

# Mid-Western Regional Local Environmental Plan 2012

[2012-374]



New South Wales

## Status Information

### Currency of version

Historical version for 18 August 2023 to 31 October 2023 (accessed 8 August 2024 at 2:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### 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](#).

### 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 August 2023

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New South Wales

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# Mid-Western Regional Local Environmental Plan 2012



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Mid-Western Regional Local Environmental Plan 2012*.

### 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 Mid-Western Regional in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,
  - (b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—
    - (i) land of significance to agricultural production, and
    - (ii) soil, water, minerals and other natural resources, and
    - (iii) native plants and animals, and
    - (iv) places and buildings of heritage significance, and
    - (v) scenic values,

- (c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,
- (d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,
- (e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—
  - (i) managing the urban and rural interface, and
  - (ii) preserving land that has been identified for future long- term urban development, and
  - (iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and
  - (iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,
- (f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,
- (g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.

### **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 NSW Planning Portal. 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—

[\*Mid-Western Regional Interim Local Environmental Plan 2008\*](#)

- (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 the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note—**

However, under Division 3.5 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 3.28 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—

### **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 relevant instrument within the meaning of section 13.4 of the *Crown Land Management Act 2016*, 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 Subdivision 2 of Division 7.1 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

## **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
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

**Residential Zones**

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

**Employment Zones**

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial

**Mixed Use Zones**

- MU1 Mixed Use

**Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

**Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

**Conservation Zones**

- C1 National Parks and Nature Reserves

## C3 Environmental Management

### 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.
- 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 28 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).

## **2.9 Canal estate development prohibited**

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
  - (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the

dwelling will be erected to comply with requirements for residential development in the flood planning area,

(ii) excavation to create a waterway.

(3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—

(a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and

(b) limited to the minimum reasonable size and capacity.

(4) In this clause—

**flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—

[State Environmental Planning Policy \(Housing\) 2021](#)

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), Chapter 2—relating to infrastructure facilities, including 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 \(Resources and Energy\) 2021](#), Chapter 2

[State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Industry and Employment\) 2021](#), Chapter 3

[State Environmental Planning Policy \(Primary Production\) 2021](#), Chapter 2

## 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 visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.
- To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

## **3 Permitted with consent**

Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Home industries; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Restaurants or cafes; Roadside stalls; Any other development not specified in item 2 or 4

## **4 Prohibited**

Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Educational establishments; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Health services facilities; Heavy industrial storage establishments; Hostels; Industrial retail outlets; Industries; Local distribution premises; Marinas; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Pubs; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shops; Shop top housing; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; 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**

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; Roads

## **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 ensure that land is available for intensive plant agriculture.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.

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

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

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

Aquaculture; Cellar door premises; Dwelling houses; Farm buildings; Home industries; Plant nurseries; Roadside stalls; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Air transport facilities; Amusement centres; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat

launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Crematoria; Exhibition homes; Exhibition villages; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Livestock processing industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Sawmill or log processing works; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Stock and sale yards; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal 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 promote development that is sustainable in terms of the capacity of infrastructure within villages.

### **2 Permitted without consent**

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

### **3 Permitted with consent**

Bee keeping; Centre-based child care facilities; Community facilities; Dwelling houses; 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**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal

boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Cellar door premises; Correctional centres; Crematoria; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Heavy industries; Jetties; Livestock processing industries; Local distribution premises; Offensive storage establishments; Open cut mining; Rural workers' dwellings; Sawmill or log processing works; Sex services premises; Stock and sale yards; Waste disposal facilities; Waste or resource transfer stations; Water recreation structures

## **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.

### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations; Roads; Rural workers' dwellings; Water reticulation systems

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Funeral homes; Group homes; Health services facilities; Home industries; Hostels; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities

### **4 Prohibited**

Advertising structures; Farm stay accommodation; Any other development not specified in item 2 or 3

## **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.

### **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

### **3 Permitted with consent**

Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture; Water recycling facilities; Water storage facilities

### **4 Prohibited**

Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.

## **2 Permitted without consent**

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

## **3 Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health services facilities; Home industries; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Seniors housing; Sewage reticulation systems; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities

## **4 Prohibited**

Advertising structures; Farm stay accommodation; Hotel or motel accommodation; Rural workers' dwellings; Any other development not specified in item 2 or 3

## **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**

Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

## **3 Permitted with consent**

Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Garden centres; Home industries; Intensive plant agriculture; Landscaping material supplies; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Secondary dwellings; Serviced apartments; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; 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; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Water treatment facilities; Wharf or boating facilities

### **Zone E1 Local Centre**

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

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To maintain the built integrity of the area by enabling development that is sympathetic to the existing heritage buildings and features.
- To ensure development is consistent with the residential nature of the surrounding area.
- To ensure non-residential land uses are compatible with the residential amenity of the surrounding area.

## **2 Permitted without consent**

Home occupations; Roads; Water reticulation systems

## **3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4

## **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service

centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; 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; Water recreation structures; Water storage facilities; Water treatment facilities; Wholesale supplies

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.
- To ensure development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.

### **2 Permitted without consent**

Roads; Water reticulation systems

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function



centres; Group homes; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Home-based child care; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Water recreation structures; Water storage facilities; Water treatment facilities; Wholesale supplies

### **Zone E3 Productivity Support**

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

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.

- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To promote a visually attractive entry point into Mudgee from the south east.
- To enable development that does not undermine the primary retail role of the Mudgee commercial core area.

## **2 Permitted without consent**

Roads; Water reticulation systems

## **3 Permitted with consent**

Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Roadside stalls; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Heavy industrial storage establishments; Highway service centres; Home businesses; Home occupations; Home occupations (sex

services); Home-based child care; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Water recreation structures

## **Zone E4 General Industrial**

### **1 Objectives of zone**

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To promote a safe and efficient network for the movement of heavy vehicles and to minimise the intrusion of heavy vehicles into nearby residential areas.

### **2 Permitted without consent**

Roads; Water reticulation systems

### **3 Permitted with consent**

Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Neighbourhood shops; Offensive storage establishments; Oyster aquaculture; Plant nurseries; Roadside stalls; Rural supplies; Take away food and drink 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**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care

facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Home businesses; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Jetties; Livestock processing industries; Marinas; Mooring pens; Moorings; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures

## **Zone E5 Heavy Industrial**

### **1 Objectives of zone**

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To provide for heavy industry and other industrial development in association with resource-based industries like mining.

### **2 Permitted without consent**

Roads; Water reticulation systems

### **3 Permitted with consent**

Data centres; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Hazardous storage establishments; Heavy industries; Industrial training facilities; Landscaping material supplies; Offensive storage establishments; Oyster aquaculture; Plant nurseries; Rural supplies; Take away food and drink 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**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat

launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Highway service centres; Home businesses; Home industries; Home occupations; Home occupations (sex services); Home-based child care; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Sex services premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures

## **Zone MU1 Mixed Use**

### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure development is consistent with the character of adjoining residential neighbourhoods.

### **2 Permitted without consent**

Home occupations; Home-based child care; Roads; Water reticulation systems

### **3 Permitted with consent**

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local

distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water recycling facilities; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Advertising structures; Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Research stations; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Water recreation structures

### **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.
- To provide for dwellings incidental to aviation-related activities.

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

Nil

#### **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.
- To protect the water storage of Windamere and Burrendong Dams.

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

Extensive agriculture; Roads; Water reticulation systems

#### **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.

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

Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

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

Amusement centres; Aquaculture; Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Dual occupancies; Dwelling

houses; Eco-tourist facilities; Entertainment facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Health consulting rooms; Helipads; Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Secondary dwellings; Semi-detached dwellings; Timber yards; Tourist and visitor accommodation

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **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.

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

Environmental protection works; Roads; Water reticulation systems

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

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Sewerage systems; Signage; Water recreation structures

#### **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.

## **2 Permitted without consent**

Extensive agriculture; Roads; Water reticulation systems

## **3 Permitted with consent**

Airstrips; Aquaculture; Backpackers' accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; Seniors housing; Sewerage reticulation systems; Signage; Timber yards; Water recreation structures; Water recycling facilities; Water supply systems

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone C1 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 C3 Environmental Management**

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

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources.

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

Extensive agriculture; Home-based child care; Home occupations; Moorings

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

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Community facilities; Dairies (pasture-based); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home businesses; Home industries; Horticulture; Information and education facilities; Open cut mining; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water storage facilities

#### **4 Prohibited**

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

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

#### **3.1 Exempt development**

- (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 \(Biodiversity and Conservation\) 2021](#), Chapter 2 and the [Local Land Services Act 2013](#), Part 5A.

- (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 Land Management Act 2016* 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 ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,
  - (b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,
  - (c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,
  - (d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,
  - (e) to ensure that subdivision does not have an inappropriate impact on the natural environment,
  - (f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.
- (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), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—
- (a) land identified as “Area A” on the [Lot Size Map](#) may be subdivided to create lots of at least 2,000 square metres, or
  - (b) land identified as “Area B” on the [Lot Size Map](#) may be subdivided to create lots of at least 4,000 square metres.
- (3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as “Area D” on the [Lot Size Map](#) may be subdivided to create lots of at least 2 hectares.
- (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 2021](#).

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

- (1) The objectives of this clause are as follows—
- (a) to ensure land to which this clause applies is not unduly fragmented.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone C3 Environmental Management,
- 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 2021](#)) 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 lot sizes for dual occupancies, manor houses, multi dwelling housing and residential flat buildings**

- (1) The objective of this clause is to achieve planned residential density in certain zones.

- (2) This clause applies to the following land—
- (a) land within Zone R1 General Residential,
  - (b) land within Zone R3 Medium Density Residential,
  - (c) land in Rylstone or Kandos that is within Zone RU5 Village,
  - (d) for the purposes of a manor house, any land that is within Zone RU5 Village.
- (3) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies—
- (a) for the purposes of a dual occupancy (attached), if the area of the lot is equal to or greater than 600 square metres, or
  - (b) for the purpose of a dual occupancy (detached), if the area of the lot is equal to or greater than 800 square metres, or
  - (c) for the purposes of multi dwelling housing, if the area of the lot is equal to or greater than 1,200 square metres, or
  - (d) for the purposes of a residential flat building, if the area of the lot is equal to or greater than 1,200 square metres, or
  - (e) for the purposes of a manor house, if the area of the lot is equal to or greater than 1,200 square metres.

#### **4.1B Exceptions to minimum lot sizes for certain residential development**

- (1) This clause applies to the following land—
- (a) land within Zone R1 General Residential,
  - (b) land within Zone R3 Medium Density Residential,
  - (c) land in Rylstone or Kandos that is within Zone RU5 Village.
- (2) Despite any other provision of this Plan, development consent may be granted to the subdivision of land to which this clause applies if—
- (a) multi dwelling housing or a dual occupancy is lawfully erected on the land, and
  - (b) the area of each resulting lot will not be less than—
    - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or
    - (ii) 400 square metres for a dual occupancy (detached), and
  - (c) only one dwelling will be located on each lot resulting from the subdivision.

- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—
- (a) the subdivision of land into 2 or more lots,
  - (b) the erection of a dual occupancy (attached), dual occupancy (detached) or multi dwelling housing on each lot resulting from the subdivision, if the size of each lot is equal to or greater than—
    - (i) 300 square metres for a dual occupancy (attached) or multi dwelling housing, or
    - (ii) 400 square metres for a dual occupancy (detached).

#### **4.1C Exception to minimum subdivision lot sizes around Zone MU1**

- (1) The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.
- (2) Despite clause 4.1(3), there is no minimum subdivision lot size for the subdivision of land identified as “Area C” on the [Lot Size Map](#) and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation.

#### **4.1D Minimum lot sizes for certain split zones**

- (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,
  - (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 R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, and
  - (b) land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone C3 Environmental Management.
- (3) Despite clause 4.1, 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 R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential 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 RU4 Primary Production Small Lots or Zone C3 Environmental Management 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) A dwelling cannot be located on the part of a resulting lot referred to in subclause (3)
  - (a) (ii).

#### **4.1E Subdivision of land in Zone RU1 for non-agricultural land uses**

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) Land in Zone RU1 Primary Production may 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 dual occupancy).
- (3) Development consent must not be granted for the subdivision of land in Zone RU1 Primary Production unless the consent authority is satisfied that—
  - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
  - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
  - (c) the subdivision will not increase rural land use conflict in the locality, and
  - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

#### **4.1F Minimum lot sizes for certain land with split minimum lot sizes**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the subdivision of lots that contain land with more than one minimum lot size, but cannot be subdivided under clause 4.1,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) Despite clause 4.1, development consent may be granted to the subdivision of land in Zone RU1 Primary Production to create other lots (the **resulting lots**) only if—
  - (a) at least one of the 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, and

- (b) any resulting lot that contains land that has an area that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land does not have a dwelling erected on it.

#### **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.
- (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 Erection of dwelling houses and dual occupancies on land in certain 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 and conservation zones,
  - (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone RU5 Village,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless 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 or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
  - (c) 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 or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) is an existing holding that is not within Zone R5 Large Lot Residential, or
  - (e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
  - (f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or
  - (g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or
  - (h) is a former holding, or
  - (i) is a former rural lot that has an area of at least 40 hectares.

**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) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

- (5) In this clause—

**existing holding** means land that—

- (a) was a holding on the relevant date, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date,

and includes any other land adjoining that land acquired by the owner since the relevant date.

**former holding** means land—

- (a) that was a holding on 9 August 2012, and
- (b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and
- (c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.

**former rural lot** means a lot—

- (a) located in the former Mudgee, Rylstone or Merriwa local government areas, and
- (b) that was created prior to the commencement of this Plan, and
- (c) on which the erection of a dwelling house was permissible immediately before that commencement, and
- (d) that is in Zone RU1 Primary Production, and
- (e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.

**holding** means all adjoining land, even if separated by a road or railway, held by the

same person or persons.

**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 stated date.

**relevant date** means—

- (a) in relation to land marked “Mudgee” on the [Former LEP Boundaries Map—29 November 1967](#), or
- (b) in relation to land marked “Merriwa” on the [Former LEP Boundaries Map—18 April 1975](#), or
- (c) in relation to land marked “Cudgegong” on the [Former LEP Boundaries Map—24 November 1967](#), or
- (d) in relation to land marked “Rylstone” on the [Former LEP Boundaries Map—31 July 1970](#).

#### **4.2B Dwelling houses on land in Zone RU4 Primary Production Small Lots**

- (1) The objective of this clause is to ensure that dwelling houses are erected only where they support the permitted agricultural use of the land.
- (2) Development consent must not be granted for the erection of a dwelling house on land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that—
  - (a) the land is being used, or is intended to be used, for the purpose of intensive plant agriculture, and
  - (b) the dwelling house will be required to support the carrying out of the intensive plant agriculture or the irrigation of pasture and fodder crops, and
  - (c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone, and
  - (d) services for the supply of water and electricity to support that agricultural use are available or adequate arrangements have been made to make them available when required.

#### **4.2C Boundary changes for farm adjustments**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of the relevant zone.
- (2) This clause applies to land in any of the following zones—

- (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone R5 Large Lot Residential,
  - (d) Zone C3 Environmental Management.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following—
- (a) an increase in the number of lots,
  - (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,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of lots in a strata plan or of land under the *Community Land Development Act 1989*, 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 a maximum height limit to which buildings can be designed in particular locations,
  - (b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.
- (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**

[Not adopted]

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

[Not adopted]

### **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 Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning 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 Planning 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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 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 Zone RU2 Rural Landscape.

(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,

(caa) clause 5.5.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 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).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 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.

## 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 and certain Crown land). 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 Land Management Act 2016*).

**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

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary

would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) This clause does not apply to—
  - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (a1) land in Zone RU1 Primary Production, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E4 General Industrial or Zone SP3 Tourist, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 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 3 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 40 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 40 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 5 bedrooms in buildings.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 75 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 100 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 on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, 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) 50% 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 Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a 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 Controls relating to secondary dwellings on land in a rural zone**

[Not adopted]

### **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 Dwelling house or secondary dwelling affected by natural disaster**

[Not adopted]

### **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 Mid-Western Regional,
- (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 \(Transport and Infrastructure\) 2021](#), Chapter 2.
- (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 conservation 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 conservation 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 C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,
  - (i) Zone C4 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) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or
      - (B) within 1km of a poultry farm not used for breeding poultry, or
    - (vii) for a pig farm—within 3km of another pig 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 E3 Productivity Support, Zone MU1 Mixed Use, Zone C3 Environmental Management or Zone C4 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 in 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 E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial or Zone MU1 Mixed Use—that the development is for the purpose of small scale aquarium fish production, and
  - (ii) pond-based aquaculture in Zone C3 Environmental Management or Zone C4 Environmental Living—that the development is for the purpose of extensive aquaculture, and
  - (iii) tank-based aquaculture in 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 C3 Environmental Management or Zone C4 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.

**5.20 Standards that cannot be used to refuse consent—playing and performing music**

(1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—

- (a) the playing or performance of music, including the following—
  - (i) the genre of music played or performed, or
  - (ii) whether the music played or performed is live or amplified, or
  - (iii) whether the music played or performed is original music, or
  - (iv) the number of musicians or live entertainment acts playing or performing, or
  - (v) the type of instruments played,
- (b) whether dancing occurs,
- (c) the presence or use of a dance floor or another area ordinarily used for dancing,
- (d) the direction in which a stage for players or performers faces,



(e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.

(2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.

(3) In this clause—

**licensed premises** has the same meaning as in the *Liquor Act 2007*.

### 5.21 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 flood function and behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
  - (b) the intended design and scale of buildings resulting from the development,
  - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
  - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the *Considering Flooding in Land Use Planning Guideline* unless it is otherwise defined in this clause.
- (5) In this clause—

***Considering Flooding in Land Use Planning Guideline*** means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

***flood planning area*** has the same meaning as it has in the *Floodplain Development Manual*.

***Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

## 5.22 Special flood considerations

[Not adopted]

## 5.23 Public bushland

[Not adopted]

## 5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
- (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
  - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
  - (c) to ensure buildings used for the purposes of farm stay accommodation are located so as not to adversely impact the principal use of the land for primary production.
- (2) Development consent must not be granted to development for the purposes of farm

stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—

- (a) on the same lot as an existing lawful dwelling house, or
  - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
- (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,
    - (ii) primary production operations,
    - (iii) other land uses, and
  - (b) whether the development will have a significant adverse impact on the following on or near the land—
    - (i) the visual amenity or heritage or scenic values,
    - (ii) native or significant flora or fauna,
    - (iii) water quality,
    - (iv) traffic,
    - (v) the safety of persons, and
  - (c) whether the development is on bush fire prone land or flood prone land, and
  - (d) the suitability of the land for the development, and
  - (e) the compatibility of the development with nearby land uses.

### **5.25 Farm gate premises**

- (1) The objectives of this clause are as follows—
- (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,

- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
  - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
    - (i) residential accommodation,
    - (ii) primary production operations,
    - (iii) other land uses, and
  - (b) whether the development will have a significant adverse impact on the following on or near the land—
    - (i) the visual amenity or heritage or scenic values,
    - (ii) native or significant flora or fauna,
    - (iii) water quality,
    - (iv) traffic,
    - (v) the safety of persons, and
  - (c) whether the development is on bush fire prone land or flood prone land, and
  - (d) the suitability of the land for the proposed development, and
  - (e) the compatibility of the development with nearby land uses.

## **Part 6 Additional local provisions**

### **6.1 Salinity**

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) Before determining a development application for development that, in the opinion of the consent authority, may affect the process of salinisation or is proposed to be carried out on land affected by groundwater salinity, the consent authority must consider the following—
  - (a) whether the development is likely to have any adverse impact on salinity processes on the land,

- (b) whether salinity is likely to have an impact on the development,
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (3) 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 environmental impact, 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.

## **6.2 (Repealed)**

## **6.3 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,

- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

#### **6.4 Groundwater vulnerability**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the hydrological functions of key groundwater systems,
  - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as “Groundwater vulnerable” on the [Groundwater Vulnerability Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) 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 environmental impact, 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.

## **6.5 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the [Sensitivity Biodiversity Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (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 environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.

## 6.6 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following—
  - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land—
    - (i) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
    - (ii) used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship,
  - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children—
    - (i) that adjoins the proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

## 6.7 Active street frontages

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land in Zone E2 Commercial Centre.
- (2) This clause applies to land identified as “Active Street Frontage” on the [Active Street Frontages Map](#).
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicle access.
- (5) In this clause, a building has an **active street frontage** if all premises on the ground



floor of the building facing the street are used for the purposes of business premises or retail premises.

### **6.8 Airspace operations—Mudgee Airport**

- (1) The objectives of this clause are as follows—
  - (a) to provide for the effective and ongoing operation of the Mudgee Airport by ensuring that such operation 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 constructed.
- (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 Mudgee 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 Mudgee Airport.

### **6.9 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 proposed 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 road access.

#### **6.10 Visually sensitive land near Mudgee**

- (1) The objective of this clause is to protect the visually and environmentally significant land on the urban fringe of the town of Mudgee.
- (2) This clause applies to land shown as “Visually Sensitive Land” on the [Visually Sensitive Land Map](#).
- (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) will complement the visual setting forming the backdrop to Mudgee, and
  - (b) will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.

#### **6.11 Temporary workers’ accommodation**

- (1) The objectives of this clause are as follows—
  - (a) to enable development for temporary workers’ accommodation if there is a demonstrated need to accommodate employees due to the nature of the work or the location of the land on which that work is carried out,
  - (b) to ensure that temporary workers’ accommodation is appropriately located,
  - (c) to ensure that the erection of temporary workers’ accommodation is not likely to have a detrimental impact on the future use of the land or to conflict with an existing land use,
  - (d) to minimise the impact of temporary workers’ accommodation on local roads and infrastructure.
- (2) Development consent must not be granted to development for the purposes of temporary workers’ accommodation unless the consent authority is satisfied of the following—
  - (a) the development is to be located—
    - (i) if the development relates to a mine—within 5 kilometres of the relevant mining lease under the [Mining Act 1992](#), or

- (ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed,
  - (b) there is a need to provide temporary workers' accommodation due either to the large-scale infrastructure or because of the remote or isolated location of the land on which the large-scale infrastructure is being carried out,
  - (c) the development will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,
  - (d) water reticulation systems and sewerage systems will be provided to adequately meet the requirements of the development,
  - (e) when the development is no longer in use, the land will, as far as practicable, be restored to the condition in which it was before the commencement of the development.
- (3) In this clause—

***temporary workers' accommodation*** means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.

#### **6.12 Development in a designated buffer area**

- (1) The objective of this clause is to protect the operational environment of the sewage treatment plant in Mudgee.
- (2) This clause applies to land identified as “Sewage Treatment Plant Buffer” on the [Sewage Treatment Plant Buffer Map](#).
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the following matters—
  - (a) if the development is for the purposes of residential accommodation—the impact that any odour, noise and other emissions associated with the operation of the Mudgee sewage treatment plant would have on the development,
  - (b) any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing plant,
  - (c) whether the development would adversely affect the operational environment of the plant.

### **6.13 Commercial premises on land in Zone MU1 and known as Caerleon**

- (1) The objective of this clause is to maintain the commercial hierarchy of Mudgee by encouraging retail development of an appropriate scale on land in Zone MU1 Mixed Use and known as Caerleon.
- (2) Development consent may be granted to development for the purposes of retail premises on land in Zone MU1 Mixed Use and known as Caerleon if the gross floor area of each individual retail premises does not exceed 1,280 square metres.

**Note—**

A building may contain more than 1 retail premises as long as each retail premises individually does not have a gross floor area exceeding 1,280 square metres.

- (3) Before granting development consent to development referred to in subclause (2), the consent authority must consider the economic impact of the development and be satisfied that the development will not have an adverse impact on the commercial hierarchy of Mudgee.

### **6.14 Minimum subdivision lot size for community title schemes on certain land in Zone R5**

- (1) The objective of this clause is to facilitate community title subdivision with a minimum lot size of 2 or 5 hectares for certain land in Zone R5 Large Lot Residential.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land only in Zone R5 Large Lot Residential identified as “Area D” on the [Lot Size Map](#), 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) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as “Area D” on the [Lot Size Map](#) may be subdivided to create lots of at least 2 hectares.

### **6.15 Development at 134 Lions Drive, Burrundulla**

- (1) This clause applies to Lot 2, DP 1079362, 134 Lions Drive, Burrundulla.
- (2) The objectives of this clause are—
  - (a) to provide for landscaped areas on the land, and
  - (b) to ensure development on the land does not detrimentally impact on view corridors.

- (3) Development consent must not be granted to development on the land unless the consent authority is satisfied that—
  - (a) buildings above ground level (existing) on the land will have a setback of at least 25m from the boundary of the land with the Castlereagh Highway, and
  - (b) there will be no signage on the land within 25m of the boundary of the land with the Castlereagh Highway, and
  - (c) the development will not detrimentally impact on view corridors.

#### **6.16 Development on land in Zone E4**

- (1) The objectives of this clause are as follows—
  - (a) to maintain an adequate separation between general industrial land uses and residential land uses,
  - (b) to prevent the likely adverse impacts, if any, of outputs from industrial land uses on adjacent residential accommodation, including noise, vibrations, odours, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil,
  - (c) to ensure neighbouring residents can enjoy a reasonable level of amenity without preventing the operation of general industrial land uses,
  - (d) to provide a visual separation between primary buildings and structures on industrial land and neighbouring residential accommodation.
- (2) This clause applies to land in Zone E4 General Industrial.
- (3) Development consent must not be granted to development on land to which this clause applies unless the development is consistent with the objectives of this clause.

### **Schedule 1 Additional permitted uses**

(Clause 2.5)

#### **1 Use of certain land at 285 Botobolar Road, Botobolar**

- (1) This clause applies to land at 285 Botobolar Road, Botobolar, being Lots 28 and 29, DP 755414.
- (2) Development for the purpose of a dwelling house is permitted with development consent subject to—
  - (a) Lots 28 and 29, DP 755414 being consolidated into a single lot, and
  - (b) evidence being provided to the consent authority that sufficient water is available for the development of the site for intensive plant agriculture, and

(c) a water licence for the water referred to in paragraph (b) having been granted, and

(d) at least 50% of the proposed intensive plant agriculture venture on the site having been established.

## **2 Use of certain land at 10 Snelsons Lane, Gulgong**

(1) This clause applies to land at 10 Snelsons Lane, Gulgong, being Lot 113, DP 755433.

(2) Development for the purposes of a transport depot is permitted with development consent.

## **3 (Repealed)**

## **4 Use of certain land at 2255 Hill End Road, Grattai**

(1) This clause applies to land at 2255 Hill End Road, Grattai, being Lot 4, DP 255618.

(2) Development for the purpose of an animal boarding or training establishment is permitted with development consent.

## **5 Use of certain land at 157 and 159 Craigmoor Road, Eurunderee**

(1) This clause applies to the following land at Eurunderee, identified as “5” on the [Additional Permitted Uses Map](#)—

(a) Lot 1, DP 591181, 157 Craigmoor Road,

(b) Lot 2, DP 594499, 159 Craigmoor Road.

(2) Development for the purposes of hotel or motel accommodation is permitted with development consent if the consent authority has considered the following—

(a) the potential for, and appropriate mitigation measures to address, land use conflict,

(b) the need for the hotel or motel accommodation to complement the rural attributes of the land and the surrounding locality,

(c) the impact of the hotel or motel accommodation on the following in the locality—

(i) agricultural production,

(ii) scenic quality.

## **6 Use of certain land at 540 Buckaroo Road, Buckaroo**

(1) This clause applies to Lot 2, DP 1227923, 540 Buckaroo Road, Buckaroo.

(2) Development for the purposes of heavy industrial storage establishments for the

storage of dangerous goods 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.

### Depot

- (1) Must only be constructed on land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone R5 Large Lot Residential.
- (2) Must be a small scale operation with a maximum of 2 vehicles.
- (3) Maximum height—7m above ground level (existing).
- (4) Maximum area—200m<sup>2</sup>.
- (5) Must be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries.
- (6) Must be constructed or installed at least 50m from a dwelling on an adjoining property.
- (7) Must be located at least 50m from a waterbody (natural).
- (8) To the extent it is comprised of a metal components, must be designed by, and constructed in accordance with the specifications of, a professional engineer.

### Water storage facilities

- (1) Must only be constructed on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots.
- (2) Minimum distance from property boundary at closest point—10m.
- (3) Minimum fill embankment crest width—3m.
- (4) Maximum capacity for water storage—25ML.

### Note—

Farm dams must comply with the NSW Farm Dams Policy (Harvestable Right Dams Policy), a copy of which can be obtained from the NSW Office of Water or relevant State Government Authority.

## Schedule 3 Complying development

(Clause 3.2)

### Note—

*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.

## Part 1 Types of development

(When this Plan was made this Part was blank)

## 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*.

## 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
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Gulgong	40 Fisher Street, Lot 2, DP 718061	Nil
Gulgong	20 Tallawang Road, Lot 3, DP 626037	Easement for transmission line (L310591) as noted on Certificate of Title Folio Identifier 3/626037



Mudgee	2A Banjo Paterson Avenue, Lot 157, DP 1082615	Easement for transmission line (BK 3413 No 415) as noted on Certificate of Title Folio Identifier 157/1082615
Mudgee	3A Banjo Paterson Avenue, Lot 158, DP 1082615	Nil
Mudgee	69 Banjo Paterson Avenue, Lot 271, DP 1175650	Easement to drain water (DP 1082615) and easement to drain water (DP 1167671) as noted on Certificate of Title Folio Identifier 271/1175650
Mudgee	40-48 Bellevue Road, Lot 14, DP 1184367	Nil
Mudgee	76A Bellevue Road, Lot 19, DP 1020110	Restrictions on the use of land (DP 1020110) as noted on Certificate of Title Folio Identifier 19/1020110
Mudgee	3 Court Street, Lot 23, DP 816236	Easements affecting the parts shown so burdened in the title diagram created by: DP 749570 easement to drain water variable width and restrictions on the use of land (DP 816236) as noted on Certificate of Title Folio Identifier 23/816236
Mudgee	11 Doug Gudgeon Drive, Lot 1, DP 1182613	Nil
Mudgee	3A Industrial Road, Lot 82, DP 1127630	Nil
Mudgee	14 Lisbon Road, Lot 18, DP 788035	Restrictions on the use of land (DP 788035) as noted on Certificate of Title Folio Identifier 18/788035
Mudgee	16A Lisbon Road, Lot 2, DP 802143	Easements appurtenant to the land created by: DP 802143 easement to drain water as noted on Certificate of Title Folio Identifier 2/802143
Mudgee	44A Mortimer Street, Lot A, DP 408150	Nil
Mudgee	Corner of Queens Pinch Road and Wallinga Lane, Lot 1, DP 1181314	Nil
Mudgee	152 Robertson Street, Lot 18, DP 1110787	Restrictions as to user (DP 1110787) as noted and numbered 2 and 3 on Certificate of Title Folio Identifier 18/1110787

Mudgee	30 Vera Court, Lot 33, DP 1087576	Easement to drain sewage (DP 1080214), easement to drain water (DP 1080214) and restrictions on the use of land (DP 1080214) as noted on Certificate of Title Folio Identifier 33/1087576
Mudgee	15 White Circle, Lot 49, DP 1062044	Nil
Mudgee	49A White Circle, Lot 2, DP 1182624	Easement to drain sewage (DP 1036575) and restrictions on the use of land (DP 1036575) as noted on Certificate of Title Folio Identifier 2/1182624
Mudgee	65A White Circle, Lot 199, DP 1089672	Easement to drain water (DP 1082615) as noted on Certificate of Title Folio Identifier 199/1089672
Mudgee	72 White Circle, Lot 227, DP 1119919	Easement to drain water (DP 1082615) as noted on Certificate of Title Folio Identifier 227/1119919
Mudgee	85-95 White Circle, Lot 228, DP 1119919	Easement to drain water (DP 1082615) as noted on Certificate of Title Folio Identifier 228/1119919
Mudgee	29 Woodside Close, Lot 29, DP 871844	Nil
Ulan	15 Spring Street, Lot 7, Section 1, DP 759017	Covenant (U793262) as noted on Certificate of Title Folio Identifier 7/1/759071

### 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
	Lue Station Homestead	Lue Station, Parish of Arthur	Lot 30, DP 655396	Local	1361

Cudgegong General Cemetery	Parish of Arthur	Lot 13, DP 756906	Local	1518
John Riley's Grave	Lue Station, Parish of Arthur	Lot 30, DP 655396	Local	1362
Havilah Cemetery	Parish of Barra	Lot 2, DP 556656	Local	1534
Railway station and stationmaster's house group	Village of Lue, Parish of Barra		State	1363
Hotel and residence	Village of Lue, Parish of Barra	Part Portion 28, DP 756865	Local	1364
Shop, "John Thompson's Butcher/Draper/Grocer 1913"	Cox Street, Village of Lue, Parish of Barra	Lot 1, DP 771922	Local	1365
366 Railway viaduct	East end of Village of Lue, Parish of Barra		Local	1366
Mudgee Cemetery	Cassilis Road, Parish of Bumberra	DP 755418	Local	1376
Avenue of trees	Cassilis Road (northern extension of Church Street), Parish of Bumberra		Local	1377
370 Roth House	Corner Cassilis Road and Henry Lawson Drive, Parish of Bumberra	Lot 1, DP 858020	Local	1370
Mudgee Brickworks	Home Rule Road, Parish of Bumberra	DP 755418	Local	1375
Gawthorne Cottage	Lue Road, Parish of Bumberra	Lot 1, DP 800689	Local	1372
Wilgowra homestead	Lue Road, Parish of Bumberra	Lot 1, DP 304767	Local	1373
Oakfields homestead	Lue Road, Parish of Bumberra	Lot 231, DP 791836	Local	1374
Old School/Church	Lue Road, Parish of Bumberra	Lot 1, DP 304767	Local	11003
Loneragan homestead (Putta Bucca)	Putta Bucca Road, Parish of Bumberra	Lot 23, DP 755418	Local	1371

Wingvee Homestead and Woolshed and Quartz Roasting Pits	Triamble Road, Parish of Cummings	Lot 27, DP 756911	State	1979
"Melrose Park", Homestead	Parish of Derale	Lot 1, DP 736756	Local	1378
Havilah homestead, chapel and shearing sheds	Parish of Derale	Portion 65, DP 755427	Local	1379
"Spring Ridge", Homestead	Spring Ridge, Parish of Goodiman	Lot 2, DP 612712,	Local	1385
Guntawang homestead	Guntawang Road, Parish of Guntawang	Lot 3, DP 718231	Local	1390
"The Lagoon", Homestead	Castlereagh Highway, Parish of Guntawang	Lot 1, DP 1144337	Local	1391
Old gold mine	Parish of Guntawang	Portion 412, DP 755934	Local	1392
Stone Church	Parish of Hearne	Portion 144, DP 755778	Local	111R
Cemetery	Parish of Hearne	Lot 1, DP 199334	Local	118R
Ben Buckley Homestead and Woolshed	Parish of Rouse	Lot 1, DP 869050	Local	1998
Tannabutta General Cemetery	Parish of Tannabutta	Lot 7001, DP 1023927	Local	11005
Triamble Homestead and Woolshed	976 Triamble Road, Parish of Trianbil	Lot 25, DP 756911	Local	1976
St Matthew's Anglican Church	Triamble Road, Parish of Trianbil	Lot 13, DP 1125856	Local	1978
Uamby Cemetery	Parish of Uamby		Local	11000
Catholic Church	Parish of Warrangunia	Portion 255, DP 755799	Local	113R
Cemetery	Parish of Warrangunia	Portions 107 and 110, DP 755799	Local	117R
Church of England	Parish of Warrangunia	Part Portion 25, DP 755799	Local	112R
Uniting Church	Parish of Warrangunia	Part Portion 22, DP 755799	Local	110R

	Home Rule School, residence	Home Rule, Parish of Wyaldra	Portions 140 and 141, DP 755415	Local	I420
	Yamble homestead and outbuildings	Parish of Yarrobil	Lot 3, DP 1083951	Local	I421
Avisford	Chinese Water Race		Lot 119, DP 756864	State	I1013
Barigan	Homestead	367 Barigan Road	Portions 65 and 142	Local	I367
Biraganbil	Morrowolga homestead		Portion 28	Local	I369
Biraganbil	Biraganbil homestead	Wellington Road	Lot 2, DP 534376	Local	I368
Bylong	St Stephen's Anglican Church	7647 Bylong Valley Way	Lot 51, DP 1142227	Local	I14R
Clandulla	Railway Station	SRA 205564		Local	I30R
Cooyal	St Andrews Anglican Church Cemetery	Linburn Lane	Lot 304, DP 755414	Local	I532
Crudine	Cemetery		Portions 43-46	Local	I16R
Crudine	School		Portion 24, DP 755768	Local	I15R
Erudgere	Ellersly Homestead		Lot 53, DP 756897	Local	I995
Erudgere	"Erudgere", Winery	Hargraves-Hill End Road	Portions 74 and 76, DP 756880	Local	I380
Eurunderee	"Budgee Budgee Shop"		Lot 1, DP 1095527	Local	I384
Eurunderee	"Loaded Dog Inn"		Lot 2, DP 778714	Local	I382
Eurunderee	"Craigmoor Wines"	Craigmoor Road	Portion 39, DP 755429	Local	I383
Eurunderee	Henry Lawson Memorial	Henry Lawson Drive	Lot 1, DP 368450	Local	I381
Goolma	Goolma Primary School		Lot 106, DP 750777	Local	I999
Goolma	St Mark's Anglican Church		Lot 146, DP 750777	Local	I997
Goolma	Pineview Homestead and Woolshed	889 Gollan Road		Local	I992
Grattai	"Beragoo", Homestead		Lot 8, DP 253524	Local	I386
Gulgong	Fletchers Shaft		Crown reserve	Local	I990

Gulgong	Old Railway Dam and Pump Shed		Crown Land south of Portion 37	Local	I389
Gulgong	Scully's Shaft		Crown reserve	Local	I987
Gulgong	Showground		Portions 86, 90 and 419	Local	I360
Gulgong	House	16 Bayly Street (corner Nandoura Street)	Lot 1, Section 72, DP 33960	Local	I189
Gulgong	House	22 Bayly Street	Lots 5 and 6, Section 54, DP 758482	Local	I190
Gulgong	House	29 Bayly Street	Lot 1, Section 53, DP 131408	Local	I191
Gulgong	Old Flour Mill	31-35 Bayly Street (southwest corner White Street)	Lots 5-7, Section 5, DP 758482	Local	I192
Gulgong	House	32 Bayly Street	Lot 9, Section 54, DP 758482; Lot 1A, DP 328975	Local	I193
Gulgong	House	42 Bayly Street	Lot 6, Section 12, DP 758482	Local	I194
Gulgong	Catholic School	49 Bayly Street	Lot 1, Section 19, DP 1150865	Local	I196
Gulgong	Catholic Rectory, Church and buildings	53 Bayly Street	Lot 2, DP 1150865; Lots 4-8, Section 19, DP 758482	Local	I197
Gulgong	St Andrews Presbyterian Church	54 Bayly Street	Lot 3, Section 20, DP 758482	Local	I195
Gulgong	Church of St John the Baptist	55-59 Bayly Street	Lots 3-7, Section 19, DP 758482	Local	I199
Gulgong	St Luke's Anglican Church	64 Bayly Street (southeast corner Bulga Street)	Lot 1, DP 724452	Local	I198
Gulgong	House	29 Belmore Street	Lot 13, DP 35627	Local	I200
Gulgong	House	35 Belmore Street	Lot 16, DP 35627	Local	I201
Gulgong	House	47 Belmore Street	Lot 1, Section 57, DP 758482	Local	I202
Gulgong	House	63 Belmore Street	Lot 2, Section 40, DP 774736	Local	I203

Gulgong	Row of four houses	68-74 Belmore Street	Lots 1-4, DP 329007	Local	I204
Gulgong	House	73 Belmore Street	Lot 2, Section 40, DP 758482	Local	I205
Gulgong	House	84 Belmore Street	Lot 5, Section 14, DP 758482	Local	I206
Gulgong	House	85 Belmore Street (demolished)	Lot 7, Section 13, DP 758482	Local	I207
Gulgong	House	86 Belmore Street	Lot 6, Section 14, DP 758482	Local	I208
Gulgong	House	88 Belmore Street	Lot 2, DP 357981	Local	I209
Gulgong	Uniting Church	89 Belmore Street (southeast Medley Street)	Lot 9, Section 13, DP 758482	Local	I210
Gulgong	House	90 Belmore Street	Lot 8, Section 14, DP 758482	Local	I211
Gulgong	House	104 Belmore Street (northeast corner Bulga Street)	Lot 1, DP 521414	Local	I212
Gulgong	House	8 Bowman Street	Lot 31, Section 59, DP 611931	Local	I214
Gulgong	House	9 Bowman Street	Lot 5, Section 60, DP 75848	Local	I213
Gulgong	House	1 Bulga Street (northeast corner Little Bayly Street)	Lot 12, Section 21, DP 758482	Local	I217
Gulgong	Catholic Rectory and church buildings	53-59 Bulga Street (southeast corner Bayly Street)	Lots 1-7, Section 19, DP 758482	Local	I216
Gulgong	House	2 Cainbil Street (southwest corner Rouse Street)	Lot 4, DP 23799	Local	I218
Gulgong	House	18 Cainbil Street	Lot 2, DP 17320	Local	I219
Gulgong	House	24 Cainbil Street	Lot 5, DP 17320	Local	I220
Gulgong	House	26 Cainbil Street	Lot 6, DP 17320	Local	I221
Gulgong	House	Caledonian Street	Lot 3, DP 1107097; Lot 2, DP 607166	Local	I222
Gulgong	House	Canadian Street	Lot 12, DP 807607	Local	I223

Gulgong	"Tarrawonga", House	Corner Canadian Lead Road and Homer Street	Lot 249, DP 755433	Local	I224
Gulgong	Gulgong Cemetery	Castlereagh Highway		Local	I388
Gulgong	House	5 Cooyal Street	Lot 3, Section 90, DP 758482	Local	I225
Gulgong	House	10 Fitzroy Street	Lot 3, Section 86, DP 758482	Local	I228
Gulgong	House	17 Herbert Street (corner with Rouse Street)	Lot 1, Section 43, DP 758482	Local	I229
Gulgong	House	26 Herbert Street	Lot 11, Section 16, DP 758482	Local	I233
Gulgong	House	28 Herbert Street	Lots 10 and 10A, Section 16, DP 758482	Local	I230
Gulgong	House	32 Herbert Street	Lots 8 and 7, Section 16, DP 758482	Local	I234
Gulgong	House	50 Herbert Street (corner with Lynne Street)	Lot 32, Section 15, DP 591214	Local	I235
Gulgong	House	57 Herbert Street	Lot A, Section 7, DP 372437	Local	I237
Gulgong	Gulgong Pioneer Museum	59-61 and 63-73 Herbert Street	Lots 1A, 1B, 2, 3, 6A, 6B and 6C, Section 6, DP 758482; Lot 1, DP 1088767; Lot 1, DP 103042; Lots 1 and 2, DP 1110254	Local	I236
Gulgong	Shop and residence	62 Herbert Street	Lot 1, Section 14, DP 904818; Lots 1B and 2, Section 14, DP 758482	Local	I238
Gulgong	House	70 Herbert Street	Lots 1 and 2, Section 13, DP 758482	Local	I239
Gulgong	House	74 Herbert Street	Lot 2A, Section 12, DP 758482	Local	I240
Gulgong	Commercial building	74A Herbert Street	Lot 2B, Section 12, DP 758482	Local	I241



Gulgong	"Hobsons Shops Golden West Trading Post" and house	75 Herbert Street	Lots 1C and 1B, Section 5, DP 758482	State	I242
Gulgong	Gulgong Dry Cleaners	77 Herbert Street	Lot 1, DP 663000	Local	I243
Gulgong	Commercial building	78 Herbert Street	Lot 1, Section 12, DP 758482	Local	I244
Gulgong	Commercial building	79-81 Herbert Street	Lots 2A and 2B, Section 5, DP 758482; Lot 31, Section 5, DP 635531	Local	I245
Gulgong	Farmers and Graziers Co-op	83-85 Herbert Street	Lot 2, Section 5, DP 583142	Local	I246
Gulgong	Commercial building	87 Herbert Street	Lot 11, Section 5, DP 715378	Local	I247
Gulgong	"Davies Butchery"	89 Herbert Street (southeast corner Queen Street)	Lot 1, Section 4, DP 981816	Local	I248
Gulgong	Post Office	94 Herbert Street (southwest corner Robinson Street)	Lot 2, Section 28, DP 206281	Local	I249
Gulgong	"Post Office Hotel"	97 Herbert Street (southeast corner Robinson Street)	Lots 1-3, Section 27, DP 758482	Local	I250
Gulgong	Court House	98 Herbert Street	Lot 3, Section 28, DP 758482	Local	I251
Gulgong	Ulan County Council	102 Herbert Street	Lot 1, DP 1011525	Local	I252
Gulgong	"Australian Joint Stock Bank"	101-103 Herbert Street	Lots 4 and 5, Section 27, DP 758482	Local	I253
Gulgong	Fire Station	104 Herbert Street	Lot 5, Section 28, DP 758482	Local	I254
Gulgong	House	105 Herbert Street	Lot 6, Section 27, DP 758482	Local	I255
Gulgong	"Wyaldra Shire Hall"	109 Herbert Street	Lot 1, DP 831594	Local	I256
Gulgong	House	113 Herbert Street	Lot 3, Section 65, DP 758482	Local	I257
Gulgong	Silos and house	Homer Street	Lot 102, DP 818674	Local	I258

Gulgong	"Haleys Cottage", House	2 Little Belmore Street (southeast corner White Street)	Lot 2, Section 42, DP 591934	Local	I259
Gulgong	House	4 Loftus Street	Lot 4, Section 69, DP 758482	Local	I260
Gulgong	House	11 Lynne Street	Lot 4, Section 23, DP 568136	Local	I263
Gulgong	House	12 Lynne Street	Lot 2, Section 46, DP 513027	Local	I261
Gulgong	House	14 Lynne Street	Lot 21, Section 46, DP 568136	Local	I262
Gulgong	"Ten Dollar Town Motel"	Mayne Street (northwest corner Medley Street)	Lot 1, Section 18	Local	I308
Gulgong	House	23 Mayne Street (Portion 219, Parish of Gulgong)	Lot 102, DP 1095103	Local	I265
Gulgong	House	24 Mayne Street	Lot 2, DP 595785	Local	I264
Gulgong	House	38 Mayne Street	Lot 41, Section 45, DP 552358	Local	I266
Gulgong	House	45 Mayne Street	Lot 2, Section 44	Local	I267
Gulgong	House	46 Mayne Street	Lot 1, Section 45	Local	I268
Gulgong	House	49 Mayne Street	Lot 7, Section 32	Local	I269
Gulgong	House	51 Mayne Street	Lot 6, Section 32	Local	I270
Gulgong	House	56 Mayne Street	Lot 2, Section 31	Local	I271
Gulgong	House	59 Mayne Street	Lot 1, Section 32	Local	I272
Gulgong	House	74 Mayne Street	Lots 6 and 7, Section 30	Local	I273
Gulgong	"Loyola", House	77 Mayne Street	Lot D, Section 29	Local	I274
Gulgong	House	78 Mayne Street	Lot 4, Section 30	Local	I275
Gulgong	House	80 Mayne Street	Lot 3, Section 30	Local	I276
Gulgong	Shop	88 Mayne Street	Lot 2B, Section 4	Local	I277
Gulgong	House	89 Mayne Street	Lot 15, Section 29	Local	I278
Gulgong	"Jas Loneragan"	90-100 Mayne Street (northeast corner Herbert Street)	Lots 5-7, Section 4	Local	I279

Gulgong	St Vincent de Paul shop and residence	91 Mayne Street	Lot 9, Section 1	Local	I280
Gulgong	House	93 Mayne Street	Lot 8, Section 1	Local	I281
Gulgong	Prince of Wales Hotel	97 Mayne Street	Lots 5 and 6, Section 1	Local	I282
Gulgong	"Prince of Wales Opera House"	99 Mayne Street	Lot 4, Section 1	Local	I283
Gulgong	"CBC Bank"	101-103 Mayne Street	Lot 3, Section 1	Local	I284
Gulgong	Commercial building	102 Mayne Street (northwest corner Herbert Street)	Section 3	Local	I285
Gulgong	Commercial building	104 Mayne Street	Lot 6, Section 3	Local	I286
Gulgong	Commercial building	107 Mayne Street (southeast corner Herbert Street)	Lots 1-3, Section 1	Local	I287
Gulgong	"Greatest Wonder of the World"	123 Mayne Street	Part Lot 4, Section 2	Local	I288
Gulgong	"American Tobacco Warehouse"	125 Mayne Street	Part Lot 4, Section 2	Local	I289
Gulgong	Commercial building	127 Mayne Street	Lot 5A, Section 2	Local	I290
Gulgong	Commercial building	128-132 Mayne Street (northeast corner Medley Street)	Lots 1A, 2B and 2C, Section 3	Local	I291
Gulgong	Commercial building	131-133 Mayne Street	Lots 6A-6C, Section 2	Local	I292
Gulgong	The Coffee House	137 Mayne Street	Lot 7A, Section 2	Local	I293
Gulgong	Commercial building	139 Mayne Street (northwest corner Medley Street)	Lot 7, Section 2	Local	I294
Gulgong	Centennial Hotel	145 Mayne Street (corner Medley Street)	Lots 1 and 2, Section 17	Local	I295
Gulgong	"The Henry Lawson Centre"	147 Mayne Street	Part Lot 3, Section 17	Local	I296
Gulgong	House	148 Mayne Street	Lots 6 and 7, Section 18	Local	I297
Gulgong	House	149 Mayne Street	Lot 5B, Section 17	Local	I298

Gulgong	House	153 Mayne Street	Lot 6, Section 17	Local	I299
Gulgong	House	155 Mayne Street	Lot 7, Section 17	Local	I300
Gulgong	"Cullengoral"	156 Mayne Street	Lot 21, Section 18	Local	I301
Gulgong	House	161 Mayne Street	Lot 12, Section 17	Local	I302
Gulgong	House	162 Mayne Street	Lot 1, Section 24	Local	I303
Gulgong	House	164 Mayne Street	Lot 2, Section 24	Local	I304
Gulgong	Shop	165 Mayne Street	Lot 14, Section 17	Local	I305
Gulgong	House	166 Mayne Street	Lot 3, Section 24	Local	I306
Gulgong	House	167 Mayne Street	Lot 15, Section 17	Local	I307
Gulgong	House	169 Mayne Street	Lot 5, Section 25	Local	I309
Gulgong	House	192 Mayne Street	Lot 22, DP 598308	Local	I310
Gulgong	House	200 Mayne Street	Portion 436, Parish of Guntawang	Local	I311
Gulgong	Gulgong District Hospital	206 Mayne Street	Lots 195 and 196, DP 755434	Local	I312
Gulgong	House	Main Road No 55 (near Medley Street)	Portion 143, Parish of Guntawang	Local	I313
Gulgong	House	33 Medley Street	Lot 24, Section 16, DP 758482	Local	I314
Gulgong	House	39 Medley Street	Lot 4, Section D, DP 33960	Local	I315
Gulgong	House	41 Medley Street	Lot 1, DP 101068	Local	I316
Gulgong	House	43 Medley Street	Lot 2, DP 101068	Local	I317
Gulgong	House	44 Medley Street	Lot 3, Section 23	Local	I318
Gulgong	House	45 Medley Street	Lot 8A, Section 12, DP 758482	Local	I319
Gulgong	House	51 Medley Street	Lot 2, Section 11	Local	I320
Gulgong	House	56 Medley Street	Lot 3, Section 21	Local	I321
Gulgong	House	58-60 Medley Street	Lots 21 and 22, Section 21	Local	I322
Gulgong	Police station	61 Medley Street	Lot 2, Section 28	Local	I323
Gulgong	House	62 Medley Street	Lot 1, Section 21	Local	I324
Gulgong	Uniting Church Hall	64 Medley Street	Part Lot 2, Section 20	Local	I325

Gulgong	"Albury House", House	68 Medley Street (northwest corner Bayly Street)	Lot 1, Section 20	Local	I326
Gulgong	House	75 Medley Street	Lot 1, Section 39	Local	I327
Gulgong	"Phonograph Museum" and residence	78 Medley Street	Lots 14 and 15, Section 18	Local	I328
Gulgong	House	86 Medley Street	Lot 2, Section 33	Local	I329
Gulgong	"Merry", House	100 Medley Street	Lot 4, Section 35	Local	I330
Gulgong	House	104 Medley Street	Lot 2, Section 36	Local	I331
Gulgong	House	108 Medley Street	Part Lot 2, Section 38	Local	I332
Gulgong	House	110 Medley Street	Lot 3, Section 38	Local	I333
Gulgong	House	2 Moonlight Street	Lot 10, Section 60	Local	I334
Gulgong	House	Nandoura Street	Lot 2, Section 73	Local	I335
Gulgong	House	4 Nandoura Street	Lot 2, DP 758482	Local	I351
Gulgong	Commercial building (Loneragans Garage)	33 Queen Street	Lot 6, Section 5	Local	I336
Gulgong	Commercial building	35 Queen Street	Lot 5, Section 5	Local	I337
Gulgong	House	40 Queen Street	Lot 102, DP 596820	Local	I338
Gulgong	House	56 Queen Street (northwest corner Bulga Street)	Lot 2, resubdivision of Portion 182, Parish of Guntawang	Local	I339
Gulgong	House	60 Queen Street	Lot 2, resubdivision of Portion 181, Parish of Guntawang	Local	I340
Gulgong	House	62 Queen Street	Part Lot 181, Section 84	Local	I341
Gulgong	House	Railway Street	Lot 22, DP 802634	Local	I342
Gulgong		Reef Street, Northwest corner Canadian Street	Lot 4, Section 87	Local	I343
Gulgong	House	1 Robinson Street	Lot 12, Section 27	Local	I344
Gulgong	House	3 Robinson Street	Lot 11, Section 27	Local	I345

Gulgong	Old "Central School"	Robinson Street (corner Cooyal Street)	Part Lot 2, Section 64	Local	I346
Gulgong	House	Robinson Street (corner Loftus Street)	Lot 4, Section 69	Local	I347
Gulgong	"Red Hill House", House	Robinson Street (southeast corner White Street)	Lots 483 and 486, DP 46131; Lot 1, Section 80, DP 758482	Local	I227
Gulgong	Railway station and stationmaster's house group	Saleyards Lane, Parishes of Gulgong and Guntawang		State	I349
Gulgong	House	Scully Street (corner of Cooyal Street)	Part Lot 2, Section 64	Local	I348
Gulgong	House	1 Scully Street	Lot 3, Section 63, DP 758482	Local	I226
Gulgong	House	Station Street	Lot 66	Local	I352
Gulgong	"Loneragans Flour Mill"	2 Station Street	Portions 388, 406 and 428, Parish of Guntawang	Local	I350
Gulgong	House	Corner Tallawang and Bligh Streets	Lot 3, Section 49	Local	I355
Gulgong	House	23 Tallawang Street (southeast corner Prince Street)	Lot 1, Parish of Guntawang	Local	I353
Gulgong	House	29 Tallawang Street (southeast corner Prince Street)	Lot 1, Section 48	Local	I354
Gulgong	House	11 White Street (northeast corner Lynne Street)	Lot 1, Section 47	Local	I356
Gulgong	House	unnamed road off Wellington Road (Main Road No 233)	Portion 148, 755934	Local	I358
Gulgong	Gulgong Grandstand	Victoria Park	Portion 91, 755434	Local	I359
Hargraves	Empire Hall		Lot 12, Section 3, DP 758501	Local	I1029
Hargraves	Hargraves Cemetery		Lots 100-106, DP 756885	Local	I400

Hargraves	"The Elders", Miners Cottage		Lot 7, DP 756885	Local	I1028
Hargraves	Beechworth Homestead	Beechworth Road	Lot 1, DP 879791	Local	I977
Hargraves	House	Bowen Street	Section 24	Local	I399
Hargraves	"National School"	Bowen Street		Local	I393
Hargraves	Catholic Church	Merinda Street	Lot 4, Section 2, DP 758501	Local	I398
Hargraves	House (old Court House and Police Station)	Merinda Street	Lot 701, DP 1021142	Local	I395
Hargraves	House	Merinda Street (next to court house)	Lot 1, Section 6, DP 758501	Local	I396
Hargraves	"Old Warry"	Merinda Street	Lot 3, Section 3, DP 758501	Local	I1030
Hargraves	Red Doors, Former Butcher Shop	Merinda Street	Lot 2, Section 3, DP 758501	Local	I980
Hargraves	St Stephen's Church of England	Corner Merinda and Church Streets	Portion 124, Section 6, DP 756885	Local	I394
Hargraves	Terrace houses	Merinda Street	Lot 1, Section 3, DP 758501	Local	I397
Ilford	School Residence	Parish of Warrangunia	Part Portion 260, 755799	Local	I31R
Ilford	Wishing Well	Road Reserve at Cherry Tree Hill		Local	I33R
Kandos	Band Rotunda	Public Reserve, Angus Avenue	Lot 24, DP 8161	Local	I2R
Kandos	Anglican Church	Angus Avenue	Lot 11, Section 9, DP 8161	Local	I3R
Kandos	Post Office	Angus Avenue	Lot 11, DP 774796	Local	I4R
Kandos	Museum	Angus Avenue	Lot 10, Section 1, DP 8161	Local	I5R
Kandos	Uniting Church	Dunn Street	Lots 13 and 14, Section 24, DP 9704	Local	I1R
Kandos	Catholic Church	Fleming Street	Lot 5, Section 4, DP 9750	Local	I9R
Kandos	School	Fleming Street	Lots 3 and 4, Section 17, DP 9604	Local	I7R

Kandos	Railway Station	Ilford Road	SRA Ref 930448	Local	I8R
Kandos	Court House	21 Ilford Road	Lot 7007, DP 1023908	Local	I6R
Menah	Menah homestead		Lot 1, DP 877564	Local	I406
Menah	Explorers' Tree, "Camping Tree"	Wilbertree Road	Lot 2, DP 602711	Local	I407
Menah	River Red Gum	Wilbertree Road (on road reserve)		Local	I408
Mudgee	Burrundulla Station and homes		Portion 182, DP 756894	Local	I402
Mudgee	Talbragar Reserve			Local	I991
Mudgee	Wallinga homestead		Lot 11, DP 581380	Local	I401
Mudgee	Catholic Church	Southeast corner of Church and Market Streets	Lots 19 and 20, Section 11, DP 158721	State	I3
Mudgee	Clock Tower	Corner Church and Market Streets		Local	I185
Mudgee	Convent and hall	Corner Church and Market Streets	Lots 17 and 18, Section 11, DP 158721	State	I4
Mudgee	"Macs Corner Store", Shop/ residence	Northeast corner Church and Horatio Streets	Lot 1, Section 32, DP 797677	Local	I23
Mudgee	Postal Pillar Box	Church Street, corner Moufarrige Mall	Lots 12 and 13, DP 240238	Local	I186
Mudgee	"Lawson Park Hotel"	1-3 Church Street	Lot 1, DP 82856; Lot 1, DP 86378	Local	I1
Mudgee	"Regent Theatre"	3-5 Church Street	Lot 1, Section 3, DP 633977	Local	I2
Mudgee	Anglican Church	6 Church Street (corner of Market and Church Streets)	Part Lot 1, DP 1043650	Local	I125
Mudgee	Catholic Church Hall	13 Church Street	Lot 17, Section 11, DP 158721	State	I6
Mudgee	"Town Centre", Store	19-41 Church Street	Lot 11, Section 11, DP 719577	Local	I7
Mudgee	"Mercer's Pharmacy", Shop	22-24 Church Street	Lot 12, DP 1041494	Local	I8



Mudgee	Shop, (previously cafe)	26 Church Street	Lot 1, DP 744764	Local	I9
Mudgee	"Woolleys Butchery", Shop	47 Church Street	Lot 2, DP 503897	Local	I10
Mudgee	Shop/Hotel	49-51 Church Street (corner Mortimer Street)	Lot 2, Section 11, DP 332516	Local	I11
Mudgee	Shop, Travel Agency	56-62 Church Street	Lots 21 and 22, DP 809582; Lot 2, Section 10, DP 208895	Local	I12
Mudgee	"Afton", House	63 Church Street	Lot 2, DP 830698	Local	I13
Mudgee	"Busy Hands", Gallery/shop	71 Church Street	Lot 1, DP 780555	Local	I14
Mudgee	Office/residence	89 Church Street	Lot 1, DP 1125495	Local	I15
Mudgee	House	93 Church Street	Lot 2, DP 1125495	Local	I16
Mudgee	House	95 Church Street	Lot 4, DP 1125495	Local	I17
Mudgee	"F S Pharmacy", Shop	96 Church Street	Lot 2, Section 17, DP 739068	Local	I18
Mudgee	"Settler's Coffee Lounge", Shop	98 Church Street	Lot 1, DP 152701	Local	I19
Mudgee	Terrace houses	110-112 Church Street	Lots B and D, Section 17, DP 163315	Local	I20
Mudgee	Terrace houses	125-127 Church Street	Lots 3 and 4, Section 32, DP 745127	Local	I21
Mudgee	House	129 Church Street	Lot 2, DP 1009027	Local	I22
Mudgee	Old Fire Station (now Dentists)	136 Church Street	Lot 1, DP 79472	Local	I24
Mudgee	Terrace houses	150-152 Church Street	Lot 2, DP 812473	Local	I25
Mudgee	House/ commercial rooms	154 Church Street	Lot 3, Section 26, DP 770737	Local	I26
Mudgee	House	182 Church Street	Lot 2, Section 65, DP 621579	Local	I27
Mudgee	House	184 Church Street	Lot 62, DP 588050	Local	I28
Mudgee	Terrace houses	8-10 Court Street	Lot A, DP 156704	Local	I32

Mudgee	House	14-16 Court Street	Lot 1, DP 747160	Local	I33
Mudgee	House	48 Court Street	Lot 1, DP 758721	Local	I34
Mudgee	Pitched stone kerb and gutter	West side Court Street, between Nos 50 and 76		Local	I187
Mudgee	House	64 Court Street	Lot 14, DP 758721	Local	I35
Mudgee	Technical College	70-76 Court Street	Lot 1, Section 36, DP 739918	Local	I36
Mudgee	House	78 Court Street	Lot 14, Section 36, DP 758721	Local	I37
Mudgee	House	8 Cox Street	Lot 1, DP 998518	Local	I31
Mudgee	House	30 Denison Street	Lot 2, DP 1105808	Local	I38
Mudgee	Terrace houses	32-34 Denison Street	Lot 1, DP 195728; Lot 1, DP 999093	Local	I39
Mudgee	Terrace houses	41-41A Denison Street	Lot 31, Section 31, DP 609574	Local	I40
Mudgee	Terrace houses	50-52 Denison Street	Lots 11 and 12, DP 873162	Local	I41
Mudgee	House	53 Denison Street	Lot 1, DP 794928	Local	I42
Mudgee	"Ludgate", House	56 Denison Street	Lot C, Section 27, DP 70326	Local	I43
Mudgee	House	58 Denison Street	Lot B, Section 27, DP 70326	Local	I44
Mudgee	"Mooltan", House	63 Denison Street	Lot 4, DP 39051	Local	I45
Mudgee	House	97 Denison Street	Lot 2, Section 35, DP 758721	Local	I46
Mudgee	House	109 Denison Street	Lot 1, DP 742431	Local	I47
Mudgee	House	116 Denison Street	Lot 1, Section 22, DP 743222	Local	I48
Mudgee	Memorial Park	Douro Street (opposite Lovejoy Street)	Lots 19 and 20, Section 8, DP 758721	Local	I55
Mudgee	Memorial Park	Douro Street	Lots 19 and 20, Section 8, DP 758721	Local	I182
Mudgee	House	9 Douro Street	Lots 2 and 3, DP 921495	Local	I49
Mudgee	Duplex houses	13 Douro Street	Lot 1, DP 525941	Local	I50

Mudgee	Duplex houses	17 Douro Street	Lots 9 and 10, Section 18, DP 455013	Local	151
Mudgee	"Rexton", House	18 Douro Street	Lot 1, DP 521204	Local	152
Mudgee	House	28 Douro Street	Lot 1, DP 196609	Local	153
Mudgee	House	80-82 Douro Street	Lots 1 and 2, DP 1096219	Local	154
Mudgee	House	19 Gladstone Street	Lot 1, DP 1166498	Local	156
Mudgee	House	30 Gladstone Street	Lot 30, DP 1055200	Local	157
Mudgee	House	42-44 Gladstone Street	Lot 22, Section 16, DP 702449	Local	158
Mudgee	House	54 Gladstone Street	Lot 2, DP 305741	Local	159
Mudgee	House	55 Gladstone Street	Lot 4, DP 1099063	Local	160
Mudgee	House	57 Gladstone Street	Lot 1, DP 199187	Local	161
Mudgee	House	61 Gladstone Street	Lot 1, DP 1064183	Local	162
Mudgee	House	68 Gladstone Street	Lot 1, DP 198118	Local	163
Mudgee	House	69 Gladstone Street	Lot 1, DP 731585	Local	164
Mudgee	House	79 Gladstone Street	Lot 10, Section 25, DP 716500	Local	165
Mudgee	House	83 Gladstone Street	Lot 2, Section 25, DP 974978	Local	166
Mudgee	House	104 Gladstone Street	Lot 1, DP 531145	Local	167
Mudgee	House	106 Gladstone Street	Lot 1, Section 19, DP 703379	Local	168
Mudgee	House	156 Gladstone Street	Lot 2, DP 1061477	Local	169
Mudgee	House	176 Gladstone Street	Lot 12, Section 6, DP 770287	Local	170
Mudgee	House	210 Gladstone Street	Lot 4, DP 566202	Local	171
Mudgee	"Caerleon Park", Homestead	Gulgong Road	Lot 1, DP 1099627	Local	1403
Mudgee	High school	Corner Horatio and Douro Streets	Lot 2, DP 814188	Local	179
Mudgee	House	44 Horatio Street	Lot 1, DP 770364	Local	172

Mudgee	House	60 Horatio Street	Lot 1, Section 32, DP 157325	Local	173
Mudgee	Terrace houses	81-83 Horatio Street	Lot 1, Section 43, DP 783371; Lot 1, DP 770585	Local	174
Mudgee	House	99 Horatio Street	Lot 3, Section 42, DP 758721	Local	175
Mudgee	House	105 Horatio Street	Lot 60, Section 42, DP 819521	Local	176
Mudgee	"Hillsborough", Guesthouse	141-143 Horatio Street	Lot 1, DP 560021	Local	177
Mudgee	House	149 Horatio Street	Lot B, Section 40, DP 157929	Local	178
Mudgee	Railway buildings (excluding engine shed), railway station site	Inglis Street	No identified land parcel—railway reserved land	State	183
Mudgee	Railway station	Inglis Street	No identified land parcel—railway reserved land	State	184
Mudgee	House	6-8 Inglis Street	Lot 9, Section 45, DP 758721	Local	181
Mudgee	Terrace houses	9-11 and 13-15 Inglis Street	Lots 2-5, DP 818204	Local	182
Mudgee	House	25 Inglis Street	Lot 2, Section 49, DP 758721	Local	185
Mudgee	Hotel	34-36 Inglis Street	Lot 20, Section 43, DP 758721	Local	186
Mudgee	House	3 Lawson Street	Lot 2, Section 1, DP 153157	Local	187
Mudgee	"Bleak House", House and stables	5-7 Lawson Street	Lot A, Section 1, DP 153641	Local	188
Mudgee	House	24 Lawson Street	Lot 1, Section 15, DP 702222	Local	189
Mudgee	House	25 Lawson Street	Lot 1, DP 737884	Local	190
Mudgee	House	45 Lawson Street	Lot 7, Section 29, DP 758721	Local	191
Mudgee	Terrace house	48 Lawson Street	Lot 18, DP 741978	Local	192
Mudgee	Terrace houses	49-51 Lawson Street	Lots 21 and 22, DP 573727	Local	193

Mudgee	House	50 Lawson Street	Lot 17, Section 28, DP 758721	Local	I94
Mudgee	House	55 Lawson Street	Lot 2, DP 615824	Local	I95
Mudgee	House	64 Lawson Street	Lot 1, DP 735817	Local	I96
Mudgee	House	65 Lawson Street	Lot 1, DP 797025	Local	I97
Mudgee	"Whitton Lodge", House	72 Lawson Street	Lot 1, DP 593835	Local	I98
Mudgee	"Lewis Street Tyre Service", Commercial building	1 Lewis Street	Lot 1, Section 2, DP 593835	Local	I99
Mudgee	"Oriental Tavern", Hotel	6 Lewis Street (corner Mortimer Street)	Lot 1, DP 732911	Local	I100
Mudgee	Storeroom (old Wells & Co Store)	13 Lewis Street	Lot 2, DP 818101	Local	I101
Mudgee	"Mandalay", House	14 Lewis Street	Lot 1, DP 949925	Local	I102
Mudgee	"Koolabah", House	18 Lewis Street	Lot 1, DP 830698	Local	I104
Mudgee	House	25 Lewis Street	Lot X, DP 385399	Local	I105
Mudgee	House, (nursery)	49 Lewis Street	Lot 6, Section 28, DP 258279	Local	I106
Mudgee	Shop/residence	52 Lewis Street	Lot 3, Section 27, DP 548836	Local	I107
Mudgee	Houses	67, 69 and 71 Lewis Street	Lot 8, DP 1043589; Lot 1, Section 31, DP 999357; Lot 1, DP 735813	Local	I108
Mudgee	House	73 Lewis Street	Lot 2, DP 197701; Lot 1, Section 31, DP 197701	Local	I109
Mudgee	House	83 Lewis Street	Lot 12, DP 998556	Local	I110
Mudgee	Offices	1 Lovejoy Street	Lots 1 and 2, DP 737071	Local	I111
Mudgee	"Mudgee Club", Clubhouse	5 Lovejoy Street	Lot 2, DP 1107328	Local	I112
Mudgee	Bandstand, Robertson Park	Market Street	Lot 4, Section 68, DP 727197	Local	I140
Mudgee	Robertson Park	Market Street	Lot 4, Section 68, DP 727197	Local	I181

Mudgee	Terrace houses	17-19 Market Street	Lot 100, Section 12, DP 818735	Local	I114
Mudgee	Terrace houses	21-25 Market Street	Lots 1-3, 210071	Local	I115
Mudgee	"Mudgee Club", House	26 Market Street	Lot 2, Section 3, DP 68326	Local	I116
Mudgee	House	27 Market Street	Lot 27, DP 1096567	Local	I117
Mudgee	"Craigmoor Wines", Shop	30 Market Street	Lot 7, Section 3, DP 1651	Local	I118
Mudgee	Shop/residence	42-44 Market Street	Lot 3A, Section 3, DP 389431; Lot X, DP 389432	Local	I119
Mudgee	Two shops	43-45 Market Street	Lots 1 and 2, DP 802702	Local	I120
Mudgee	Shop/residence	46 Market Street	Lot 1, Section 3, DP 596907	Local	I121
Mudgee	Shops	52-54 Market Street	Lot 1, DP 770608	Local	I122
Mudgee	Shop	56 Market Street	Lot 1, DP 782453	Local	I124
Mudgee	Catholic Presbytery	57 Market Street (corner Church and Market Streets)	Lots 17 and 18, Section 11, DP 158721	State	I5
Mudgee	"Beaurepaires Tyres", Commercial building	58 Market Street (corner of Church and Market Streets)	Lot 1, Section 3, DP 731541	Local	I123
Mudgee	Westpac Bank	59 Market Street	Lot 1, Section 10, DP 217403	Local	I126
Mudgee	State Bank	62 Market Street	Lot 1, DP 73990	Local	I127
Mudgee	Town Hall	64 Market Street	Lot 5, Section 55, DP 758721	State	I128
Mudgee	Woolpack Hotel	67 Market Street	Lot 112, DP 1136696	Local	I129
Mudgee	Old bank building (now Dear Loneragan & Hogan Solicitors)	70 Market Street	Lot 4, Section 55, DP 758721; Lot 3, DP 1052954	Local	I130
Mudgee	Shop	71-73 Market Street	Lot 9, DP 240238	Local	I131
Mudgee	Post Office	80 Market Street	Lot 11, Section 54, DP 786618	State	I133
Mudgee	Shops	81-83 Market Street	Lots 5 and 6, DP 1026343	Local	I132

Mudgee	Police Station and stables	82 Market Street	Lot 1, DP 819971	Local	I134
Mudgee	House	88 Market Street	Lot 9, DP 824137	Local	I135
Mudgee	Government Offices (old Council Chambers)	90 Market Street	Lot 113, DP 48439	Local	I136
Mudgee	Court House annex	94 Market Street	Lot 4, Section 67, DP 758721	Local	I137
Mudgee	Court House	96 Market Street	Lot 5, Section 67, DP 758721	Local	I138
Mudgee	Shop	97 Market Street (corner Market and Perry Streets)	Lot 1, Section 10, DP 61325	Local	I139
Mudgee	Parkview Guesthouse	99 Market Street	Lot 4, DP 270016	Local	I141
Mudgee	Courthouse Hotel	111 Market Street	Lot 1, DP 874233	Local	I142
Mudgee	Museum	126 Market Street	Lot 111, DP 850558	Local	I143
Mudgee	House	141 Market Street	Lot 3, Section 1, DP 355899	Local	I144
Mudgee	House	144 Market Street	Lot 42, DP 703056	Local	I145
Mudgee	Old stables (now house)	146 Market Street	Lot 41, DP 703056	Local	I146
Mudgee	Terrace houses	155-159 Market Street	Lot 1, DP 883949	Local	I147
Mudgee	House	177 Market Street	Lot 1, DP 718081	Local	I148
Mudgee	"Loneragans", House	18 Mortimer Street	Lot 2, DP 836115	Local	I149
Mudgee	Terrace houses	63-69 Mortimer Street	Lots 1-4, DP 817985	Local	I150
Mudgee	House	64 Mortimer Street	Lot 17, DP 758721	Local	I151
Mudgee	Double storey residential building	70 Mortimer Street	Lot 1, DP 1132208	Local	I152
Mudgee	House	82A Mortimer Street	Lot 2, DP 735096	Local	I153
Mudgee	"Civic Theatre", Theatre	84-88 Mortimer Street	Lot 1, DP 1056499	Local	I154
Mudgee	Uniting Church	87 Mortimer Street	Lot 2, DP 833884	Local	I155

Mudgee	Terrace houses	100-106 Mortimer Street	Lot 1, Section 9, DP 778954; Lot 1, Section 9, DP 745507; Lot 1, Section 9, DP 745180; Lot 1, DP 790217	Local	I156
Mudgee	Presbyterian Church	103 Mortimer Street	Lot 1, DP 589892	Local	I157
Mudgee	House	114 Mortimer Street	Lot 1, Section 9, DP 745237	Local	I158
Mudgee	Shop	131 Mortimer Street	Lot 2, DP 837945	Local	I159
Mudgee	House	133 Mortimer Street	Lot 1, DP 837945	Local	I160
Mudgee	House	152 Mortimer Street	Lot 16, Section 2, DP 393	Local	I161
Mudgee	House	185 Mortimer Street	Lot 1, Section 7, DP 732081	Local	I162
Mudgee	Tomb memorial to James Blackman and family	Blackman Park, Park Street	Lot 394, DP 756894	Local	I188
Mudgee	River Red Gum tree	Corner Perry and Short Streets	Southwest corner of Lot 2, DP 777991	Local	I183
Mudgee	"Mudgee Guardian", Commercial building	9 Perry Street	Lots 1 and 2, DP 1094462	Local	I163
Mudgee	Shop (previously Masonic Temple)	18 Perry Street	Lot 1, Section 9, DP 707405	Local	I164
Mudgee	Salvation Army Citadel	19 Perry Street	Lot 1, Section 10, DP 910612	Local	I165
Mudgee	House	24 Perry Street	Lot 2, Section 18, DP 595449	Local	I166
Mudgee	House	26 Perry Street	Lot D, Section 18, DP 81982	Local	I167
Mudgee	House	28-30 Perry Street	Lot 1, Section 18, DP 85623	Local	I168
Mudgee	Shops	37-39 Perry Street	Lot 1, DP 807813; Lot 1, Section 17, DP 734887	Local	I169
Mudgee	"Paragon", Hotel	38 Perry Street	Lot 2, DP 730123	Local	I171
Mudgee	"Mechanics Institute", School of Arts (now residence)	40 Perry Street	Lot 11, Section 25, DP 716500	Local	I170



Mudgee	Mudgee Public School	44 Perry Street (additions)	Lot 1, DP 814188	Local	I172
Mudgee	Mudgee Public School	44 Perry Street (original building)	Lot 1, DP 814188	Local	I173
Mudgee	Terrace houses	49 Perry Street	Lot 5, Section 26, DP 758721	Local	I174
Mudgee	House, Headmaster's residence	48 Perry Street	Lot 1, DP 814188	Local	I175
Mudgee	"Onohan", House	55 Perry Street	Lot 71, DP 1129312	Local	I176
Mudgee	House	57 Perry Street	Lot 8, Section 26, DP 758721	Local	I177
Mudgee	Lawson Park	Short Street	Section 74, DP 758721; Section 54A, DP 758721; Lot 1, Section 54A, DP 758721	Local	I180
Mudgee	River Red Gum tree	Short Street, Police Station property	Lot 4, Section 67, DP 758721	Local	I184
Mudgee	Doctor's surgery and dwelling	19 Short Street	Lot 1, DP 986022	Local	I178
Mudgee	"The Willows", House	29 Short Street	Lot 3, DP 1103896	Local	I179
Mudgee	Old School	Sydney Road		Local	I1004
Munghorn	Munghorn Gap Nature Reserve			Local	I993
Piambong	Cullenbone (Former School House)	Castlereagh Highway	Lot 182, DP 756901	Local	I410
Piambong	"Wandu", Limosin Stud	Gulgong Road	Portion 182, DP 756901	Local	I410
Piambong	Binawee homestead and outbuildings	111 Lesters Lane	Part Lot 4, DP 8266646	State	I409
Pyramul	Catholic Church and Graveyard		Lots 72 and 73, DP 756901	Local	I411
Rylstone	Railway Station		SRA Ref 227462	State	I29R
Rylstone	Uniting Church and manse	3-5 Ilford Road	Lot 1, DP 387675; Lot 2, Section 14, DP 758891	Local	I19R
Rylstone	Bridge View Inn	Louee Street	Lot 21, Section 5, DP 758891	State	I34R

Rylstone	Catholic Church	Louee Street	Lots 4-6, Section 5, DP 758891	Local	I22R
Rylstone	Court House	Louee Street	Part Lots 3 and 4, Section 5	Local	I25R
Rylstone	Hall	Louee Street	Lots 9, 10 and 21, Section 5	Local	I28R
Rylstone	Police Residence	Louee Street	Part Lots 4 and 5, Section 5	Local	I23R
Rylstone	Police Station	Louee Street	Lots 1 and 2, Section 5	Local	I24R
Rylstone	Post Office	Louee Street	Lot 10, DP 776797	Local	I26R
Rylstone	Shire Office	Louee Street	Lot 8, Section 5	Local	I27R
Rylstone	Former Presbyterian Church	90A Louee Street	Lot 3, DP 1239243	Local	I32R
Rylstone	Anglican Church	Mudgee Street	Lots 7-10, Section 6	Local	I21R
Rylstone	Dwelling (Anglican Rectory)	Mudgee Street	Lots 7-10, Section 6,	Local	I20R
Rylstone	Rylstone Kandos Cemetery	73-75A Narrango Road	Lot 1, DP 650678; Lot 1, DP 668504; Lot 1, DP 668505; Lot 1, DP 724249; Lot 150, DP 755789; Lot 7023, DP 1030117; Lot 1, DP 1121520; Lot 1, DP 1138214	Local	I35R
South Mudgee	"Cranford", House	195 Church Street	Lot 124, DP 579311	Local	I29
South Mudgee	House	4 Clifton Avenue	Lot 2, DP 713943	Local	I30
South Mudgee	House	25 Madeira Road	Lot 23, DP 244319	Local	I113
South Mudgee	Redbank Dam	Parish of Mudgee	Lots 112A, 113A and 114, DP 756894	Local	I404
South Mudgee	"Kenny's Brickworks"	East side of Sawpit Road	DP 382040	Local	I405
Tallawang	"Niven's Springridge Hotel", House	Spring Ridge Road	Lot 1, DP 591912; Lot 112, DP 721220	Local	I387
Tambaroora	Tambaroora—Hill End Cemetery, Catholic/ Chinese		Part Section 16	Local	I412

Ulan	Goulburn River National Park		Local	1994
Wilbetree	Tinja Homestead	Lot 2, DP 1039849	Local	1989
Wilbetree	Wilbetree homestead and outbuildings	Lot 1, DP 32365	Local	1413
Wilbetree	Wollara Homestead	Lot 41, DP 755453	Local	1982
Wilbetree	Burrinah Homestead	Wilbertree Road Lot 1, DP 72342	Local	1988
Windeyer	Anglican Church	Lot 4, Plan C161	Local	1414
Windeyer	"Gold and Fleece", Hotel	Lot 1, DP 771751	Local	1416
Windeyer	School and schoolmaster's house	Section 9, DP 756923	Local	1415
Windeyer	Windeyer Cemetery	Mudgee Street on Meroo Creek Part Portion 287, DP 756923	Local	1417
Windeyer	Gold Mining Race	Old Hargraves Road	Local	1984
Windeyer	Chinese Cemetery	Ovens, Clarke Road	Local	1516
Wollar	Catholic Church	Part Lots 6-8, Section 4, DP 755455	Local	1419
Wollar	St Luke's Anglican Church Cemetery	Lot 61A, DP 755455	Local	1519
Wollar	St Luke's Church of England	Portion 61A	Local	1418
Wollar	Wandoona Homestead	Lot 103, DP 7555455	Local	1996

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance
Mudgee Heritage Conservation Area	Shown by red hatching and labelled "C1"	Local
Gulgong Heritage Conservation Area	Shown by red hatching and labelled "C2"	Local
Rylstone Heritage Conservation Area	Shown by red hatching and labelled "C3"	Local

Hargraves Heritage Conservation Area Shown by red hatching and labelled "C4" 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.

**Active Street Frontages Map** means the [Mid-Western Regional Local Environmental Plan 2012 Active Street Frontages Map](#).

**Additional Permitted Uses Map** means the [Mid-Western Regional Local Environmental Plan 2012 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—

- (aaa) agritourism,
- (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](#).

**agritourism** means the following—

- (a) farm gate premises,
- (b) farm experience premises.

**Note—**

Agritourism is a type of **agriculture**—see the definition of that term in this Dictionary.

**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.

**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) 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,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain 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 or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**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 10.3(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 funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, 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, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

**canal estate development**—see clause 2.9.

**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 an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

**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 **farm gate 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.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

**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 \(Biodiversity and Conservation\) 2021](#), Chapter 2.

**coastal hazard** has the same meaning as in the [Coastal Management Act 2016](#).

**coastal lake** means a body of water identified in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#), Schedule 1.

**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](#).

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**commercial farm** means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
  - (i) was a primary production business, and
  - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**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 Mid-Western Regional Council.

**creative industry** means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

**Note—**

Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

**crematorium** means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building

for conducting memorial services.

**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.

**data centre** means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

**Note—**

Data centres are a type of **high technology industry**—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.

**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.

**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—

- (a) making or generating electricity, or
- (b) electricity storage.

**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 experience premises** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
  - (i) horse riding,

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

**Note—**

Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm gate premises—**

- (a) means a building or place—
  - (i) on a commercial farm, and
  - (ii) ancillary to the farm, and
  - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
    - (A) processing, packaging and sale of the products, but not the processing of animals,
    - (B) 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,
    - (C) tastings or workshops,
    - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

**Note—**

Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

**farm stay accommodation** means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

**Note—**

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.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the *Mid-Western Regional Local Environmental Plan 2012 Floor Space Ratio Map*. [Not adopted. See clause 4.4]

**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*.

**Former LEP Boundaries Map** means the *Mid-Western Regional Local Environmental Plan 2012 Former LEP Boundaries Map*.

**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.

**goods repair and reuse premises** means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

**Note—**

Goods repair and reuse premises are a type of **business premises**—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.

**Groundwater Vulnerability Map** means the [Mid-Western Regional Local Environmental Plan 2012 Groundwater Vulnerability Map](#).

**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 \(Housing\) 2021](#), Chapter 3, Part 5 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 \(Housing\) 2021](#), Chapter 3, Part 5 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 [Mid-Western Regional Local Environmental Plan 2012 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.

**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 [Mid-Western Regional Local Environmental Plan 2012 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,

and includes a data centre, 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 family day care residence (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) 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.

**Note 1—**

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 \(NSW\)](#).

**Note 2—**

Home-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**home business** means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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 an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
- (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
- (d) the exhibition of signage, other than a business identification sign,
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,

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.

**independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—

- (a) used to house seniors or people with a disability, and
- (b) containing private facilities for cooking, sleeping and bathing, and
- (c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

**Note—**

Independent living units are a type of **seniors housing**—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.

**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 [Mid-Western Regional Local Environmental Plan 2012 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Mid-Western Regional Local Environmental Plan 2012 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Mid-Western Regional Local Environmental Plan 2012 Land Zoning Map](#).

**landholding** means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
  - (i) contiguous, or
  - (ii) separated only by a road or watercourse.

**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,
- (d) creative 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, knackereries, 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.

**Lot Size Map** means the [Mid-Western Regional Local Environmental Plan 2012 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.

**manor house** has the same meaning as in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

**manufactured home** has the same meaning as in the [Local Government Act 1993](#).

**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](#).

**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.

**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, 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.

**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.

**primitive camping ground** means a camping ground approved under the [Local Government Act 1993](#), Chapter 7, Part 1 as a primitive camping ground.

**Note—**

Primitive camping ground is a type of **camping ground**—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](#).

**public reserve** has the same meaning as in the [Local Government Act 1993](#).

**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](#).

**registered community housing provider** has the same meaning as in the [Community Housing Providers \(Adoption of National Law\) Act 2012](#), section 13.

**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,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,



- (f) hostels,
- (faa) (Repealed)
- (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, co-living housing 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, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

**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), (b) (Repealed)
- (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 farm gate premises, 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 1—**

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.

**Note 2—**

School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

**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 clauses 5.4 and 5.5 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 [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
  - (c) a group of independent living units, 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.

**Sensitivity Biodiversity Map** means the [Mid-Western Regional Local Environmental Plan 2012 Sensitivity Biodiversity Map](#).

**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.

**Sewage Treatment Plant Buffer Map** means the [Mid-Western Regional Local Environmental Plan 2012 Sewage Treatment Plant Buffer Map](#).

**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 the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

**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, local distribution premises 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.

**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.

**Visually Sensitive Land Map** means the [Mid-Western Regional Local Environmental Plan 2012 Visually Sensitive Land Map](#).

**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, but does not include 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.