 110% of the capacity of the tank.
- (5) If a fuel tank—must be constructed of prefabricated metal, be freestanding and

installed in accordance with the requirements of AS 1940—2004, *The storage and handling of flammable and combustible liquids*.

- (6) If a gas tank—must be designed and constructed in accordance with the requirements of AS/NZS 1596:2014, *The storage and handling of LP Gas*.
- (7) Must not be used for advertising.
- (8) Must be located at least 1m from any registered easement, sewer main or water main.
- (9) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

**Note—**

Other legislative requirements also apply in relation to workplace health and safety issues.

## **Division 32 Garages, sheds, greenhouses and ferneries**

### **32.1 Specified development**

The construction of a garage, shed, greenhouse or fernery is development specified for this Schedule.

### **32.2 Development standards**

- (1) Must not be on land within Zone RU5 in the village of Hill End.
- (2) Must not exceed the following:
  - (a) wall height—3.3m,
  - (b) overall height—4.5m,
  - (c) floor area—60m<sup>2</sup> (45m<sup>2</sup> if the site is within a heritage conservation area).
- (3) If located on land within Zone R1, Zone R2, Zone RU5, Zone B1, Zone B3, Zone B5, Zone IN1 or Zone SP2, must be located behind the front building alignment and if located on a corner lot behind the side building alignment unless it is less than 20m<sup>2</sup> in area in which case it can be behind a fence on the side building alignment.
- (4) If located in a heritage conservation area, a structure exceeding 20m<sup>2</sup> must have the following characteristics:
  - (a) a 30° roof pitch or a roof pitch that matches the pitch of the roof of the main building, and
  - (b) the colouring of material used matches those used on the main building, and

- (c) any steel sheeting is of a traditional corrugated profile.
- (5) Must not be constructed or installed on or in, or in relation to, a heritage item, excluding:
  - (a) structures less than 20m<sup>2</sup>, if any steel sheeting is of a traditional corrugated profile, or
  - (b) land in Zone RU1, if the structure has the following characteristics:
    - (i) a 30° roof pitch or a roof pitch that matches the pitch of the roof of the main building, and
    - (ii) the colouring of material used matches those used on the main building, and
    - (iii) any steel sheeting is of a traditional corrugated profile.
- (6) Must be located within the property boundary. Where constructed within 900mm of the side or rear boundary, it must be a minimum 900mm from a dwelling on the same land.
- (7) Must not be within 40m of a perennial or intermittent named waterway.
- (8) Must be constructed of non-reflective materials or painted before use.
- (9) Must not be used for habitable, industrial or commercial purposes.
- (10) If works involve the installation of sanitary facilities:
  - (a) the plumbing and drainage must be installed in accordance with AS/NZS 3500 and the *Plumbing Code of Australia*, and
  - (b) the Council's Notification of Plumbing Works Form must be submitted to the Council, and
  - (c) the works are to be inspected by the Council before the plumbing has been concealed.
- (11) If located on bush fire prone land and the structure is within 10m of a dwelling, the structure must comply with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (13) Must not be constructed over any easement.
- (14) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.

- (15) Must not be constructed over any drainage pipes or any house drainage.
- (16) Must not be more than 1 development per dwelling exceeding 20m<sup>2</sup> in floor area on land within Zone R1, Zone R2, Zone R5, Zone B1, Zone B3 or Zone RU5.
- (17) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 33 Garbage bin storage enclosure**

### **33.1 Specified development**

The construction of a garbage bin enclosure is development specified for this Schedule.

### **33.2 Development standards**

- (1) Must be located at or behind the building line.
- (2) Must be located 450mm from each side and rear boundary.
- (3) If constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (4) If it is located on bush fire prone land and less than 5m from a dwelling, must be constructed of non-combustible material.

## **Division 34 Goal posts, sight screens and similar sporting structures**

### **34.1 Specified development**

The construction of goal posts, sight screens and similar sporting structures is development specified for this Schedule.

### **34.2 Development standards**

- (1) Must only be erected on sporting or playing fields used for sporting events.
- (2) Must not be constructed over the Council’s sewer and sewer inspection openings.
- (3) External lighting must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

## **Division 35 Hot water systems**

### **35.1 Specified development**

The installation of a hot water heater or a hot water storage tank is development specified for this Schedule.

### **35.2 Development standards**

- (1) Must be installed in accordance with the manufacturers specifications.
- (2) All work is carried out by a licensed plumber in accordance with the requirements of AS/NZS 3500 and the *Plumbing Code of Australia*.
- (3) If within a heritage conservation area or within the curtilage of a heritage item—the proposed heater must not be visible from a road or public place.

## **Division 36 Interpretive signs**

### **36.1 Specified development**

The installation of interpretive signs, being a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature, is development specified for this schedule.

### **36.2 Development standards**

- (1) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (2) Must not be larger than would otherwise be required to interpret the site.

## **Division 37 Landscaping structures and privacy screens**

### **37.1 Specified development**

The construction or installation of landscaping structures and privacy screens is development specified for this Schedule.

### **37.2 Development standards**

- (1) Must be located wholly within the property boundary.
- (2) Must not be higher than 3m.

## **Division 38 Letterboxes**

### **38.1 Specified development**

The construction or installation of a letterbox, whether free standing or in groups, is development specified for this Schedule.

### **38.2 Development standards**

- (1) Must be structurally adequate.
- (2) Must be erected within the property boundary, except on land within Zone RU1 or Zone RU4.

(3) If on land within Zone RU1 or Zone RU4, must be located to allow adequate clearance for parked postal vehicles from passing traffic and not interfere with the movement of traffic and the sight distances of drivers.

(4) Must be constructed in accordance with Australia Post Guidelines.

## **Division 39 Outdoor lighting**

### **39.1 Specified development**

The construction or installation of outdoor lighting is development specified for this Schedule.

### **39.2 Development standards**

(1) Maximum height—3m.

(2) If within the vicinity of the Bathurst Airport—must be positioned so as to comply with the CASA guidelines for lighting in the vicinity of airports.

(3) Must comply with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

(4) Must be fully shielded and point downwards.

(5) Must not be upward lighting of advertising signs or shop front lighting.

(6) Fittings and supporting structures must be designed and located so that there is no light spill onto adjoining properties.

## **Division 40 Painting and rendering of buildings**

### **40.1 Specified development**

The painting and rendering of buildings is development specified for this Schedule.

### **40.2 Development standards**

(1) Must not be located on land within Zone B3.

(2) Colours used must be representative of the period of the building or structure and must not adversely affect the heritage significance of the area or the streetscape.

(3) Must not include the external painting or rendering of face brickwork not previously painted or rendered.

## **Division 41 Park and street furniture (including bicycle racks) and public art (not covered by [State Environmental Planning Policy](#))**

## **(Infrastructure) 2007)**

### **41.1 Specified development**

The installation of park and street furniture (including bicycle racks) and public art (not covered by *State Environmental Planning Policy (Infrastructure) 2007*) is development specified for this Schedule.

### **41.2 Development standards**

- (1) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).
- (2) Must not be constructed over the Council’s sewer inspection openings.

## **Division 42 Portable classrooms (not covered by [State Environmental Planning Policy \(Infrastructure\) 2007](#))**

### **42.1 Specified development**

The installation of a portable classroom, other than those covered by *State Environmental Planning Policy (Infrastructure) 2007*, is development specified for this Schedule.

### **42.2 Development standards**

- (1) Must be located within the grounds of an educational establishment.
- (2) Must be single storey.
- (3) Must be located within the property boundary.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed over any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (7) Must not be constructed over drainage pipes or any house drainage pipelines.
- (8) Must not be within 40m of a perennial or intermittent named waterway.
- (9) Must be constructed of non-reflective materials or painted before use.
- (10) Must provide access for people with disabilities in accordance with AS 1428.1—2009, *Design for access and mobility—General requirements for access—New building work*.
- (11) If the property is located within a heritage conservation area—must not be visible from a road or public place.



- (12) Must not be located on bush fire prone land.
- (13) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (14) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 43 Portable swimming pools and spas and child-resistant barriers**

### **43.1 Specified development**

The construction or installation of portable swimming pools, spas and child resistant barriers is development specified for this Schedule.

### **43.2 Development standards**

- (1) Must be located above ground.
- (2) Must be located behind the front building line.
- (3) Must be located at least 1m from each lot boundary.
- (4) Must not exceed 2,000L in capacity.
- (5) Must not require structural work for installation.
- (6) Must not impact on the structural stability of any building.
- (7) Spas must be installed by a licensed plumber in accordance with AS/NZS 3500 and *Plumbing Code of Australia*.
- (8) If a spa, must be covered or secured by a child resistant structure (such as a door, lid, grille or mesh) that is:
  - (a) of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, *Swimming pool safety—Safety barriers for swimming pools*, and
  - (b) fastened to the spa pool by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, *Swimming pool safety—Safety barriers for swimming pools*.
- (9) Must be for domestic purposes only.
- (10) Must not be more than 1 per dwelling on the lot.

- (11) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

**Note—**

Under the [Swimming Pools Act 1992](#) a child restraint barrier is also required to be constructed or installed.

## **Division 44 Public notice signs**

### **44.1 Specified development**

The installation of a public notice sign is development specified for this Schedule.

### **44.2 Development standards**

- (1) Must be displayed by a public authority and give information or directions about the services provided by the public authority.
- (2) Must not obstruct the sight line of vehicle or pedestrian traffic.
- (3) Must be displayed on the same land as a lawfully approved development to which the sign relates.

## **Division 45 Rainwater tanks (above or below ground)**

### **45.1 Specified development**

The construction or installation of rainwater tanks (above or below ground) is development specified for this Schedule.

### **45.2 Development standards**

- (1) If on land, other than land within Zone RU1, Zone RU2, Zone RU3, Zone RU4, Zone R5, Zone E2 or Zone E4—must not have a capacity of more than 25,000L.
- (2) Must be located behind the building line of any road frontage.
- (3) Must be located at least 450mm from each lot boundary or, if on land within Zone RU1, Zone RU2, Zone RU4, Zone R5, Zone E2 or Zone E4, at least 10m from each lot boundary.
- (4) Must not be within 40m of a perennial or intermittent named waterway.
- (5) Must have its overflow connected to an existing stormwater drainage system or alternatively disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties.
- (6) If the water in the tank is to be used for human consumption, must not be interconnected with a bore water supply.

- (7) Must have an appropriate back flow prevention device installed on any water service in accordance with AS/NZ 3500 and the *Plumbing Code of Australia*.
- (8) Must be installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia*.
- (9) If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
- (10) Pumps attached to the development must be housed in a soundproof enclosure.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must not be constructed over any easement.
- (13) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (14) Must not be constructed over drainage pipes or any house drainage pipelines.

## **Division 46 Real estate signs**

### **46.1 Specified development**

The installation of real estate signs is development specified for this Schedule.

### **46.2 Development standards**

- (1) Must be a sign that advertises premises for sale or lease.
- (2) Must not be displayed for more than 14 days after letting or completion of the sale.
- (3) Must not be located on or above a roof, an awning, parapet or eave of a building.
- (4) Must not project outwards from a wall above awning level.
- (5) Must be displayed on the same land to which the sign relates.

## **Division 47 Scaffolding, temporary construction site fencing and hoarding**

### **47.1 Specified development**

The installation of scaffolding, temporary construction site fences and hoardings is development specified for this Schedule.

## **47.2 Development standards**

- (1) Must provide safe access where scaffolding, fencing or hoarding encroaches onto a public road, footway or thoroughfare.
- (2) Must not obstruct access to the Council's water and sewer infrastructure (including sewer mains, access points, water meters and stormwater pits).
- (3) Must meet with WorkCover Authority requirements.
- (4) Must comply with AS/NZS 1576.1:2010, *Scaffolding—General requirements*.
- (5) Must be of sufficient strength to withstand and be impenetrable to the impact of falling rubble.
- (6) Site fences must enclose the work area.
- (7) Must be immediately removed after the purpose for which it has been provided has concluded.
- (8) Hoarding must be constructed of solid materials to a height of not less than 3m above the level of the footpath or thoroughfare.
- (9) Hoarding signage must be installed in accordance with AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*.

## **Division 48 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)**

### **48.1 Specified development**

The construction or installation of screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs) is development specified for this Schedule.

### **48.2 Development standards**

- (1) Must not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing.
- (2) Must be located behind the front building line.
- (3) Must be located 900mm from each lot boundary.
- (4) Must be constructed of non-reflective materials or painted before use.
- (5) Must not be constructed over drainage pipes or any house drainage pipelines.
- (6) Must have at least two thirds of its perimeter comprising open screen mesh material.
- (7) If constructed or installed in a heritage conservation area—must not be attached to

any balcony, deck, patio, pergola, terrace or verandah that faces any road.

- (8) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (9) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 49 Security screens and shutters**

### **49.1 Specified development**

The installation of security screens and shutters is development specified for this Schedule.

### **49.2 Development standards**

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (3) The design of grilles must complement the architectural period of the building.
- (4) The proposed security window grilles must not damage the original building fabric on installation or removal.

## **Division 50 Skylights, roof windows and ventilators**

### **50.1 Specified development**

The installation of skylights, roof windows and ventilators is development specified for this Schedule.

### **50.2 Development standards**

- (1) Maximum area—2m<sup>2</sup>.
- (2) Maximum number—one per 25m<sup>2</sup> of roof area.
- (3) Must not be visible from a road or other public place within a heritage conservation area or on a heritage item.
- (4) Must not reduce the structural integrity of the building or involve structural alterations.
- (5) Any opening must be adequately weatherproofed.
- (6) Must be constructed and installed in accordance with the manufacturer’s specifications.

- (7) Must not be located within 900mm of a property boundary or a common wall in an attached dwelling.

## **Division 51 Solid fuel heaters including domestic oil and solid fuel burning appliances**

### **51.1 Specified development**

The installation of solid fuel heaters including domestic oil and solid fuel burning appliances is development specified for this Schedule.

### **51.2 Development standards**

- (1) Must be used for domestic purposes.
- (2) Installation must comply with AS/NZS 1691:1985, *Domestic oil fired appliances* and AS/NZS 1200:2000, *Pressure equipment*, or AS 2918—1990, *Domestic solid fuel burning appliances—Installation*, and the Council's Code for the installation of domestic type oil and solid fuel burning appliances.

## **Division 52 Subdivision**

### **52.1 Specified development**

The subdivision of land, for the purpose only of any one or more of the following, is development specified for this Schedule:

- (a) the widening of a public road,
- (b) a minor realignment of boundaries that:
  - (i) will not create additional lots or the opportunity for additional dwellings, and
  - (ii) will not result in one or more lots that are smaller than the minimum size specified in this plan in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size), and
  - (iii) will not adversely affect the provision of existing services on a lot, and
  - (iv) will not result in any increased bush fire risk to existing buildings,
- (c) the consolidation of lots,
- (d) the rectifying of an encroachment on a lot,
- (e) the creation of a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

## **52.2 Development standards**

- (1) All services required to service each lot must be wholly within the boundary of the lot they serve.
- (2) All easements registered on the lots must be transferred to the new deposited plan.
- (3) All redundant access points must be removed and any kerb and gutter reinstated.
- (4) Driveways and footway crossings must be constructed in accordance with access levels issued by the Council and must be inspected by the Council before the pouring of the concrete.
- (5) If on land within Zone RU2 or Zone SP3—must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
- (6) If works involve the installation or alteration to water or sewer infrastructure:
  - (a) the plumbing and drainage must be installed in accordance with AS/NZS 3500 and *Plumbing Code of Australia*, and
  - (b) civil works plans must have been submitted to, and approved by, the Council, and
  - (c) the works must be inspected by the Council before concealment.

## **Division 53 Temporary builders' structures**

### **53.1 Specified development**

The erection or installation of temporary builders' structures is development specified for this Schedule.

### **53.2 Development standards**

- (1) Must be located on the lot in relation to which development consent has been granted.
- (2) If it contains plumbing fixtures, must have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.
- (3) Must not be used for residential purposes.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
- (5) Must be removed from the lot immediately after completion of the works for which the development consent was granted.

## **Division 54 Temporary signs**

### **54.1 Specified development**

The erection of a temporary sign is development specified for this Schedule.

### **54.2 Development standards**

- (1) Must be a sign of a temporary nature that:
  - (a) announces any local event of a religious, educational, cultural, political, social, sporting or recreational character or relates to any temporary matter in connection with such an event, and
  - (b) does not include advertising of a commercial nature (except for the name of an event's sponsor), and
  - (c) is not displayed for more than 28 days before or 7 days after the event.
- (2) Must not obstruct the sight line of vehicle or pedestrian traffic.

## **Division 55 Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes**

### **55.1 Specified development**

The construction or installation of a temporary structure (other than a tent or marquee) and temporary alterations or additions to a building or work solely for filming purposes is development specified for this Schedule.

### **55.2 Development standards**

- (1) May only be erected, used, altered or added to in connection with filming that is exempt development.
- (2) Must not be at the location for more than 30 days within a 12-month period.
- (3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.
- (4) Must not, in its altered or added to form, be accessible to the public.

## **Division 56 Tennis courts**

### **56.1 Specified development**

The erection of tennis courts is development specified for this Schedule.



## **56.2 Development standards**

- (1) If floodlit, the exemption criteria for outdoor lighting must be met.
- (2) If on land within Zone R1, Zone R2 or Zone RU5, only one per property.
- (3) If on land within Zone R1, Zone R2, Zone RU5, Zone B1 or Zone B3, a heritage conservation area or the curtilage of a heritage item, must be located behind the front wall of the main building.
- (4) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## **Division 57 Tents or marquees used solely for filming purposes**

### **57.1 Specified development**

The construction or installation of a tent or marquee used solely for filming purposes is development specified for this Schedule.

### **57.2 Development standards**

- (1) May only be used in connection with filming that is exempt development.
- (2) Total floor area of all tents or marquees on location at the same time must not exceed 200m<sup>2</sup>.
- (3) Must be located at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.
- (4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
  - (a) if the floor area of the tent or marquee does not exceed 25m<sup>2</sup>—one exit,
  - (b) in any other case—2 exits.
- (5) Width of each exit must be at least:
  - (a) if the floor area of the tent or marquee is less than 150m<sup>2</sup>—800mm, or
  - (b) in any other case—1m.
- (6) Height of the walls must not exceed:
  - (a) if erected on private land—4m, or
  - (b) in any other case—5m.
- (7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.

- (8) Must resist loads determined in accordance with the following Australian and New Zealand Standards:
- (a) AS/NZS 1170.0:2002, *Structural design actions—General principles*,
  - (b) AS/NZS 1170.1, *Structural design actions—Permanent, imposed and other actions*,
  - (c) AS/NZS 1170.2, *Structural design actions—Wind actions*.
- (9) Must not remain at the location more than 2 days after the completion of the filming at the location.

## **Division 58 Water features and ponds**

### **58.1 Specified development**

The construction or installation of a water feature or pond is development specified for this Schedule.

### **58.2 Development standards**

- (1) Must not have a depth of more than 300mm.
- (2) Must not have a surface area of more than 10m<sup>2</sup>.

## **Division 59 Water supply works**

### **59.1 Specified development**

The construction or installation of water supply works is development specified for this Schedule.

### **59.2 Development standards**

- (1) Water may be drawn from the Council's water supply if the water is passed through a property service pipe connected to that system or in accordance with a right or licence conferred by or under any Act.
- (2) Water may be drawn from the Council water supply system or the Council's stand-pipe if the water is drawn by a Council employee acting in the course of his or her employment.

## **Division 60 Water supply, sewerage and drainage works**

### **60.1 Specified development**

The construction or installation of water supply, sewerage and drainage works is development specified for this Schedule.

## 60.2 Development standards

Water supply, sewerage or stormwater drainage work may be carried out if the work is permitted by, and in accordance with rule 2.1.3 of the *Plumbing Code of Australia*.

## Division 61 Windmills

### 61.1 Specified development

The construction or installation of a windmill is development specified for this Schedule, if it is not for the purpose of electricity generation.

### 61.2 Development standards

- (1) Must be located on land within Zone RU1, Zone RU2, Zone RU4, Zone R5 or Zone E4.
- (2) Must not be used for commercial purposes.
- (3) Must not be located on a lot identified as “Flood Planning Area” on the [Flood Planning Map](#).

## Schedule 3 Complying development

(Clause 3.2)

### Note 1—

[State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Note 2—

Despite Note 1, under clause 1.9 (3) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy.

## Part 1 Types of development

### 1 General requirements for all complying development

- (1) To be complying development, the development must:
  - (a) not involve an extension, enlargement, alteration, intensification or change of use to a building that is only lawful because of Division 10 of Part 4 of the Act, and
  - (b) not be integrated development under section 91 of the Act, and
  - (c) not be located on land subject to:
    - (i) [State Environmental Planning Policy No 33—Hazardous and Offensive Development](#), or

- (ii) *State Environmental Planning Policy No 44—Koala Habitat Protection*, or
- (iii) *State Environmental Planning Policy No 55—Remediation of Land*, and
- (d) not exceed the obstacle height limitation surface shown on the [Obstacle Limitation Surface Map](#), and
- (e) not be located on land that:
  - (i) adjoins the boundary or curtilage of a heritage item listed on the State Heritage Register, or
  - (ii) is subject to a notice, order or agreement under the *Contaminated Land Management Act 1997*, or
  - (iii) is identified as “Flood Planning Area” on the [Flood Planning Map](#), and
- (f) not involve the removal of a tree unless the relevant approval has been obtained from the Council.

## **2 Additions to dwelling houses**

### **(1) Application and general**

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must be an addition to an existing approved dwelling and may be either a habitable or non-habitable addition.
- (c) Must not be capable of being used as a separate dwelling.
- (d) Must not be within a heritage conservation area.
- (e) Must not be located on land within the 20 dB(A) or more ANEF contour.
- (f) If reticulated water is not provided, must include the provision of an additional rural water supply of 15,000L per bedroom.
- (g) If a reticulated sewer is not provided, must include the provision of additional on-site effluent capacity as supported by geotechnical certification prepared for the site.
- (h) Must not involve the conversion of a non-habitable portion of the dwelling to a habitable portion of the dwelling.
- (i) Before the complying development certificate is issued, must have an approval, if required by the *Local Government Act 1993*, for an on-site effluent disposal system if the development is undertaken on unsewered land.

- (j) Before the complying development certificate is issued, must have a Bush Fire Attack Level (BAL) certificate, if required by section 79BA of the Act, issued by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements if the development is undertaken on bush fire prone land.
- (k) If the part of the lot on which the development is proposed is identified as BAL 29 or less (not BAL 40 or BAL FZ), the BAL certificate must be attached to the application.

**(2) Bulk and scale**

- (a) Must not be higher than two storeys. The construction of a basement is not complying development.
- (b) The dwelling, together with any other buildings on the lot, must occupy no more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m<sup>2</sup>.
- (c) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.
- (d) If within Zone R5, the height of the addition must be consistent with the height of the existing dwelling.

**(3) Setbacks and siting**

- (a) If within Zones RU1 or Zone RU4—40m front, side and rear setbacks.
- (b) If within Zones RU5, Zone R1, Zone R2, Zone B1 or Zone B3:
  - (i) the development must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

<b>Wall height (measured to the eave of the dwelling from natural ground)</b>	<b>Minimum setback required (measured to the wall of the dwelling from the property boundary)</b>
Less than or equal to 3500mm	900mm
4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm

6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

**Note—**

The wall height is rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (ii) Front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is less than 2m.

**Note—**

The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (c) If within Zone R5:

- (i) the dwelling additions must have a setback of at least 5m from side and rear boundaries, and 10m from the front boundary, or if a building envelope is shown on the relevant Deposited Plan, consistent with that building envelope, and
- (ii) the maximum site coverage must be 25% of the area of the lot for all buildings and structures, and
- (iii) the dwelling additions must be attached to the existing dwelling.

- (d) Second storey windows (other than bedroom, bathroom or utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries unless the boundary adjoins a street or public place or the window consists of obscured glass or glass blocks.

- (e) Must be clear of:

- (i) any 150mm diameter sewer main by 1.2m, or
- (ii) any 225mm (or greater) diameter sewer main by 2.0m, or
- (iii) a Council's rising (pumped) main of any size by 2.0m, and
- (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.

- (f) Must not be located within any easements or restrictions registered on a deposited

plan for the subject lot.

- (g) Within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3, must not be closer to the nearest electricity conductor than a vertical line 3m measured horizontally from the conductor.
- (h) If within Zone RU1 or Zone RU4, must not be closer to the nearest electricity conductor than a vertical line 15m (measured horizontally) from the conductor.
- (i) Above ground rainwater tanks must be located behind the front building line.

**(4) Design, finishes and streetscape**

- (a) Building materials must be of similar type and colours used on surrounding buildings and the existing building.
- (b) All external materials must be non-reflective.

**(5) Site works**

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.

**(6) Access, parking and traffic**

- (a) For corner lots—minimum 6m distance must be provided between the driveway and the boundary with the road intersection.
- (b) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (c) Must have minimum 20m distance between the property entrance and an intersection with a classified road.
- (d) In Zone R1, Zone R2, Zone R5, Zone B1 and Zone B3, must have a minimum 3m wide access at the property boundary.
- (e) In Zone RU1, Zone RU4 and Zone RU5, must have an access that complies with Part 4.1.3 (2) of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.
- (f) Must maintain a minimum of 1 covered car parking space at or behind the building line.
- (g) In Zone R5, must not propose a new access point to a public road.

**(7) Open space**

Within Zone RU5, Zone R1, Zone R2, Zone B1 and Zone B3, must be a single

unoccupied area of at least 50m<sup>2</sup> to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

**Note—**

If any associated fences or retaining walls exceed the exemption criteria for such development under Schedule 2 they are not exempt development.

### **3 Conversion of a dwelling to tourist and visitor accommodation**

#### **(1) Application and general**

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must not be located on bush fire prone land.
- (c) Must involve the occupation of an existing residential building.
- (d) Must not involve external alterations except those that are exempt development under Schedule 2.
- (e) Must not be located on land within the 20 dB(A) or more ANEF.
- (f) The establishment must comply with the requirements of the Council's *Operation of Tourist and Visitor Accommodation Establishments Policy*.
- (g) Before the complying development certificate is issued, must have an approval to operate a sewerage management system, if required by the [Local Government Act 1993](#), for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (h) If reticulated water is not provided, household taps must be labelled: "*This water is not treated, NSW Health recommends that you hold the water at boiling point for at least one minute before drinking*".

#### **(2) Bulk and scale**

- (a) Maximum floor area—300m<sup>2</sup>.
- (b) Accommodation must not be provided to more than 12 guests.

#### **(3) Access, parking and traffic**

- (a) Parking must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (b) Must have 3m access width at property boundary.
- (c) Must not have direct access to a classified road except for those lands that maintain an existing access.



- (d) Must have minimum 30m distance between the property entrance and an intersection with a classified road.

#### **4 Dwelling houses (including exhibition homes and dwelling houses with attached and detached garages)**

##### **(1) Application and general**

- (a) Must be within Zone R1 or Zone R2.
- (b) Must not be within a heritage conservation area.
- (c) Must not be located on land within the 20 dB(A) or more ANEF.
- (d) Must not be located on land within the 50 dBA Noise Contour as shown on the [Mount Panorama Environs Map](#).

##### **(2) Bulk and scale**

- (a) Must achieve the minimum lot size as shown on the [Lot Size Map](#).
- (b) Must not require the consolidation of lots to achieve the minimum lot size as shown on the [Lot Size Map](#).
- (c) Must not be higher than two storeys. The erection of a basement as part of a new dwelling house is not complying development.
- (d) The dwelling, together with any other buildings on the lot, must not occupy more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m<sup>2</sup>.
- (e) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.

##### **(3) Setbacks and siting**

- (a) The front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is less than 2m.

**Note—**

The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (b) The dwelling must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

<b>Wall height (measured to the eave of the dwelling from natural ground)</b>	<b>Minimum setback required (measured to the wall of the dwelling from the property boundary)</b>
Less than or equal to 3,500mm	900mm

4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm
6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

**Note—**

The wall height must be rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (c) Second storey windows (other than bedroom, bathroom and utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries, unless the boundary adjoins a street or public place or the window is of obscured glass or of glass blocks.
- (d) Must be clear of:
  - (i) any 150mm diameter sewer main by 1.2m, or
  - (ii) any 225mm (or greater) diameter sewer main by 2m, or
  - (iii) a Council's rising (pumped) main of any size by 2m, and
  - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (e) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (f) Must not be closer to the nearest electricity conductor than a vertical line 3m (measured horizontally) from the conductor.
- (g) Above ground rainwater tanks must be located behind the front building line.
- (h) The dwelling must be located wholly within the building envelope if illustrated on the deposited plan for the subject lot.

**(4) Design, finishes and streetscape**

A dwelling, other than a dwelling on a battle-axe lot, must have a front door and a window of a habitable room in the building wall that faces a primary road.

**(5) Site works**

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.

**(6) Access, parking and traffic**

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the boundary with the road intersection.
- (b) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (c) Must be able to provide a minimum of one covered car parking space at or behind the building line (whether or not the space forms part of the application).
- (d) Must have a minimum 3m wide access at property boundary.

**(7) Landscaping and open space**

Must be a single unoccupied area of at least 50m<sup>2</sup> to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

**(8) Fences and retaining walls**

Fences and retaining walls must not exceed the exemption criteria for such development under Schedule 2, as applicable.

**5 Outdoor swimming pools and child resistant barriers**

**(1) Application and general**

- (a) Must be within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone SP2, Zone RE1, Zone RE2 or Zone E4.
- (b) Must not include the construction of a building enclosure over and around the pool.
- (c) Must be ancillary to a dwelling house.
- (d) Must not be located in the Bathurst heritage conservation area.

**(2) Setbacks and siting**

- (a) Must be clear of:
  - (i) any 150mm diameter sewer main by 1.2m, or

- (ii) any 225mm (or greater) diameter sewer main by 2m, or
  - (iii) a Council's rising (pumped) main of any size by 2m, and
  - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (b) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
  - (c) Must not be closer to the nearest electricity conductor than a vertical line 3m (urban areas) or 15m (rural areas) (measured horizontally) from the conductor.
  - (d) If a swimming pool, the water line must have a setback of at least 1m from the side or rear boundary.
  - (e) If a swimming pool, decking must not be located within 2m of a side or rear boundary.
  - (f) If within Zone R1, Zone R2, Zone RU5, Zone B1, Zone B3, Zone SP2, Zone RE1 or Zone RE2—must be behind the front building line.
  - (g) If within Zone R5 and Zone RU5—the backwash disposal area must not be located within 50m of a waterway.
  - (h) If within Zone R5 and located on land in Robin Hill—no backwash disposal area must be installed unless supporting geotechnical certification proves that land is suitable for wastewater disposal.
  - (i) If within Zone RU1, Zone RU2, Zone RU4 or Zone E4:
    - (i) must be 20m from a side or rear boundary and 40m from any public road, and
    - (ii) no backwash disposal area must be located within 50m of a waterway.

**(3) Site works**

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.

**Note—**

Under the [Swimming Pools Act 1992](#) a child restraint barrier is also required to be constructed or installed.

## **Part 2 Complying development certificate conditions**

**Note—**

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

## General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### Note—

Despite the Note above, under clause 1.9 (3) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy. If under this Plan, the development specified in Part 1 is subject to the following conditions.

## Division 1 Conditions that apply to additions to dwelling houses

### 1.1 Before commencing

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

### Note—

The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded until the damage done to the Council's infrastructure is repaired to its satisfaction.

(2) Any development involving bonded asbestos removal work (of an area of more than 10m<sup>2</sup>) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under Part 8.10 of the *Work Health and Safety Regulation 2011*.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

(3) Before construction commences, arrangements, satisfactory to the relevant electricity

authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.

- (4) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

**Note—**

Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (5) Before plumbing and drainage works commence, the responsible plumbing contractor must submit to the Council a notice of works under the *Plumbing and Drainage Act 2011*.

## **1.2 During construction**

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the *Plumbing Code of Australia*.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or

- (c) if that is not practicable, any other sewage management facility approved by the Council.

**Note 1—**

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

**Note 2—**

Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

<b>Column 1</b>	<b>Column 2</b>
Internal house drainage	When all internal plumbing work is installed and before concealment.
External house drainage	When all external plumbing work is installed and before concealment.
Stack work	When all work is installed and before concealment.
Final	Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the *Plumbing Code of Australia*.

**Note—**

It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All existing house sewerage drainage pipelines affected by the proposed dwelling addition must be re-laid clear of the new building alignment. All redundant plumbing and drainage must be capped off in accordance with the *Plumbing Code of Australia*. All redundant plumbing must be inspected by the Council before concealment of the capped off works.
- (8) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (9) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the Council's Guidelines for Engineering Works.
- (10) If stormwater is being discharged into a table drain, open channel or drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.
- (11) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the *Plumbing Code of Australia*.

**Note 1—**

The rainwater tank should be maintained and protected against mosquito infestation.

**Note 2—**

The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

**Note 3—**

If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (12) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (13) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.
- (14) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (15) All excavation and backfilling associated with the erection or demolition of the building must:
  - (a) be executed safely and in accordance with appropriate professional standards, and



- (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (16) If a vehicular crossing must be constructed over the footway, access levels must be obtained from the Council's engineering department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (17) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (18) The design and construction of vehicular access must comply with:
- (i) access levels obtained from the Council, and
  - (ii) the Council's *Guidelines for Engineering Works*.
- (19) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (20) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (21) The developer must relocate, if necessary, at the developer's cost any utility services.
- (22) The vehicular access from the proposed dwelling to the property boundary must comply with Part 4.1.3 (2) of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.
- Construction of the vehicular access must achieve the following minimum standards:
- (a) a minimum carriageway width of 4m,
  - (b) passing bays every 200m that are 20m long by 2m wide making a minimum trafficable width of 6m at the passing bay,
  - (c) minimum vertical clearance of 4m to any overhanging obstructions,

- (d) curves must have a minimum inner radius of 6m,
- (e) a cross fall not exceeding 10 degrees,
- (f) a maximum gradient of not more than 10 degrees.

**Note—**

Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

### **1.3 Before occupation or the issue of subdivision certificate**

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Additional water supply must be supplied in areas where reticulated water is unavailable of 15,000L per additional bedroom for domestic purposes.
- (2) At the commencement of building works, and in perpetuity, the property around the building must be managed, and Asset Protection Zones established, in accordance with section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006 and *Standards for Asset Protection Zones*.

For asset protection zones (**APZ**) on slopes greater than 18 degrees, the property must be landscaped or managed (eg terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans must be submitted for approval to the Council or the principal certifier with the construction certificate.

- (3) The building must be constructed in accordance with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (4) Where reticulated water is unavailable, a dedicated water supply of at least 20,000L must be provided on site for fire fighting purposes. This is in addition to the water supply requirements for domestic purposes.

The water supply must achieve the following standards:

- (a) a suitable connection for fire fighting purposes is made available and located within the asset protection zone and away from the structure. A 65mm Storz outlet with a gate or ball valve is provided,
- (b) gate or ball valve and pipes are adequate for water flow and are metal rather than plastic,

- (c) underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied to within 4m of the access hole,
- (d) above ground tanks must be manufactured of concrete or metal and raised tanks must have their stands protected. Plastic tanks must not be used. Tanks on the hazard side of a building must be provided with adequate shielding for the protection of fire fighters,
- (e) all above ground water pipes external to the building are metal including and up to any taps. Pumps must be shielded.

**Note 1—**

Any departure from the above standards will require written authorisation from the Council and the Rural Fire Service.

- (5) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must be in a contrasting colour to the background on which it is placed.

**Note—**

The correct building number is stated on the notice of determination.

- (6) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (7) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

#### **1.4 Use of site**

All conditions contained in any previous consent issued under the Act or the [Local Government Act 1993](#) must continue to be complied with.

#### **1.5 Prescribed conditions**

**Note 1—**

In addition to the following, clauses 136A, 136B, 136C and 136D of the [Environmental Planning and Assessment Regulation 2000](#) prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and

- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

**Note 2—**

The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

**Note 3—**

For the purposes of this condition lot includes a public road or any other public place.

## **Division 2 Conditions that apply to the conversion of a dwelling to tourist and visitor accommodation**

### **2.1 Before occupation or issue of subdivision certificate**

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Parking spaces must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (2) Parking areas must be constructed of a hard standing, dust free and weather proof surface and be appropriately line marked.

### **2.2 Use of site**

The development must be operated in accordance with the Council's *Operation of Tourist and Visitor Accommodation Establishments Policy* at all times.

## **Division 3 Conditions that apply to dwelling houses (including exhibition homes and dwelling houses with attached and detached garages)**

### **3.1 Before commencement**

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the Council's *Management Plan* for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

**Note—**

The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

(2) Any development involving bonded asbestos removal work (of an area of more than 10m<sup>2</sup>) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the *Work Health and Safety Regulation 2011*.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

(3) Before construction commences, arrangements, satisfactory to the relevant electricity authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.

(4) All building rubbish and debris, including rubbish and debris that can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

**Note—**

Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve,

footway, road or private land.

- (5) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the *Plumbing and Drainage Act 2011*.

### 3.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the *Plumbing Code of Australia*.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
  - (c) if that is not practicable, any other sewage management facility approved by the Council.

#### Note 1—

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

#### Note 2—

Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

**Column 1**

**Column 2**

Internal house drainage	When all internal plumbing work is installed and before concealment.
External house drainage	When all external plumbing work is installed and before concealment.
Stack work	When all work is installed and before concealment.
Final	Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the *Plumbing Code of Australia*.

**Note—**

It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (8) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with AS/NZS 3500 and the Council's *Guidelines for Engineering Works*.
- (9) If stormwater is being discharged into a table drain, open channel or drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.
- (10) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the *Plumbing Code of Australia*.

**Note 1—**

The rainwater tank must be maintained and protected against mosquito infestation.

**Note 2—**

The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

**Note 3—**

If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (11) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (12) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.
- (13) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (14) All excavation and backfilling associated with the erection or demolition of the building must:
  - (a) be executed safely and in accordance with appropriate professional standards, and
  - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (15) If a vehicular crossing over the footway must be constructed, access levels must be obtained from the Council's Engineering Department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (16) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.



- (17) The design and construction of vehicular access must comply with:
- (i) access levels obtained from the Council, and
  - (ii) the Council's *Guidelines for Engineering Works*.
- (18) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (19) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (20) The developer must relocate, if necessary, at the developer's cost any utility services.

**Note—**

Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

### **3.3 Before occupation or issue of subdivision certificate**

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must be in a contrasting colour to the background on which it is placed.

**Note—**

The correct building number is stated on the notice of determination.

- (2) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (3) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

### **3.4 Use of site**

All conditions contained in any previous consent issued under the Act or the [Local Government Act 1993](#) must continue to be complied with.

### 3.5 Prescribed conditions

**Note 1—**

In addition to the following, clauses 136A, 136B, 136C and 136D of the *Environmental Planning and Assessment Regulation 2000* prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

**Note 2—**

The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

**Note 3—**

For the purposes of this condition lot includes a public road or any other public place.

## Division 4 Conditions that apply to outdoor swimming pools and child resistant barriers

### 4.1 Before commencement

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

(1) The payment to the Council of:

- (a) a bond for security deposit on the kerb and gutter and footpath, and
- (b) fees for plumbing and drainage work, and
- (c) fees for the issuing of access levels,

in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

**Note—**

The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

- (2) Any development involving bonded asbestos removal work (of an area of more than 10m<sup>2</sup>, or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the *Work Health and Safety Regulation 2011*.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

- (3) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

**Note—**

Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (4) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the *Plumbing and Drainage Act 2011*.

#### **4.2 During construction**

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
  - (c) if that is not practicable, any other sewage management facility approved by the Council.

**Note 1—**

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

**Note 2—**

Refer to the Council's Guidelines for the provision of builders' temporary closet accommodation attached for additional information.

**Note 3—**

All work should be carried out so as to comply with the provisions of the [Swimming Pools Act 1992](#).

- (4) In sewered areas, the swimming pool backwash pipe must be connected to the house drainage system in accordance with the *Plumbing Code of Australia*. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

If alterations to the existing house drainage lines are required, the works must be inspected by the Council at the times specified in Column 2.

**Column 1**

**Column 2**

External drainage alterations

When all external plumbing work is installed and before concealment.

Final

At the completion of the installation of the pool.

- (6) In unsewered areas, the swimming pool backwash must be discharged and disposed of on site without affecting neighbouring properties or buildings located on the land on which the pool is located.
- (7) All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to the existing inter-lot drains located on the land, in

accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (8) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (9) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (10) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the *Plumbing Code of Australia* and the Council's *Guidelines for Engineering Works*.
- (11) All excavation and backfilling associated with the erection or demolition of the building must:
  - (a) be executed safely and in accordance with appropriate professional standards, and
  - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (12) The developer must relocate, if necessary, at the developer's cost any utility services.
- (13) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

**Note—**

The tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

### **4.3 Before occupation or issue of subdivision certificate**

**Note—**

The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.

#### 4.4 Use of site

- (1) All exterior lighting associated with the development must be designed and installed so that no light will be cast onto any adjoining property.

**Note—**

Compliance with Australian Standard AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting* will satisfy this condition.

- (2) Any child resistant barrier provided must be maintained in a good state of repair and in place so long as the swimming pool exists.
- (3) All gates and doors providing access to the swimming pool must be kept securely closed at all times when they are not in actual use.
- (4) A warning sign bearing the prescribed notice must be erected in a prominent position and maintained at all times in accordance with the [Swimming Pools Regulation 2008](#).
- (5) The proposed filter and pump are not to increase noise level of 5 dB(A) measured at the property boundary.
- (6) The proposed filter and pump must be operated in accordance with the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.
- (7) All conditions contained in any previous consent issued under the Act or the [Local Government Act 1993](#) must continue to be complied with.

#### 4.5 Prescribed conditions

**Note 1—**

In addition to the following, clauses 136A, 136B, 136C and 136D of the [Environmental Planning and Assessment Regulation 2000](#) prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and

- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

**Note 2—**

The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

**Note 3—**

For the purposes of this condition lot includes a public road or any other public place.

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Kelso	Part of Lot 7, DP 620655, Lee Street, being part of the land known as Alec Lamberton Field, identified as “Operational Land” on the <a href="#">Land Reclassification (Part Lots) Map</a>

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Mount Rankin	Lot 7, DP 263393, 67 Woodside Drive	Nil

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Abercrombie	Avoca	75 Eglinton Road	Lot 2, DP 875443	Local	I1
Abercrombie	Walmer	87 Eglinton Road	Lot 1003, DP 1151447	Local	I2
Abercrombie River	Abercrombie River timber bridge	Adjacent to 6844 Goulburn Road	Part of road reserve adjacent to Lot 2, DP 753016	Local	I3
Arkell	Long Swamp Cemetery	377 Old Trunk Road	Lot 3, DP 235045	Local	I4
Arkell	Arkell (former inn)	4274 Trunkey Road	Part Lot 19, DP 753022	Local	I5
Bathampton	Bathampton Homestead, stables and brick barn	2021 Mid Western Highway	Part Lot 300, DP 1144793	Local	I6
Bathurst	Shop (former)	26 Bant Street	Lot 1, DP 846171	Local	I7
Bathurst	St Barnabas Anglican Church and hall	36A Bant Street	Lot 95, DP 1142574; Lot 5, DP 573241	Local	I8
Bathurst	Centennial Park	Bentinck Street	Lot 1, DP 134733	Local	I332
Bathurst	St Stanislaus College and curtilage	Bentinck, Havannah and Seymour Streets	Lots 161, 226 and 249, DP 750357; Lots 1 and 2, Section 118, DP 758065; Lots 11-17, Section 117, DP 758065; Lot 1, DP 705335; Lot 1, DP 815875; Lots 1-4, DP 132171; Lot 100, DP 1163597; Lot 31, DP 598074	Local	I9
Bathurst	Elm trees	Bentinck Street (between Durham and Howick Streets)	Part road reserve	State	I10
Bathurst	Dairy farmers' factory (former convict hospital)	50 Bentinck Street	Lots 1-4, 19-28 and 30, DP 2067; Lot 2, DP 184456	Local	I11



Bathurst	Gladstone Terrace	52, 54, 56, 58 and 60 Bentinck Street	Lots 1–5, DP 1035111	Local	I12
Bathurst	Terrace house	62 Bentinck Street	Lot 50, DP 582025	Local	I13
Bathurst	Terrace cottages and commercial buildings	67, 71 and 73 Bentinck Street and 194, 196, 198, 200 and 202 Howick Street	Lot 1, DP 794613; Lot 1, DP 196982; Lots 1, 2 and 4, DP 34660; Lot 1, DP 708789; Lots 100 and 101, DP 618290	73 Bentinck Street— Local, Others—State	I14
Bathurst	Ithica	247 Bentinck Street	Lot 2, DP 535506	Local	I15
Bathurst	Federation cottage	255 Bentinck Street	Lot 161, DP 1054181	Local	I299
Bathurst	Terrace houses	45, 47, 49, 51, 53, 55, 57, 59, 61 and 63 Carlingford Street	Lots 1–10, DP 249862	Local	I16
Bathurst	Bathurst Town Square (1833) (including St Stephens Presbyterian Church group, All Saint’s Cathedral, chancel and cathedral bells, Technical College group, former National School, commercial buildings including 91–93 and 101 William Street and Walshaw Hall and All Saint’s School and residence, (former))	Bounded by Church, George, Howick and William Streets	Lot 266, DP 821055; Lot 5, DP 1191425; Lot 1, DP 1155530; Lot 10, DP 1086550; SP 34226; SP 39411, Lots 1 and 2, DP 331749, Lot 1, DP 230882, Lots 1 and 2, DP 774489; Lots 3– 9 and 11, Section 151, DP 758065; Lot 1, DP 856918; Lot 1, DP 1096497; Lot 1, DP 197421; Lots A and B, DP 158600; Lot 1, DP 154723; Lot 1, DP 986351	Cathedral Bells—State Others—Local	I17
Bathurst	Kings Parade group (part of Bathurst Town Square)	Bounded by Church, George, Russell and William Streets	Lot 1, Section 71, DP 758065	Local	I18
Bathurst	Bathurst sportsground grandstand, gates and memorial	42 and 48 Durham Street	Part Lot 92, DP 820990; Part Lot 7305, DP 1153071	Local	I19
Bathurst	Georgian cottage	101 Durham Street	Lot 1, DP 196496	Local	I300
Bathurst	Corner shop (formerly Belle-Maine Hotel)	156 Durham Street	Lot A, DP 159516	Local	I20

Bathurst	St Agnes Hostel (former)	202 Durham Street	Lot 132, DP 572300	Local	I21
Bathurst	Bathurst street lamps	George, William, Howick, Church, Russell and Keppel Streets	Part road reserve	State	I22
Bathurst	Old Government House group	1 George Street and 16 Stanley Street	Lots 1 and 2, DP 788005	State	I23
Bathurst	Roman Catholic Chancery Office	84 George Street	Part Lot 3, DP 1076699	Local	I24
Bathurst	Webb's Store group including warehouses, emporium and surrounds	169, 179, 181 and 181A George Street and 121A Keppel Street	Lots 5-9, DP 221430; Lots 11 and 12, DP 748606; Part Lot 2, DP 202916	Local	I25
Bathurst	House	182 George Street	Lot A, DP 150995	Local	I27
Bathurst	House	184 George Street	Lot 1, DP 150765	Local	I28
Bathurst	Bassett House	191 George Street	Lot 1, DP 125440	Local	I26
Bathurst	Hatherley	198 George Street	Lots 1 and 2, DP 715979; Part Lot 8, Section 79, DP 758065	Local	I29
Bathurst	2-storey commercial building	221 George Street	Lot A, DP 371946	Local	I30
Bathurst	Commercial building (formerly variety store and barber's shop)	227 George Street	Lot D, DP 160016	Local	I31
Bathurst	Bathurst Public School—1939 wings and 1935 building	281 George Street	Part Lot 1, Section 38, DP 758065	Local	I301
Bathurst	Havannah Street group	91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113 and 115 Havannah Street	Lots A-E, DP 39282; Lot 1, DP 798297; Lot 24, DP 192843; Lots 11-14, DP 588742; Lot B, DP 197477; Lot 1, DP 734173	Local	I32
Bathurst	Yarras	101 Hope Street	Lot 1, DP 741263	Local	I33
Bathurst	House	130 Hope Street	Lot 1, DP 153252	Local	I34

Bathurst	Bathurst High School—2-storey 1930s wing	190 Hope Street	Part Lot 2, DP 126777	Local	I302
Bathurst	Victoria Park	Howick Street	Lot 1, DP 134801	Local	I333
Bathurst	2-storey Victorian commercial buildings	165, 169, 171 and 175 Howick Street	Lot 10, DP 848312; Lots 3 and 6, DP 22751; Lot 1, DP 872268	Local	I35
Bathurst	Bathurst Showground group	Kendall Avenue	Lots 1 and 3, DP 1179068; Lot 1, DP 863087	State	I36
Bathurst	Bathurst Railway Station, Station Masters residence, cottage, Railway Institute and warehouse buildings	1 Keppel and Havannah Streets	Part Lot 30, DP 1062485	State	I37
Bathurst	Victoria Hotel	3 Keppel Street	Lot 1, DP 126084; Lot 1, DP 66860	Local	I38
Bathurst	Tremain's Mill and silos (former Victoria Mill) and Invincible Flour sign	7-11 Keppel Street	Lot 1, DP 782323; Lot A, DP 389015; Part road reserve	Local	I39
Bathurst	Terraces	20, 22, 24 and 26 Keppel Street	Lot 1, DP 137144; Lot 1, DP 794598; Lot 24, DP 707128; Part Lot 14, DP 192843	Local	I40
Bathurst	Webb's commercial building	23 Keppel Street	Lot 5, Section 86, DP 758065	Local	I303
Bathurst	Centennial terraces	36, 38, 40 and 42 Keppel Street	Lots 9-12, DP 569151	Local	I41
Bathurst	Loxley House	46 Keppel Street	Lot 8, DP 623425	Local	I42
Bathurst	Sparta Corner	81 and 83 Keppel Street and 104 Bentinck Street	Lots A-C, DP 161775	Local	I43
Bathurst	Carrington House (former Masonic Hall)	99 Keppel Street	Lot 21, DP 227089	Local	I44
Bathurst	Hollydene	113 Keppel Street	Lot B, DP 163678	Local	I45

Bathurst	The Bathurst Hall (formerly Oddfellows Hall)	124 Keppel Street	Lot 3, DP 747536	Local	146
Bathurst	Pentilly	218 Keppel Street	Lot 1, DP 701196	Local	147
Bathurst	Monteagle	268 Keppel Street	Lot 1, DP 1038347; Lot B, DP 347292	Local	148
Bathurst	Blair Athol	275 and 281 Keppel Street	Lot N, DP 158416; Lot 46, DP 1006258	Local	149
Bathurst	Lachlan Inn (former)	57 and 59 Lambert Street	Lot 1, DP 799423; Lot 1, DP 742651	Local	1327
Bathurst	Adar	110 Lambert Street	Lot 1, DP 719457	Local	150
Bathurst	Post-war residence	319A-319C Lambert Street	Lots 1-3, DP 1161713	Local	151
Bathurst	Bathurst-Kelso Railway Bridge	Macquarie River	Part Main Western Railway	State	152
Bathurst	Denison Bridge	Macquarie River	Over Macquarie River	State	153
Bathurst	Georgian cottage	67 Morrissett Street	Lot 1, DP 21721	Local	1304
Bathurst	Crago Mill	2A Piper Street	Lot 12, DP 1014089	Local	154
Bathurst	Attached residences (formerly Railway Hotel)	46-48 Piper Street	Lot 21, DP 591199	Local	155
Bathurst	House	89 Piper Street	Lot 1, DP 998115	Local	156
Bathurst	2-storey residence	266 Piper Street	Lot 2, DP 998878	Local	157
Bathurst	Group of houses	25, 27, 29 and 31 Rankin Street	Lot 1, DP 1082596; Lots 1 and 2, DP 629708; Lot 1, DP 795046	Local	158
Bathurst	Rankin Cottage	119 Rankin Street	Lot 11, DP 1087179	Local	159
Bathurst	Terrace cottages	164, 166 and 168 Rankin Street	Lots 1 and 2, DP 557358; Lots 20 and 21, DP 1203089	Local	160
Bathurst	The Tamarisks	361 Rankin Street	Lot 13, DP 592774	Local	161
Bathurst	Art Deco apartments	106 Rocket Street	Lot 1, DP 1202696	Local	1305
Bathurst	Edwardian house	196 Rocket Street	Lot A, DP 158812	Local	162

Bathurst	Bathurst Courthouse	160, 162 and 164 Russell Street	Lots 2, 3 and 5-7, Section 6, DP 758065	State	163
Bathurst	Oakstead (formerly Presbyterian manse)	294 Russell Street	Lots 1 and 2, DP 513035	Local	164
Bathurst	Delaware	320 Russell Street	Lot B2, DP 162336	Local	165
Bathurst	Miss Traill's House (formerly All Saints Rectory, Entally or Wyoming)	321 Russell Street and 156 Peel Street	Lot 1, DP 112322; Lot A, DP 150593	State	166
Bathurst	House	62 Seymour Street	Lot 1, DP 737838	Local	1334
Bathurst	Bishops Court	226 and 226A Seymour Street	Lot 1, DP 1038289; Lot 31, DP 598074	Local	1307
Bathurst	Bicentennial, Ohkuma and Peace Parks, Macquarie River and Bathurst Flagstaff site	Stanley and William Streets	Lot 1, DP 126047; Lot 1, DP 126051; Lot 2, DP 1179068; Part road reserve (William Street)	Local	167
Bathurst	House	60 Stewart Street	Lot 1, DP 741334	Local	168
Bathurst	Machattie Park group	William Street	Part Lot 1, Section 6, DP 758065	Local	169
Bathurst	Bathurst Bowling Club (former Police Barracks)	29 William Street	Lot 26, Section 72, DP 758065; Lot 1, DP 247981	Local	170
Bathurst	Ambulance station	36 William Street	Lots 1 and 2, DP 1126067; Lot 3, DP 47260	Local	171
Bathurst	Sidgreaves leadlight window shopfront	74 William Street	Part Lot 101, DP 792016	Local	1330
Bathurst	Commercial bank building	86 William Street	Lot 7, DP 602566	Local	172
Bathurst	Sidgreaves leadlight window shopfront	100 William Street	Part Lot 1, DP 1170805	Local	1329
Bathurst	Cathedral of St Michael and St John and St Mary's School (former)	107 William Street	Part Lot 4, DP 1076699	State	173
Bathurst	Royal Hotel	108 William Street	Lot 1, SP 72755	State	174

Bathurst	Commercial building (former Commonwealth Bank)	116 William Street	Lot 1, DP 75330	Local	175
Bathurst	House group	121, 125, 127 and 129 William Street	Lot 1, DP 150787; Lots 4 and 5, DP 876399	Local	176
Bathurst	Commercial building (former AMP Society building)	126 William Street	Lot 1, DP 79955	Local	177
Bathurst	Uniting Church and Chapel group (former Methodist Church)	140A and 140B William Street	Lots 1 and 2, DP 783440	Local	178
Bathurst	Brooke Moore Centre (former Methodist parsonage and Brooke Moore residence)	142 William Street	SP 13030	Local	179
Bathurst	Restaurant and residence	166A William Street	Lot 7, DP 666056; Lot 1, DP 530137	Local	180
Bathurst	Oxford Hotel	170 William Street	Part Lot 18, DP 1137694	Local	181
Bathurst	House (former Methodist parsonage)	205 William Street	Lots 1 and 2, DP 194438	Local	182
Bathurst	Terrace cottages	208, 210, 212, 214 and 216 William Street	Lot 1, DP 744180; Lot 1, DP 1043075; Lot 11, DP 1110890; Lot 2, DP 1112500; Lot 1, DP 737817	Local	183
Bathurst	House (formerly Morven)	219 William Street	Lot 1, DP 509777	Local	184
Bathurst	The Lindens	227 William Street	Lot 1, DP 798720	Local	185
Bathurst	Kennington	280 William Street	Lot 11, DP 793618	Local	186
Bathurst	House (former Bishop's Court)	292 William Street	Lot 1, DP 542931	Local	187
Bathurst	Holmhurst (former Catholic Presbytery and St Joseph's Orphanage)	306 William Street	Lot 11, DP 258529	Local	188

Billywillinga	Feltrimber	998 Freemantle Road	Part Lot 112, DP 862402	Local	189
Brewongle	Cheriton (formerly school and residence) excluding 1970s addition and double garage	26 Brewongle School Road	Lot 148, DP 755784	Local	190
Brewongle	Carlton	673 Brewongle Lane	Part Lot 2, DP 792926	Local	191
Brewongle	Tregear (formerly Railway House)	752 Brewongle Lane	Part Lot 2, DP 736593	Local	192
Brewongle	Westham	3118 O'Connell Road	Lot 31, DP 1090350	Local	193
Brewongle	Private cemetery on The Grange	3249 O'Connell Road	Lot 1, DP 779403	State	195
Brewongle	The Grange	3249 O'Connell Road	Part Lot 6, DP 880125	State	194
Brewongle	Mayfield	3390 O'Connell Road	Lot 1, DP 783944	Local	196
Brewongle	Leeholme Homestead and outbuildings	3664 O'Connell Road and 47 Tarana Road	Part Lots 601 and 602, DP 1186424	Local	197
Brewongle	Brewongle road bridges (3) over railway	Adjacent to Ridge Road; Adjacent to 773 Tarana Road; Adjacent to 455 Wambool Road	Part of road reserve adjacent to Lot 12, DP 629257; Part of road reserve adjacent to Lot 16, DP 700460; Part of road reserve adjacent to Lot 2, DP 32374	Local	199
Brewongle	Lockleigh	607 Tarana Road	Lot 143, DP 755784	Local	1100
Brewongle	Timber bridge (Asset ID E1000090)	Adjacent to 607 Tarana Road	Part of road reserve adjacent to Lot 141, DP 755784	Local	1316
Brewongle	Brewongle stone bridge over creek	80 Wambool Road	Part of road reserve adjacent to Lot 10, DP 1197696	Local	198
Bruinbun to Hill End	The Bridle Track	From the cement bridge at Stony Creek to Beard Street, Hill End	Part road reserve	Local	1101

Caloola	Brownlea	678 Lachlan Road	Part Lot 271, DP 1169462	Local	I102
Caloola	Corrylea Cottage (ruin)	888 Lachlan Road	Part Lot 9, DP 727027	Local	I103
Caloola	Union Church and Cemetery	Trunkey Road	Lot 9, DP 1143484	Local	I105
Caloola	School house and residence (former)	2880 Trunkey Road	Lots 1- 4, Section 4, DP 758213	Local	I104
Caloola	Hardywood Park stone barn	3397 Trunkey Road	Lot 1, DP 1204596	Local	I106
Clear Creek	Berrimibulla Cottage	280 Clear Creek Road	Part Lot 18, DP 755772	Local	I107
Clear Creek	Clear Creek House	281 Clear Creek Road	Part Lot 2, DP 1117707	Local	I108
Cow Flat	Cow Flat Copper Mine	737 Cow Flat Road	Lot 3, DP 616169	Local	I109
Crudine	Wallaby Rocks	557 Hill End Road	Part of Lot 2, DP 837763; Part of Turon River	Local	I335
Duramana	Box Hill Cottage and outbuildings	70 Dingers Lane	Part Lot 64, DP 755771	Local	I110
Duramana	St Paul's Anglican Church	7 Glen Outram Lane	Lot 154, DP 755771	Local	I111
Duramana	Bondura Cottage and woolshed	250 The Bridle Track	Part Lot 11, DP 878592	Local	I112
Duramana	Leagar Cottage	375 The Bridle Track	Part Lot 1, DP 563296	Local	I113
Duramana	Stoney Creek Station Shearer's oven and chimney (ruin)	1028 The Bridle Track	Part Lot 106, DP 46495	Local	I114
Eglinton	Eglinton Memorial Hall	Alexander Street	Lot 88, DP 755779	Local	I115
Eglinton	St Luke's Anglican Church (former)	27 Alexander Street	Lot 1, DP 1041156	Local	I116
Eglinton	Blackdown Homestead and outbuildings	90 Eleven Mile Drive	Lot 22, DP 804072	Local	I117
Eglinton	Blackdown mill (former)	158 Eleven Mile Drive	Lot 21, DP 804072	Local	I118



Eglinton	Cangoura Homestead	310 Eleven Mile Drive	Part Lot 10, DP 1016481	Local	I119
Eglinton	Alloway Bank	346 Eleven Mile Drive	Lot 2, DP 855150	Local	I120
Eglinton	Kellosheil Creek stone bridge	Freemantle Road	Part Road Reserve	Local	I121
Eglinton	Eglinton Cottage	40 Hamilton Street	Lot 1, DP 1063138	Local	I122
Eglinton	Kellosheil Water Race	19, 49 and 93 Logan Street	Lot 202, DP 1061137; Lot 57, DP 1070902; Lot 1, DP 121519	Local	I123
Eglinton	Kellosheil	20 Mill Lane	Lot 1, DP 1074494	Local	I124
Eglinton	Westbourne Homestead	192 Mill Lane	Lot 6, DP 594198	Local	I125
Eglinton	Late Victorian Homestead	10 Todd Street	Lot 1, DP 1184970	Local	I126
Eglinton	Margan's House	43 Wellington Street	Lot 26, DP 264087	Local	I127
Evans Plains	Presbyterian Church (former)	849 Mid Western Highway	Lot 1, DP 134796	Local	I128
Evans Plains	Binalong (former university building)	1216 Mid Western Highway	Lot 1, DP 856795	Local	I129
Evans Plains	Timber bridge (Asset ID E1000135)	667 Ophir Road	Part Road Reserve	Local	I324
Evans Plains	Glenroy (former convent)	24 Stewart Street	Lot 102, DP 1156386	Local	I131
Evans Plains	Brooklyn Homestead (former post office)	48 Stewart Street	Lot 1, DP 112699; Lot 1, DP 256929; Lots 1-4, Section 9, DP 758719	Local	I130
Evans Plains	House (former shop)	65 Stewart Street	Lot 2 and Part Lot 1, Section 3, DP 758719	Local	I132
Fitzgerald's Valley	St Stephen's Anglican Church and cemetery	281 Fitzgerald's Valley Road	Lot 401, DP 1142284	Local	I133
Forest Grove	Memorial (migrant camp and war service training)	Limekilns Road	Lots 1-3, DP 813031; Part road reserve	Local	I134

Freemantle	Freemantle Woolshed and Meat House	98 McIntosh Road	Part Lot 15, DP 1093233	Local	I135
Gemalla	Timber bridge (Asset ID E1000131)	Adjacent to 22 Gemalla Scout Camp Road	Part of road reserve adjacent to Lot 2, DP 1075169	Local	I317
Georges Plains	Mildura	128 Cow Flat Road	Lot 1, DP 878301	Local	I136
Georges Plains	St John's Anglican Church and Cemetery (former)	Trunkey Road and Saint Johns Road	Lots 1 and 2, DP 858464	Local	I138
Georges Plains	Georges Plains Railway Station (former)	Adjacent to 1415 Trunkey Road	Part of Main Western Railway adjacent to Lot 1, DP 830449	State	I137
Georges Plains	Native Home	1718 Trunkey Road	Part Lot 1, DP 536250; Part Lot 23, DP 750385; Part road reserve	Local	I139
Georges Plains	Vernacular Cottage	1840 Trunkey Road	Part Lot 202, DP 746028	Local	I140
Georges Plains	Grantham	1878 Trunkey Road	Lot 201, DP 1152878	Local	I141
Georges Plains	Dennis Island Methodist Church and Cemetery	2109 Trunkey Road	Lot 1 DP 996518	Local	I308
Georges Plains	Steel bridge over rail	Wimbledon Road	Adjacent to Lot 1, DP 1111324	Local	I326
Glanmire	Woodside (formerly Woodside Inn)	4823 Great Western Highway	Part Lot 141, DP 1144786	Local	I142
Gorman's Hill	Gorman's Hill Inn (former)	2 Dees Close	Lot 2, DP 881092	Local	I143
Gorman's Hill	St Vincent's Hospital	51 Gormans Hill Road	Lot 12, DP 1159190	Local	I144
Gorman's Hill	Merembra Homestead	218 Gormans Hill Road	Part Lot 141, DP 771779	State	I145
Gorman's Hill	Pair of semi detached houses	48 Lyal Street	Lot 2, DP 1100059	Local	I146
Gorman's Hill	Waterworks and Bathurst Pumping Station	Waterworks Lane	Part Lot 21, DP 1031789	Local	I147

Gowan	Gowan Homestead	28 Gowan Road	Part Lot 3, DP 576419	Local	I148
Hill End	Craigmoor	Beyers Avenue	Lot 116, DP 756905	State	I149
Hill End	Royal Hotel	4 Beyers Avenue	Part Lot 11, DP 1173182	State	I150
Hill End	Trees	Hill End Road and Beyers Avenue	Hill End Road and Beyers Avenue road reserves	Local	I336
Hill End	Great Western Store	Tambaroora Street	Part Lot 2, DP 1173182	State	I151
Hill End	St Paul's Presbyterian Church	34 Tambaroora Street	Lot 8, Section 17, DP 758517	State	I152
Hill End	Post Office and residence	47 Tambaroora Street	Lot 5, Section 16, DP 758517	State	I153
Kelso	House (former Bell's residence)	4 Allambie Boulevard	Lot 1, DP 531750	Local	I154
Kelso	Holy Family School (former Marsden School)	French Smith Place	Lot 46, DP 1172067	Local	I155
Kelso	Woolstone	24 Gilmour Street	Lot 2, DP 841361	Local	I156
Kelso	Holy Trinity Church group (including Anglican Church, Rectory, Pioneer's Cemetery and Holy Trinity Church School Hall (former))	72, 75 and 81 Gilmour Street	Part Lot 1, DP 1114413; Lot 1, DP 650680; Lot 61, DP 816507	State	I157
Kelso	Rosemont	131 Gilmour Street	Part Lot 123, DP 1003224	Local	I158
Kelso	Trees	Lions Club Drive	Lions Club Drive road reserve	Local	I337
Kelso	Littlebourne Homestead	4031 O'Connell Road	Lot 1, DP 867504	Local	I159
Kelso	The Wolery	7 Robinia Close	Part Lot 31, DP 874030	Local	I160
Kelso	Federation barn and farm house	525 Sofala Road	Part Lot 5, DP 244390	Local	I310
Kelso	Georgian House	4-8 Stephens Lane	Lot 190, DP 726958; Part Lot 103, DP 803065	Local	I161

Kelso	Reinforced concrete bridge (Asset ID E1000231)	Adjacent to 25 Stockton Drive (formerly recorded as being land adjacent to 31 Lee Street)	Adjacent to Lot 1, DP 1211037	Local	I323
Kelso	Kelsoville (formerly Alma's or Broombee)	30 Sydney Road	Lot 82, DP 789992	Local	I162
Kelso	Kelso Hotel	37 and 39 Sydney Road	Lot 1, DP 986783; Lot 4, DP 1186691; Lot A, DP 159217	Local	I163
Kelso	Kelso Post Office group, (including butcher's shop, post office and general store)	48, 54 and 58 Sydney Road	Lot 1, DP 738707; Lots 1 and 2, DP 571712	Local	I164
Kelso	Residence (formerly Catholic convent building collection)	67 Sydney Road	Lot 8, DP 555024	Local	I165
Kelso	All Nations Hotel (former)	138 Sydney Road	Part Lot 430, DP 1129240	Local	I166
Kelso	Victorian cottage	25 View Street	Lot 21, DP 583154	Local	I309
Killongbutta	Killongbutta (including homestead, woolshed, blacksmith's shop and family cemetery)	762 Killongbutta Road	Part Lot 37, DP 750409; Part road reserve	Local	I167
Kirkconnell	St Mary's Church and Cemetery	184 Sherwood Road	Lot 11, DP 1145959	Local	I168
Kirkconnell	Kirkconnell House	Sunny Corner Road	Part of DP 61171	Local	I169
Laffing Waters	Ardsley	62 Ardsley Lane	Part Lot 1, DP 977426	Local	I170
Limekilns	Sunny Bank Cottage	1775 Limekilns Road	Part Lot 49, DP 755780	Local	I171
Limekilns	Rosedale (formerly Rising Sun Inn)	2392 Limekilns Road	Part Lot 6, DP 755780	Local	I172
Limekilns	Limekilns Public School (formerly Clearvale School and residence)	2642 Limekilns Road	Lot 173, DP 755780	Local	I173

Limekilns	Dulcisvale House	2656 Limekilns Road	Part Lot 2, DP 1086051	Local	I174
Limekilns	Fernbrook marble quarry	281 and 369 Mount Horrible Road	Part Lot 123 and Part Lot 158, DP 755780; Part Lot 1, DP 1115961	Local	I175
Limekilns	Limekilns roasting pit	398 Mount Horrible Road	Part Lot 66, DP 755780	Local	I176
Llanarth	All Saints College (including Barton House, Esrom House and All Saints Chapel)	70 Eglinton Road	Part Lot 134, DP 1174994	Local	I177
Llanarth	Ermington Park (formerly Excelsior)	78 Eglinton Road	Lot 41, DP 849516	Local	I178
Llanarth	Llanarth	120 Eglinton Road	Lot 3, DP 869491	State	I179
Locksley	Clifton house and former servant's accommodation	1371 Tarana Road	Part Lot 1, DP 251968	Local	I180
Mitchell	Bathurst Gaol and Residences	Browning Street	Part Lot 150, DP 750357	State	I181
Mitchell	Charles Sturt University and Agricultural Research Station (including dormitory block, administration block, Ponton Theatre, secretary's residence, brick farm buildings, WWII building, and original farm and farm school buildings)	Browning Street and 353 Panorama Avenue	Lots 187 and 192 and part of Lots 236 and 242, DP 750357; Lot 7323, DP 1156317	Local	I182
Mitchell	ADI site (former canteen building—small arms factory)	369 Stewart Street	Part Lot 2, DP 270264	Local	I311
Mitchell	Bunker (former)	379 Stewart Street	Lot 1, DP 134798	Local	I183
Mitchell	Bathurst Golf Club clubhouse	136 Vittoria Street	Lot 246, DP 750357	Local	I184
Mount Panorama	Stone cottage and garage	Brock's Skyline, McPhillamy Park	Part Lot 1, DP 634401	Local	I185

Napoleon Reef	Littleton Barn and former residence	213 Napoleon Reef Road	Lot 99, DP 755784	Local	I186
Napoleon Reef	Little Acres (formerly school and residence)	390 Napoleon Reef Road	Lot 155, DP 755784	Local	I187
O'Connell	O'Connell Public School (original building and residence)	15 Blacks Mill Lane	Lots 1 and 2, DP 797728	Local	I188
O'Connell	Police Station and residence (former)	17 Blacks Mill Lane	Lot 1, DP 799727	Local	I189
O'Connell	Euarra Homestead and observatory	3036 O'Connell Road	Part Lot 1, DP 186074	Local	I191
O'Connell	Milford House	80 Wambool Road	Lot 10, DP 1197696	Local	I190
Orton Park	Orton Park	285 College Road	Lot 1, DP 854205	Local	I192
Orton Park	Rural Homestead	29 Lagoon Road	Part Lot 24, DP 998285	Local	I312
Orton Park	Rainham	720 Vale Road	Part Lot 37, DP 1173912	Local	I193
Paling Yards	Ulabri House and outbuildings (formerly school and residence)	383 Paling Yards Road	Lot 109 and Part Lot 162, DP 755780	Local	I194
Peel	Eloura	112 Church Street	Lot 2, DP 1116411	Local	I195
Peel	Mount Grosvenor Homestead	227 Rivulet Road	Part Lot 2, DP 745654	Local	I196
Peel	Peel General Cemetery	Sofala Road	Lot 1, DP 1119065	Local	I197
Peel	Brucedale Homestead and outbuildings	1361 Sofala Road	Part Lot 302, DP 1058673	Local	I198
Peel	Windradyne's Grave	1361 Sofala Road	Part Lot 1200, DP 1137225	State	I199
Peel	Roman Catholic Church (former)	1584 Sofala Road	Part Lot 2, DP 844536	Local	I200
Peel	St John the Evangelist Anglican Church	Wellington Street	Lot 7 and Part Lot 8, Section 12, DP 758833; Part Lot 8, DP 650677	Local	I201

Perthville	St Joseph's Convent	Bathurst Street	Lot 5, Section 15, DP 758840; Lots 5-7, Section 16, DP 758840; Lots 1, 2 and 8-12, Section 20, DP 758840; Lots 296, 322 and Part Lot 295, DP 750354	Local	I202
Perthville	Bridge Hotel (former Perthville Hotel)	1 Bridge Street	Part Lot 30, DP 1116694	Local	I203
Perthville	Bridge over Queen Charlottes Vale Creek (Asset ID E1000283)	Adjacent to 1 Bridge Street	Part of road reserve adjacent to Lot 30, DP 1116694	Local	I318
Perthville	Gestingthorpe	122 Gestingthorpe Road	Part Lot 46, DP 605474	Local	I204
Perthville	Braeton (formerly The Pines)	214 Gestingthorpe Road	Part Lot 2, DP 881704	Local	I205
Perthville	Chatsworth	62 North Street	Lots 3 and 4, Section 2, DP 758840	Local	I206
Perthville	St Martin's Anglican Church	22 Rockley Street	Lot 2, Section 15, DP 758840	Local	I207
Perthville	Perthville School houses and residence	26 Rockley Street	Part Lots 3 and 4, Section 15, DP 758840; Part Lot 11, DP 619957	Local	I331
Perthville	Sutherwood	435 Rockley Road	Part Lot 3, DP 634400	Local	I208
Perthville	Hen and Chicken Inn (former)	Vale Road	Part Lot 31, DP 1100620	Local	I209
Perthville	Roselands	829 Vale Road	Part Lot 1, DP 875955	Local	I210
Perthville	Perthville Uniting Church	838 Vale Road	Lot 31, DP 1062363	Local	I211
Raglan	Violet Hill (former Springdale and Abbotsford)	5350 Great Western Highway	Part Lot 104, DP 1108551; Part Lots 39 and 70, DP 755781	Local	I214

Raglan	Raglan Well and Windmill (former travelling stock route)	71 Harris Road	Part Lot 2, DP 797296	Local	I212
Raglan	Raglan Railway Station group	Main Western Railway	Lot 3, DP 1180407	State	I213
Rock Forest	Rock Forest Station Homestead	1846 Ophir Road	Part Lot 801, DP 1119001	Local	I215
Rockley	Stevens Park and weir	Budden Street	Lots 7002 and 7003, DP 1000974; Part of Peppers Creek	Local	I338
Rockley	Club House Hotel and terrace of shops	2 and 4 Budden Street	Lot 1, DP 150217; Lot 1, DP 197238	Local	I216
Rockley	Rockley Mill Museum	12 Budden Street	Lot 1, DP 587037	Local	I217
Rockley	NSW AJS Bank (former), residence and stables	18 Budden Street	Lot B, DP 91290	Local	I218
Rockley	Bunnamagoo Homestead and shearing shed	573 Burraga Road	Part Lot 7, DP 258535	Local	I219
Rockley	Mayfield Cottage	5 Church Street	Lot A, DP 327589	Local	I220
Rockley	Rockley Police Station residence and lockup	6 Church Street	Lot 3, Section 6, DP 758884	Local	I313
Rockley	Post Office and residence (former)	12 Hill Street	Lot 1, DP 121082	Local	I221
Rockley	St Peter's Rectory	21 Hill Street	Lot 342, DP 787943	Local	I222
Rockley	Abercrombie Shire Council Chambers (former)	22 Hill Street	Lot 4, Section 6, DP 758884	Local	I223
Rockley	School of Arts Hall	28 Hill Street	Lot 1, DP 1124226	Local	I224
Rockley	Brewer's Cottage	Lagoon Road	Part Lot 3, DP 863442	Local	I225
Rockley	Corunna	78 Pepper Street	Lot 8, Section 17, DP 758884	Local	I226
Rockley	St Peter's Anglican Church	79 Pepper Street	Lot 343, DP 787943	Local	I227



Rockley	Calais Villa (former Roughley House)	9 Phantom Street	Lots 4-6, DP 1117658	Local	I228
Rockley	St Patrick's Catholic Church and Presbytery	12 Phantom Street	Lots 1 and 2, DP 1162050	Local	I229
Rockley	Culvert bridge	Adjacent to 2249 Rockley Road	Part of road reserve adjacent to Lot 1, DP 1135272	Local	I230
Rockley	Eldan	2419 Rockley Road	Lot 2, DP 32383	Local	I231
Rockley	Peppers Creek reinforced concrete bridge (Asset ID E1000204)	Adjacent to 2424 Rockley Road	Part of road reserve adjacent to Lot 6, DP 32383	Local	I319
Rockley	Northolme residence and garden	128 Triangle Flat Road	Lots 1-17, Section 26, DP 758884	Local	I232
Rockley	Rockley Cemetery	355 Triangle Flat Road	Lots 1-3, DP 724415; Lot 1, DP 1115701; Lot 7300, DP 1146659; Part road reserve	Local	I233
Sally's Flat	Sally's Flat Catholic Cemetery	2038 Hill End Road	Lot 127, DP 756878	Local	I234
Sofala	Courthouse (former)	1 Davis Street	Lot 1, DP 1074221	Local	I235
Sofala	Gold Commissioner's House (former)	11 Denison Street	Lots 1-4, DP 1008740; Lot 1, DP 659534; Lot 59, DP 758908	Local	I236
Sofala	Royal Hotel	26 Denison Street	Lot 38, DP 84154; Lot 39, DP 758908	Local	I237
Sofala	Christ Church Anglican burial ground	10 Hargraves Street	Lot B, DP 367041	Local	I238
Sofala	Bridge over the Turon River	Hill End Road	Part road reserve	State	I239
Sofala	Sofala stone road bridges	Hill End Road	Part road reserve	Local	I240
Sofala	Sofala General Cemetery	Sofala Road	Lot 7027, DP 1028357	Local	I241
Sofala	Erskine flat burial ground (Sofala Catholic Cemetery)	Upper Turon Road	Part Lot 7309, DP 1123796	Local	I242

Sofala	Lavender Cottage (formerly Golding's Rest)	141 Upper Turon Road	Part Lot 3, DP 840607	Local	I243
Sofala	Pennyweight Cottage	374 Upper Turon Road	Lot 258, DP 755790; Part Lot 7012, DP 1051934	Local	I244
South Bathurst	Ethelton Cottage (including garden and outbuildings)	23 Ethelton Avenue	Lot 9, DP 603425	Local	I245
South Bathurst	Ben Chifley House (museum)	10 Busby Street	Lot 1, DP 870728	State	I246
South Bathurst	St Joseph's Mount	34 Busby Street	Part Lot 22, DP 1033481	Local	I247
South Bathurst	Glendower (late Victorian Italianate residence)	5 Lloyds Road	Lot 16, DP 709278	Local	I248
South Bathurst	All Hallows	40 Lloyds Road	Part Lot 2, DP 1167541	Local	I314
South Bathurst	Vehicular bridge over railway	Rocket Street	Part road reserve	Local	I249
South Bathurst	Victorian Railway Barracks	Vale Road	Lot 17, DP 1184045; Part railway land	Local	I250
South Bathurst	Farmer's Arms Hotel and stables (former)	27 Vale Road	Lot 1, DP 197242	Local	I251
Stewart's Mount	Strath	296 Ophir Road	Part Lot 1, DP 1170456	Local	I252
Stewart's Mount	Mount Stewart Private Cemetery	296 Ophir Road	Part Lot 1, DP 1170456	Local	I253
Stewart's Mount	Abercrombie House	311 Ophir Road	Lot 1, DP 533876	Local	I254
Sunny Corner	Sunny Corner Mine	Austral Street	Lot 7008, DP 1031145	Local	I255
Sunny Corner	Cottage	981 Bathurst Street	Lot 1, Section 25, DP 758935	Local	I256
Sunny Corner	Sunny Corner Cemetery	Dark Corner Road	Part Lot 7009, DP 1025720	Local	I257
Tambaroora	Tambaroora Roman Catholic Cemetery	Hill End Road	Lot 189, DP 756905	Local	I259
Tambaroora	Tambaroora General Cemetery (former Anglican cemetery)	Hill End Road and Sofala Street	Lots 1-3 and 6, Section 16, DP 758950	Local	I258

Tambaroora	Golden Gully and Archway	Warrys Road	Portion M.T. 29 within Portion D.L. 1231, Parish Map of Tambaroora	State	I306
The Lagoon	The Lagoon	Lagoon Road	Lot 220, DP 750354; Lots 7008 and 7009, DP 1056537; Part road reserve	Local	I261
The Lagoon	Apsley House (former Lagoon Inn)	874 Lagoon Road	Lot 2, DP 807918	Local	I260
The Lagoon	School of Arts Hall	1011 Lagoon Road	Lot 1, Section 47, DP 758968	Local	I262
The Lagoon	Deep Creek stone arch bridge (Asset ID E1000180)	Adjacent to 218 Ryans Road	Part of road reserve adjacent to Lot 126, DP 750354	Local	I342
The Lagoon	The Lagoon Public School	71 Young Street	Lot 1, DP 1073091	Local	I263
The Rocks	Micklegate	29 Houses Lane	Lot 1, DP 999551	Local	I264
The Rocks	Lorada	1322 Mitchell Highway	Lot 1, DP 871870	Local	I266
The Rocks	Bridge over Rocks Creek	Adjacent to 1821 Mitchell Highway	Adjacent to Lot 153, DP 750394	Local	I265
The Rocks	The Rocks (former inn)	1944 Mitchell Highway	Part Lot 91, DP 750414	Local	I267
Triangle Flat	Victorian Cottage	Redbank Road	Lot 136, DP 753032	Local	I269
Triangle Flat	Triangle Flat Catholic Cemetery	286 Triangle Flat Road	Lot 421, DP 1137215	Local	I268
Trunkey Creek	Trunkey Creek Memorial Park	42 Arthur Street	Lots 1 and 2, Section 13, DP 758998; Part of Arthur Street road reserve	Local	I339
Trunkey Creek	Grove Creek concrete and steel bridge (Asset ID E1000199)	Caves Road	Lot 74, DP 729406	Local	I320
Trunkey Creek	Trunkey Creek General Cemetery	Trunkey Cemetery Road	Lot 1, DP 1151032; Lot 1, DP 668411; Lots 1-4, DP 1155544; Lots 7325 and 7326, DP1158393; Part road reserve	Local	I270

Turondale	Turondale Cemetery	Turondale Road	Lot 17, DP 755800	Local	I271
Turondale	Church of the Holy Spirit Anglican Church	2831 Turondale Road	Lot 28, DP 755800	Local	I272
Turondale	Phoenix Station Cottage	2969 Turondale Road	Part Lot 83, DP 755800	Local	I273
Turondale	Coles timber bridge over Turon River (Asset ID E1000139)	3142 Turondale Road	Part road reserve	Local	I321
Upper Turon	Timber bridge (Asset ID E1000128)	Adjacent to 1054 Upper Turon Road	Part of road reserve adjacent to Lot 238, DP 755790	Local	I322
Vittoria	Macquarie Woods	32 Cashens Lane	Lots 45, 49-51 and 196-198, DP 750375	Local	I340
Vittoria	Macquarie Woods Cottage	100 Cashens Lane	Lot 136, DP 750375	Local	I274
Vittoria	Bee Keeper's Inn (formerly Halfway House)	2319 Mitchell Highway	Lots 1, 2 and 7-10, Section 21, DP 759029; Lot 175, DP 750414; Lot 176, DP 1081051; Part road reserve	Local	I275
Walang	Green Swamp Inn (former)	281 Walang Drive	Part Lot 184, DP 1125708	Local	I276
Wattle Flat	Wattle Flat Old General Cemetery	Limekilns Road	Lot 7300, DP 1131230; Lot 1, DP 1144147; Lot 1, DP 1144148	Local	I277
Wattle Flat	Little Oakey Mine remains	Sofala Road	Part Lot 315, DP 755790	Local	I279
Wattle flat	Solitary Mine	Sofala Road	Part Lot 7001, DP 1117443	Local	I278
Wattle Flat	Wattle Flat Heritage Lands	Sofala Road	Lot 7017, DP 1060345; Lot 7002, DP 1117441; Lot 7001, DP 1117443; Lot 7362, DP 1148094; Lots 189, 372, 391, 398, 401, 403, 415-417 and 428, DP 755790	Local	I341

Wattle Flat	Roman Catholic Cemetery	3787 Sofala Road	Lot 7303, DP 1131307	Local	I280
Wattle Flat	Anglican Cemetery and former Holy Trinity Church	3853 and 3855 Sofala Road	Lots 1 and 2, DP 850288	Local	I281
Watton	Watton shearing shed and school house (former)	1659 Freemantle Road	Part Lot 4, DP 247662	Local	I282
West Bathurst	Chifley Memorial Park	Bounded by Commonwealth Street and Kelly Crescent	Crown land	Local	I283
West Bathurst	Terrace houses	267 and 269 Browning Street	Lots 20 and 21, DP 192770	Local	I284
West Bathurst	Bathurst District Hospital (including Victorian building, excluding later additions and new buildings)	363 Howick Street	Lot 100, DP 1126063	State	I285
West Bathurst	Wastewater treatment works (treatment works shed only)	205 Morrissett Street	Part Lot 2, Section 51, DP 758065	Local	I286
West Bathurst	Steel and stone bridge	Vittoria Street	Part road reserve (near Bathurst Gaol)	Local	I325
West Bathurst	Bathurst General Cemetery	Vittoria and Dean Streets	Lot 2, DP 739615; Lot 1, DP 724311; Lot 1, DP 150416; Lot 7031, DP 94619; Lots 7020-7022, DP 1156866	Local	I287
West Bathurst	Catholic Chapel	Bathurst General Cemetery, Vittoria Street	Part Lot 7322, DP 1156866	Local	I328
White Rock	The Scots School (original Karralee buildings)	4173 O'Connell Road	Part Lot 1, DP 860563	Local	I288
White Rock	Wallaroi (formerly Claremont)	99 White Rock Road	Lot 1, DP 882809	Local	I289

White Rock	Group of 3 former Soldiers Settlers' cottages (including barn at 289 White Rock Road)	245, 257 and 289 White Rock Road	Part Lots 116 and 117, DP 755781; Lot 201, DP 791124	Local	I290
White Rock	Uniting Church and cemetery	567 White Rock Road	Lot 55, DP 1063035	Local	I291
White Rock	Rural homestead	772 White Rock Road	Lot 772, DP 1120744	Local	I315
Wiagdon	Wyagdon	2868 Sofala Road	Part of Lot 1, DP 779247; Part of Lot 6, DP 1194111	Local	I293
Wiseman's Creek	Mountain View Homestead and General Store (former)	279 Todds Road	Lot 51, DP 757039	State	I292
Yarras	Yarras Homestead and Flour Mill (former)	97 Yarras Lane	Part Lot 1, DP 1105682	Local	I294
Yetholme	Macabee Cottage	187 Maccabees Road	Part Lot 1980 and Lot 1981, DP 1132213	Local	I295
Yetholme	St Paul's Church and Cemetery	Porters Lane	Lot 1, DP 1114188; Lot 2, DP 1114187	Local	I296
Yetholme	Brookland Park (former Bellevue Inn)	4 Porters Lane	Lot 21, DP 555967; Part Lot 1, DP 1127137; Part Lot 4, DP 755805	Local	I297
Yetholme	The Old Schoolhouse	16 Stafford Street	Lot 246, DP 755805	Local	I298

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage map</a>	Significance
Bathurst Conservation Area	Shown by a red outline with red hatching and marked "C1"	Local
Evans Plains Conservation Area	Shown by a red outline with red hatching and marked "C2"	Local
Hill End Conservation Area	Shown by a red outline with red hatching and marked "C3"	State
Kelso Conservation Area	Shown by a red outline with red hatching and marked "C4"	Local

Peel Conservation Area	Shown by a red outline with red hatching and marked "C5"	Local
Perthville Conservation Area	Shown by a red outline with red hatching and marked "C6"	Local
Rockley Conservation Area	Shown by a red outline with red hatching and marked "C7"	Local
Sofala Conservation Area	Shown by a red outline with red hatching and marked "C8"	Local
Trunkey Creek Conservation Area	Shown by a red outline with red hatching and marked "C9"	Local
Wattle Flat Conservation Area	Shown by a red outline with red hatching and marked "C10"	Local
West Bathurst Conservation Area	Shown by a red outline with red hatching and marked "C11"	Local

## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water:
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned:
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

**Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

## **Division 2 Operational requirements**

### **2 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **3 Pond-based aquaculture that is also intensive aquaculture—pond design**

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

### **4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges**

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

### **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

### **6 Definition**

In this Division:

**intensive aquaculture** has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

## **Part 2 Extensive pond-based aquaculture**

### **Division 1 Site location requirements**

#### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water:
  - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar



## Convention on Wetlands.

### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## **Division 2 Operational requirements**

### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

### **10 Pond design**

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

### **11 Culture water**

Must use freshwater.

## **Dictionary**

(Clause 1.4)

### **Note—**

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European

occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note—**

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

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Additional Permitted Uses Map** means the [Bathurst Regional Local Environmental Plan 2014 Additional Permitted Uses Map](#).

**advertisement** has the same meaning as in the Act.

**Note—**

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

**advertising structure** has the same meaning as in the Act.

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

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

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

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

**agriculture** means any of the following:

- (a) aquaculture,

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

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

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

**Note—**

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

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**ANEF contour** means a noise exposure contour shown as an ANEF contour on the [Noise Exposure Forecast Contour Map](#) for the Bathurst Airport prepared by the Department of the Commonwealth responsible for airports.

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

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

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

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,

- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry. Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

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

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

**backpackers' accommodation** means a building or place that:

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

**Note—**

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

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

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

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

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

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

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

**Note—**

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

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

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

**boarding house** means a building that:

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

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

**Note—**

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

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

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

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

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

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home,

a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

**Note—**

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

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

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

whichever distance is the shortest.

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

**Note—**

The term is defined as follows:

**bush fire hazard reduction work** means:

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

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

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

**Note—**

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

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:

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

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

**Note—**

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

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

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

**Note—**

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

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

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

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

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

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

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

**centre-based child care facility** means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for



participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**classified road** has the same meaning as in the [Roads Act 1993](#).

**Note—**

The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#).

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#).

**coastal protection works** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

**coastal zone** has the same meaning as in the [Coastal Management Act 2016](#).

**commercial premises** means any of the following:

- (a) business premises,

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

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the [Local Government Act 1993](#).

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the [Children \(Detention Centres\) Act 1987](#),

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Bathurst Regional Council.

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

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the [Crown Lands Act 1989](#), or
- (b) a common within the meaning of the [Commons Management Act 1989](#), or
- (c) lands within the meaning of the [Trustees of Schools of Arts Enabling Act 1902](#),

but does not include land that forms any part of a reserve under Part 5 of the [Crown Lands Act 1989](#) provided for accommodation.

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

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

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

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

**Note—**

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

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

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

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

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**Drinking Water Catchment Map** means the [Bathurst Regional Local Environmental Plan 2014 Drinking Water Catchment Map](#).

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note—**

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

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following:

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

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

**eco-tourist facility** means a building or place that:

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

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

**Note—**

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

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

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,

- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note—**

The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**Note—**

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

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

**Note—**

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

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note—**

See clause 5.4 for controls relating to the number of bedrooms.

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

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, but does not include a poultry farm, dairy or pig farm.

**Note—**

Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.

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

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

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

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

**Note—**

The term is defined as follows:

**Definition of “fish”**

(1)

**Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

**Fish** includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

**Fish** also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**Flood Planning Map** means the [Bathurst Regional Local Environmental Plan 2014 Flood Planning Map](#).

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the [Bathurst Regional Local Environmental Plan 2014 Floor Space Ratio Map](#).

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

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

**Note—**

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

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

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

**Note—**

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

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

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

**Note—**



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

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

**Note—**

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

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note—**

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

**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

**Note—**

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

**group home (transitional) or transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) applies.

**Note—**

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

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

**Note—**

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

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

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

**Note—**

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

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

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

**Note—**

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

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

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

**Note—**

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

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

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

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

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

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

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

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

**Note—**

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

**Height of Buildings Map** means the [Bathurst Regional Local Environmental Plan 2014 Height of Buildings Map](#).

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

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

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

**Note—**

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

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

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

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

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note—**

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

**Direction—**

Heritage items must be shown on the [Heritage Map](#).

**heritage management document** means:

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

**Heritage Map** means the [Bathurst Regional Local Environmental Plan 2014 Heritage Map](#).

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

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

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

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

**Note—**

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

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

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means:

- (a) a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*), or

**Note—**

A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

- (b) a dwelling used for the purposes of a home based education and care service (within the meaning of the *Children (Education and Care Services) Supplementary Provisions Act 2011*),

at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home business.

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

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

**Note—**

See clause 5.4 for controls relating to the floor area used for a home industry.

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note—**

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

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

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

**Note—**

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

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note—**

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

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

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

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

**Note—**

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

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



transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note—**

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

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

**industry** means any of the following:

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

but does not include:

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

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or

similar emergency relief.

**Note—**

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

**intensive plant agriculture** means any of the following:

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

**Note—**

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

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note—**

See clause 5.4 for controls relating to the gross floor area of a kiosk.

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

**Land Application Map** means the [Bathurst Regional Local Environmental Plan 2014 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the [Bathurst Regional Local Environmental Plan 2014 Land Reclassification \(Part Lots\) Map](#).

**Land Reservation Acquisition Map** means the [Bathurst Regional Local Environmental Plan 2014 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Bathurst Regional Local Environmental Plan 2014 Land Zoning Map](#).

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

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

**Note—**

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

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any

of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

**Note—**

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

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

**Note—**

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

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

**Note—**

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

**local distribution premises** means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

**Note—**

Local distribution premises are a type of **warehouse or distribution centre**—see the definition of that term in this Dictionary.

**Lot Size Map** means the [Bathurst Regional Local Environmental Plan 2014 Lot Size Map](#).

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

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

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

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

**Note—**

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

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note—**

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

**mezzanine** means an intermediate floor within a room.

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

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

**Minimum Lot Size—Dual Occupancy Map** means the [Bathurst Regional Local Environmental Plan 2014 Minimum Lot Size—Dual Occupancy Map](#).

**Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map** means the [Bathurst Regional Local Environmental Plan 2014 Minimum Lot Size—Multi Dwelling Housing and Residential Flat Buildings Map](#).

**mining** means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note—**

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

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

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or

used for the purpose of berthing a vessel.

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

**Mount Haven Estate Map** means the [Bathurst Regional Local Environmental Plan 2014 Mount Haven Estate Map](#).

**Mount Panorama Environs Map** means the [Bathurst Regional Local Environmental Plan 2014 Mount Panorama Environs Map](#).

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

**Note—**

The term is defined as follows:

**moveable dwelling** means:

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

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note—**

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

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the [Fisheries Management Act 1994](#).

**native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

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

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

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

**nominated State heritage item** means a heritage item that:

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

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Obstacle Limitation Surface Map** means the [Bathurst Regional Local Environmental Plan 2014 Obstacle Limitation Surface Map](#).

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

**Note—**

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

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

**Note—**

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

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

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

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

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

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

**people who are socially disadvantaged** means:

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

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

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

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

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

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

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

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#):

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

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

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

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

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

**Note—**

The term is defined as follows:

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



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

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

**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

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

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

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

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

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

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

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows:

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

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

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

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

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

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

**residential care facility** means accommodation for seniors or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

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

**Note—**

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

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

**Note—**

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

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

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

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

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

**Note—**

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

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

**restriction facilities** means facilities where animals are constrained for management purposes,

including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

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

**Note—**

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

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

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

**Note—**

See clause 5.4 for controls relating to the gross floor area of roadside stalls.

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

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

**school** means a government school or non-government school within the meaning of the [Education Act 1990](#).

**Note—**

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

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**Note—**

Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note—**

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

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

**Note—**

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

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

**Note—**

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

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for:
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note—**

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

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,

- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note—**

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

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note—**

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

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note—**

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

**sewerage system** means any of the following:

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

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

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

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

**Note—**

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

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

**Note—**

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

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

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

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note—**

The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**small bar** means a small bar within the meaning of the [Liquor Act 2007](#).

**Note—**

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

**spa pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**



The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

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

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

**Note—**

Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

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

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

**Note—**

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

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**swimming pool** has the same meaning as in the [Swimming Pools Act 1992](#).

**Note—**

The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the [Swimming Pools Act 1992](#) not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the

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

**Note—**

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

**tank-based aquaculture** means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

**Note—**

Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

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

**temporary structure** has the same meaning as in the Act.

**Note—**

The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

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

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

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

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

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

(e) serviced apartments,

but does not include:

(f) camping grounds, or

(g) caravan parks, or

(h) eco-tourist facilities.

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

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

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

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means the area of land identified as "Urban Release Area" on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Bathurst Regional Local Environmental Plan 2014 Urban Release Area Map](#).

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

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

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

**Note—**

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

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

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

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

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

**Note—**

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

**waste or resource management facility** means any of the following:

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

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

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

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and

(c) irrigation schemes.

**Note—**

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

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

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

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

**Note—**

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

**water supply system** means any of the following:

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

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

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

**waterbody** means a waterbody (artificial) or waterbody (natural).

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

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

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

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.