

Armidale Regional Local Environmental Plan 2012

[2012-589]



New South Wales

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Provisions in force

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

About this plan

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

Notes—

- **Previously named**
Armidale Dumaresq Local Environmental Plan 2012

Authorisation

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

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Armidale Regional Local Environmental Plan 2012



New South Wales

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Armidale Regional Local Environmental Plan 2012



New South Wales

Part 1 Preliminary

1.1 Name of Plan

This Plan is *Armidale 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 the Armidale Region 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 encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving—
 - (i) land of significance for agricultural production, and
 - (ii) timber, minerals, soils, water and other natural resources, and
 - (iii) areas of high scenic or recreational value, and
 - (iv) native plants and animals, including threatened species, populations and ecological communities, and their habitats, and
 - (v) places and buildings of heritage significance,
 - (b) to provide a choice of living opportunities and types of settlements,

- (c) to facilitate development for a range of business enterprises and employment opportunities,
- (d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes,
- (e) to ensure that development has regard to the principles of ecologically sustainable development and to areas subject to environmental hazards and development constraints,
- (f) to provide for flexibility in applying certain development standards, where compliance with such standards may be unreasonable or unnecessary in the circumstances of a particular development, and there is sufficient justification for varying the standards on environmental planning grounds.

1.3 Land to which Plan applies

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

(1A) (Repealed)

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.
- (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.

Note—

The following local environmental plan is repealed under this provision—

[Armidale Dumaresq Local Environmental Plan 2008](#)

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
- R5 Large Lot Residential

Employment Zones

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

Mixed Use Zones

- MU1 Mixed Use

Special Purpose Zones

- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Conservation Zones

- C1 National Parks and Nature Reserves
- C2 Environmental Conservation
- C3 Environmental Management
- C4 Environmental Living

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 52 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 allow for non-agricultural land uses that will not restrict the use of other land in the locality for agricultural purposes.

2 Permitted without consent

Airstrips; Environmental protection works; Extensive agriculture; Forestry; Helipads; Home occupations; Home occupations (sex services); Intensive plant agriculture; Roads

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs;

Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Function centres; Home-based child care; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Aquaculture

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.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations; Home occupations (sex services); Roads

3 Permitted with consent

Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Function centres; Funeral homes; Helipads; Heliports; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Jetties; Landscaping material supplies; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Hotel or motel accommodation; Livestock processing industries; Serviced apartments; Any other development not specified in item 2 or 3

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 businesses and neighbourhood activities that serve the needs of the local community.
- To enhance the village character and amenity.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Roads

3 Permitted with consent

Agricultural produce industries; Agritourism; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Helipads; Home-based child care; Home businesses; Home occupations (sex services); Horticulture; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Light industries; Liquid fuel depots; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Open cut mining; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Service stations; Sewage reticulation systems; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Viticulture; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Rural workers' dwellings; Specialised retail premises; Any other development not specified in item 2 or 3

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 occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; 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; Wharf or boating facilities; Wholesale supplies

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Residential accommodation; Respite day care centres; Tank-based aquaculture; Water reticulation systems

4 Prohibited

Attached dwellings; Hostels; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Seniors housing; Shop top housing; 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

Environmental protection works; Extensive agriculture; Home occupations;

Roads; Water reticulation systems

3 Permitted with consent

Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Home industries; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Roadside stalls; Rural supplies; Sewage reticulation systems; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Bee keeping; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Sex services premises; Shop top housing; Signage; Storage premises; Transport depots; Truck depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

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.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home businesses; Home industries; Home occupations; Home-based child care; Recreation areas; Roads; Water reticulation systems

3 Permitted with consent

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

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Research stations; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

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 provide for residential uses that bring a higher level of vibrancy to the centre.
- To encourage residential accommodation over commercial uses to bring a higher level of vibrancy to the centre of Armidale City.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home businesses; Home industries; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Creative industries; Entertainment facilities; Function centres; High technology industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Waste or

resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Residential accommodation; Rural industries; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

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.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Animal boarding or training establishments; Bee keeping; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Heliports; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; 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; 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; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Heavy industries; Home businesses; Home-based child care; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation areas; Registered clubs; Residential accommodation; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

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.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Extensive agriculture; Home occupations; Home occupations (sex services); Roads; Water reticulation systems

3 Permitted with consent

Dairies (pasture-based); Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Heliports; Industrial retail outlets; Industrial training facilities; Intensive plant agriculture; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Neighbourhood shops; 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; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Hazardous industries; Health services facilities; Heavy industrial storage establishments; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Offensive industries; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities

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.

2 Permitted without consent

Building identification signs; Business identification signs; Environmental protection works; Home industries; Home occupations; 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; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (outdoor); Rural industries; Rural workers' dwellings; Sewerage systems; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Roads

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone 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 facilities; Environmental protection works; Roads

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Extensive agriculture; Flood mitigation works; Food and drink premises; Heliports; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Pubs; Any other 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

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Sewerage systems; Water recreation structures; 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 C2 Environmental Conservation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Flood mitigation works; Oyster aquaculture; Research stations; Roads

4 Prohibited

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

Zone 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.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Agritourism; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roadside stalls; Rural workers' dwellings; Sewage reticulation systems; Tank-based aquaculture; Veterinary hospitals; Water recycling facilities; Water supply systems

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

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for a limited range of uses that does not adversely affect the special environmental values or residential amenity of the area.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Agritourism; Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Recreation areas; Respite day care centres; Roadside stalls; Seniors housing; Sewage reticulation systems; Sewage treatment plants; Tank-based aquaculture; Veterinary hospitals; Water recycling facilities; Water reticulation systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Industries; Local distribution premises; Service stations; Turf farming; 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 lot sizes are compatible with local environmental values, constraints and permissible uses,
 - (b) to facilitate the efficient use of land and its resources for residential and other human purposes,
 - (c) to minimise potential land use conflicts,
 - (d) to ensure lot sizes are compatible with local environmental values, constraints and permissible uses,
 - (e) to prevent the fragmentation of rural lands.
- (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) Land in Zone R5 Large Lot Residential may be subdivided to create lots of—
 - (a) at least 1 hectare, or
 - (b) for land to which [Guyra Local Environmental Plan 2012](#) applied immediately before the commencement of [Armidale Dumaresq Local Environmental Plan 2012 \(Amendment No 16\)](#)—at least 4,000m².
- (3B) Subclause (3A) applies only if the consent authority is satisfied each lot is, or will be, serviced by a water reticulation system and sewerage system.
- (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](#).
- (4A) (Repealed)

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—

- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create the opportunity for additional dwellings.
- (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,
 - (b1) Zone R2 Low Density Residential,
 - (c) Zone R5 Large Lot Residential,
 - (c1) Zone C2 Environmental Conservation,
 - (d) Zone C3 Environmental Management,
 - (e) Zone C4 Environmental Living.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 subdivision lot size for strata plan schemes in certain rural, residential and conservation zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (b1) Zone R2 Low Density Residential,
 - (c) Zone R5 Large Lot Residential,
 - (c1) Zone C2 Environmental Conservation,
 - (d) Zone C3 Environmental Management,

(e) Zone C4 Environmental Living.

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

Note—

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

4.1B Subdivision in Zone C3 and Zone C4

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns in certain conservation zones allow buildings to be sited to better protect the environmental values of the area.
- (2) This clause applies to each lot (an **original lot**) that contains land in both Zone C3 Environmental Management and Zone C4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) that are less than the minimum size shown on the [Lot Size Map](#) for the land if—
- (a) the consent authority is satisfied that—
- (i) no buildings will be erected on any part of a resulting lot that contains land in Zone C3 Environmental Management, and
- (ii) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided, and
- (b) the number of resulting lots will not exceed the number of lots that could be created by a subdivision of land under clause 4.1.

4.1C Exceptions to minimum lot sizes for certain rural subdivisions

- (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 permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to land in the following rural zones—
- (a) Zone RU1 Primary Production,
- (b) Zone RU4 Primary Production Small Lots.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in

relation to that land, where the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under the existing development consent for the land (other than for the purpose of a dwelling house or a dual occupancy).

- (4) Development consent must not be granted for the subdivision of land to which this clause applies 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 cause a conflict between the use of the land subdivided and the use of the surrounding land in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.

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 a residential, employment or mixed use zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.
- (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 a residential, employment or mixed use zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living 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.

4.1E Exceptions to minimum subdivision lot size for boundary 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 a zone.
- (2) This clause applies to land in 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,
 - (e) Zone C4 Environmental Living.
- (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 consent authority is satisfied that the subdivision—
 - (a) will not result in an increase in the number of lots, and
 - (b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - (c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
- (4) In determining whether to grant development consent 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 of 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, heritage vistas, landscapes or agricultural viability of the land.

(5) This clause does not apply in relation to a subdivision under the *Community Land Development Act 1989*, the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(baa) Zone RU3 Forestry,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone RU6 Transition.

Note—

When this Plan was made it did not include Zone RU2 Rural Landscape or 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 or dual occupancies on land in certain rural, residential

and conservation 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 and dual occupancies in rural and conservation zones.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone R5 Large Lot Residential,
 - (ca) Zone C2 Environmental Conservation,
 - (d) Zone C3 Environmental Management,
 - (e) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land 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 created 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, or
 - (e) is a 2004 holding on which the erection of a dwelling house or dual occupancy was permissible immediately before this Plan commenced, or
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by—
 - (i) a minor realignment of its boundaries or a plan of consolidation 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.

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 or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.
- (5) In this clause—

2004 holding means land that—

- (a) was a holding on 1 July 2004, 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 1 July 2004.

existing holding means the following land, if the land is a holding when the development application for the erection of the dwelling house or dual occupancy is made—

- (a) land identified as “Area A” on the [Clause Application Map](#) that was a holding on 14 June 1985, whether or not there has been a change of ownership since that date,
- (b) land identified as “Area B” on the [Clause Application Map](#) that was a holding on 27 November 1970, whether or not there has been a change of ownership since that date.

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.

4.2B Erection of rural workers’ dwellings in certain rural and conservation zones

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone C3 Environmental Management.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—
- (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - (b) the development will not impair the use of the land for agricultural or rural industries, and
 - (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
 - (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to ensure the height of buildings complements the streetscape and character of the Armidale central business district and surrounding area,
 - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items in the Armidale central business district.
- (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.
- (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 <i>National Parks and Wildlife Act 1974</i>
Zone RE1 Public Recreation and marked "Local road"	Council

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

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—
 - (a) 100 metres from any zone boundary shared with Zone RU1 Primary Production, Zone RU3 Forestry or Zone RU4 Primary Production Small Lots, or
 - (b) 20 metres from any other zone boundary.
- (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 C4 Environmental Living, 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 4 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 100 square metres of floor area.
- (3) **Home industries** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 60 square metres of floor area.
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) 40% 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 6 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 20 square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood

supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.

- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 12 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) 30% 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) 40% 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 the Armidale Region,
 - (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.
- (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 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 development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, 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.

6.2 (Repealed)

6.3 Airspace operations

- (1) The objectives of this clause are as follows—
 - (a) to provide for the effective and on-going operation of the Armidale Regional 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 Armidale Regional 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 Armidale Regional Airport.

6.4 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows—
 - (a) to prevent certain noise sensitive developments from being located near the Armidale Regional Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight

paths by requiring appropriate noise attenuation measures in noise sensitive buildings,

- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

(2) This clause applies to development that—

(a) is on land that—

- (i) is near the Armidale Regional Airport, and
- (ii) is in an ANEF contour of 20 or greater, and

(b) the consent authority considers is likely to be adversely affected by aircraft noise.

(3) Before determining a development application for development to which this clause applies, the consent authority—

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
- (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

(4) In this clause—

ANEF contour means a noise exposure contour shown as an ANEF contour on the *Noise Exposure Forecast Contour Map* for the Armidale Regional Airport prepared by the Department of the Commonwealth responsible for airports.

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

6.5 Development within a designated buffer

- (1) The objective of this clause is to maintain a safe and effective operational environment around the Armidale Regional Airport and Armidale Sewage Treatment Plant.
- (2) This clause applies to land identified as “ARA” on the [Airport Buffer Map](#) and “STP” 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) the impact that any noise or other emissions associated with existing land uses would have on the proposed development,
 - (b) any proposed measures incorporated into the development that would limit the impact of such noise and other emissions associated with the existing land use,
 - (c) any opportunities to relocate the proposed development outside the land to which this clause applies,
 - (d) whether the proposed development would adversely affect the safe and effective operational environment of the Armidale Regional Airport and Armidale Sewage Treatment Plant and any existing development that forms part of those facilities.

6.6 Essential services

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

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

6.7 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 RU5 Village, Zone R1 General Residential, Zone R2 Low 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.

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

- (1) This clause applies to land bound by Beardy Street, Jessie Street, Allingham Street and Dumaresq Street and Dumaresq Creek, being Lots 13 and 14, DP 574307, Lots 11-13, DP 251514, Lots 2-5 and 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21-23, DP 621344, identified as “Item 1” on the [Clause Application Map](#) (***the former gasworks site***).
- (2) In this clause, a reference to the ***remediation strategy*** for the land is a reference to the remediation strategy for contaminated land at the former gasworks site and adjoining land for which development consent has been granted and that comprises construction of a containment cell over the former gasworks site and capping of the residue of the land.
- (3) Despite any other provision of this Plan, development consent is required for development that would result in penetration of the capping layer installed over Lots 13 and 14, DP 574307, Lots 11-13, DP 251514 and Lots 2-5, DP 25398 as part of the remediation strategy for the land.
- (4) Development consent must not be granted for development referred to in subclause (3) unless the consent authority has taken into consideration the impact of carrying out the development on human health and the environment resulting from the disturbance or exposure to potentially contaminated land on the site.
- (5) Despite any other provision of this Plan, development that would penetrate the containment cell erected as part of the remediation strategy on Lot 11, DP 25398, Lot 12, DP 567720, Lots 18 and 19, DP 594665 and Lots 21-23, DP 621344 is prohibited.
- (6) Development referred to in subclause (5) does not include repair, maintenance or contingency works that are part of the remediation strategy for the land.

6.9 Development on land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale

- (1) This clause applies to land bounded by Queen Elizabeth Drive, Golgotha Street, Niagara Street and Tancredi Street, Armidale that is in Zone MU1 Mixed Use, identified as “Item 2” on the [Clause Application Map](#).
- (2) Development consent must not be granted for development for the purpose of

specialised retail premises or a shop unless the gross floor area of the premises or shop will not exceed 1,500 square metres.

6.10 Development on land at 118 and 120 Niagara Street, Armidale

- (1) This clause applies to land at 118 and 120 Niagara Street, Armidale, being Lot 1, DP 799192 and Lot 19, DP 1076915, identified as “Item 3” on the [Clause Application Map](#).
- (2) Development consent must not be granted for development for the purpose of specialised retail premises or a shop unless the gross floor area of the premises or shop will not exceed 100 square metres.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 201 Canambe Street, Armidale

- (1) This clause applies to land at 201 Canambe Street, Armidale, being Lot 9, DP 862908, identified as “Item 1” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of an educational establishment is permitted with development consent.

2 Use of certain land at 11087-11097 New England Highway, Armidale

- (1) This clause applies to land at 11087-11097 New England Highway, Armidale, being Lot 2, DP 1129942, identified as “Item 2” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of a vehicle sales or hire premises, vehicle body repair workshop, vehicle repair station and office premises is permitted with development consent, if the development is associated with a transport museum on the land and is for the display, sale or repair of veteran motor vehicles, vintage motor vehicles or classic motor vehicles only.

- (3) In this clause—

classic motor vehicle refers to any motor vehicle that was manufactured at least 25 years before the commencement of this Plan.

veteran motor vehicle refers to any motor vehicle built up to and including 1918.

vintage motor vehicle refers to any motor vehicle built from January 1919 to December 1930.

3 Use of certain land at 2-4 Stephen Street, Armidale

- (1) This clause applies to land at 2-4 Stephen Street, Armidale, being Lot 3, DP 520645, identified as “Item 3” on the [Additional Permitted Uses Map](#).

- (2) Development for the purposes of self-storage units is permitted with development consent.

4 Use of certain land in Zone E4 in Armidale

- (1) This clause applies to land in Armidale in Zone E4, identified as “Item 4” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of specialised retail premises is permitted with development consent.

5 Use of certain land at Saumarez Road, Armidale

- (1) This clause applies to land at Saumarez Road, Armidale, being part of Lot 2, DP 1198787 and identified as “Item 5” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of information and education facilities is permitted with development consent.

6 (Repealed)

7 Use of certain land at 35 Malpas Street, Guyra

- (1) This clause applies to part of Lot 80, DP 1059692, 35 Malpas Street, Guyra, identified as “Item 7” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of cellar door premises, restaurants or cafes or viticulture is permitted with development consent.

8 Use of certain land in Zone C2

- (1) This clause applies to the following land at Guyra in Zone C2, identified as “Item 8” on the [Additional Permitted Uses Map](#)—
 - (a) Lot 5, DP 1254715, 163 Baldersleigh Road,
 - (b) Lot 311, DP 753659, 350 Lagoon Road,
 - (c) Lot 359, DP 46361, 46 Chaffeys Lane,
 - (d) Lot 363, DP 704039, 218 Lagoon Road,
 - (e) Lot 1, DP 801051, 126 Lagoon Road,
 - (f) Lot 1, DP 1162151, 316 Lagoon Road,
 - (g) Lot 21, DP 1050356, 140 Lagoon Road,
 - (h) Lot 6, DP 1275249, 14 Charlies Lane,
 - (i) Lot 353, DP 39932, 92 Lagoon Road.

- (2) Development for the purposes of extensive agriculture is permitted without development consent.

9 Use of certain land at 242 Rusden Street, Armidale

- (1) This clause applies to Lot A, DP 329168, 242 Rusden Street, Armidale, identified as “Item 9” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of retail premises is permitted with development consent if the gross floor area of the retail premises will not exceed 150m².

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.

Signage—general requirements

- (1) Must be non-moving.
- (2) Must be at least 700mm from kerb or roadway edge of a public road.
- (3) Must be at least 2.6m above any public footpath.
- (4) Must relate to the lawful use of the building (except for temporary signs or tourist information or directional signs).
- (5) Must not be detrimental to the character and functioning of the building.
- (6) Must not cover mechanical ventilation inlet or outlet vents.
- (7) Must not be externally illuminated.
- (8) Must not be flashing.
- (9) Must not be internally illuminated, unless the sign is on premises in an employment zone or Zone MU1, or on business or industrial premises in Zone RU5 Village.
- (10) If fixed to a wall—must be securely fixed by rigid non-corroding metal supports.

Signage—signs on residential premises

- (1) Must meet the general requirements for signage.
- (2) Must be on land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone C1 National Parks and Nature Reserves, Zone C3 Environmental Management or Zone C4 Environmental Living.
- (3) Maximum 2 signs per premises, including existing signs.
- (4) Maximum area—1m².
- (5) Maximum height—3m.
- (6) Must not be located on land on which there is a building that is a heritage item unless—
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the sign is not painted onto the surface of the heritage item, and
 - (d) display of the sign does not require the removal of a tree.

Signage—signs in employment or mixed use zones

- (1) Must be located on land in Zone RU5 or an employment or mixed use zone.
- (2) Maximum 3 signs per premises, including existing signs.
- (3) Must be one of the following types of signs—
 - (a) top hamper sign with maximum area—2.5m², or
 - (b) under awning sign with maximum area—1.5m², or
 - (c) projecting wall sign with maximum area—2.5m², or
 - (d) flush wall sign that does not extend above the top of the wall to which it is attached and with maximum area—2.5m².
- (4) Must not be internally illuminated unless—
 - (a) the sign is not in continuous or intermittent motion, and
 - (b) the display is not varied at pre-set timing intervals.

- (5) Must not be displayed on land on which there is a building that is a heritage item unless—
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) display of the sign does not require the removal of a tree.
- (6) Must not be located on land in a heritage conservation area unless—
 - (a) maximum height—3m, and
 - (b) no part of the sign will cover windows or architectural projections or other decorative features of the premises.

Signage—real estate signs

- (1) Must meet the general requirements for signage.
- (2) Must be located within the boundaries of the premises.
- (3) Maximum area for signs on residential premises—2.5m.
- (4) Maximum height—6m.
- (5) Must be removed within 14 days after the premises or land is sold or let.
- (6) Maximum 2 signs per premises.

Signage—signs behind the glass line of a shop window

- (1) Must meet the general requirements for signage.
- (2) Must not be located in a sex services premises or restricted premises.

Signage—replacement of existing signs

- (1) Must replace a sign lawfully displayed.
- (2) Must not increase the display area or intensity of illumination.

Signage—temporary signs (special events or venues for exhibitions or demonstrations)

- (1) Must meet the general requirements for signage.
- (2) Maximum area—5m².
- (3) Maximum height—6m.
- (4) Must not be displayed earlier than 28 days before, or later than 14 days after, the

event.

- (5) Must not obstruct the sight line of vehicular traffic.
- (6) Must not be located on land on which there is a building that is a heritage item, unless—
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the display of the sign does not require the removal of a tree, and
 - (d) maximum area—2.5m².

Signage—sponsorship signs (corporate sponsorship of a community or sporting event)

- (1) Must meet the general requirements for signage.
- (2) Maximum height—6m.
- (3) Must not include commercial advertising apart from the name or logo of any event sponsors.
- (4) Must be located and oriented to be predominantly visible to spectators within the site rather than to the general public externally.
- (5) Must not obstruct the sight line of vehicular traffic.
- (6) Must not be located on land on which there is a building that is a heritage item, unless—
 - (a) no part of the sign will cover windows or architectural projections or other decorative features of the premises, and
 - (b) the sign can be removed without altering the fabric of the heritage item, and
 - (c) the display of the sign does not require the removal of a tree, and
 - (d) maximum area—2.5m².

Signage—tourist information or directional signs

- (1) Must indicate to the public tourist attractions and facilities in the locality, comprising—
 - (a) places of historical, scientific, educational or public interest, or
 - (b) picnic areas, parks or rest areas, or

- (c) public buildings, public utilities or essential services, or
- (d) recreational, sporting, charitable or religious facilities, or
- (e) tourist and tourist-related facilities and undertakings, including caravan parks, camping grounds, tourist and visitor accommodation, and service stations.

(2) Maximum area—0.3m².

(3) Maximum height—6m.

(4) Must not be located within a road reserve without the approval of the relevant road authority.

Signage—A-frame signs on private land

(1) Must be on land in a business or industrial zone.

(2) Only 1 per property.

(3) Maximum display area on each side—0.5m².

(4) Must not obstruct access to the land or adjacent land.

(5) Must be secure and stable.

(6) Must not require construction work.

(7) Must not involve live or recorded entertainment, including music, broadcast programs or flashing lights.

(8) Must be removed at the close of business each day.

Cemeteries and burial grounds

(1) Must only involve—

(a) the creation of a new grave or monument, or

(b) the excavation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker.

(2) Must be within an existing cemetery or burial ground.

(3) Must not involve development for which development consent is required under clause 5.10.

(4) Must not involve a heritage item.

Lighting—external

- (1) Must not be for lighting a tennis court or sports ground.
- (2) Must be constructed—
 - (a) to contain light spill within the site, and
 - (b) in accordance with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*.

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
Armidale	Lot 20, DP 711016, 43–49 White Avenue

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

changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Armidale	Lot 101, DP 1237922, 86 Dangar Street	Easement for drainage of sewage 3m wide (DP 1237922) as noted on Certificate of Title
Armidale	Lot 50, DP 732610, 1A The Boulevarde	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Locality	Item	Address	Property description	Significance	Item no
Aberfoyle	Aberfoyle Cemetery	Aberfoyle Road	Lots 7300 and 7301, DP 1153423	Local	I001
Aberfoyle	Former subsidised school—Eckersley Park	4655 Guyra Road	Lot 140, DP 1116314	Local	I002
Armidale	Pecan tree (<i>Carya illinoensis</i>)	Allingham Street	Road reserve	Local	I003
Armidale	Pair of railway cottages	11 Ampol Street	Lot 31, DP 883524	Local	I004
Armidale	Armidale Racecourse; jockeys' rooms	1-59 Barney Street	Lot 1130, DP 39842	Local	I005
Armidale	House, "Southall"	100 Barney Street	Lot 5, DP 880142	Local	I006
Armidale	S H Smith House, including trees	100 Barney Street	Lot 5, DP 880142	Local	I007
Armidale	Houses	140-146 Barney Street	Lots 1-4, DP 241777	Local	I008
Armidale	ASCA building	166 Barney Street	Lot 2, DP 550693	Local	I009
Armidale	JT Moriarty Store	62 Beardy Street	Lot 3, DP 846893	Local	I010

Armidale	House	88 Beardy Street	Lot 1, DP 1266776	Local	I011
Armidale	AMP Society building	135 Beardy Street	Lot 1, DP 322377; Lot 1, DP 322378	Local	I012
Armidale	Commercial building	136 Beardy Street	Lot 21, DP 540778	Local	I013
Armidale	Westpac building	139 Beardy Street	Lot 2, DP 322378	Local	I014
Armidale	Imperial Hotel	156 Beardy Street	Lot 1, DP 900121	Local	I015
Armidale	Commercial building	157 Beardy Street	Lots 5 and 6, DP 1094193	Local	I016
Armidale	Armidale Post Office	158 Beardy Street	Lot 11, Section 5, DP 758032	State	I017
Armidale	Former CBA Bank	164 Beardy Street	Lot 1, DP 123572	State	I018
Armidale	Tattersall's Hotel	174 Beardy Street	Lot 7, DP 564754	Local	I019
Armidale	Former Commonwealth Bank (formerly City Bank of Sydney)	176 Beardy Street	Lot B, DP 332918	Local	I020
Armidale	Former CBC Bank stables	191-193 Beardy Street	Lot 1, DP 903351	Local	I021
Armidale	New England Hotel	194 Beardy Street	Lot 3, DP 597852	Local	I022
Armidale	J Richardson and Company	197 Beardy Street	Lot 673, DP 1117308	Local	I023
Armidale	Former Theatre Royal	203 Beardy Street	Lot 131, DP 610678	Local	I024
Armidale	Former State Bank	208 Beardy Street	Lot 16, DP 707571	Local	I025
Armidale	Albion Park, including two memorial black Poplar trees	237 Beardy Street	Lot 1, DP 1150235	Local	I026
Armidale	Timber suspension footbridge connecting Beardy Street and former pool entrance	237 Beardy Street; 186 Dumaresq Street	Dumaresq Creek; Lot 1, DP 1150235; Lot 4, DP 877846	Local	I027
Armidale	Victoria Cottage	261 Beardy Street	Lot 14, DP 737932	Local	I028
Armidale	House	282 Beardy Street	Lot 1, DP 38357	Local	I029
Armidale	House	307 Beardy Street	Lot 1, DP 650806	Local	I030
Armidale	House and grounds, "Bona Vista"	30 Bona Vista Road	Lots 669 and 670, DP 755808	Local	I031

Armidale	Trees, garden, timber garage and paddock gate	31 and 35 Bona Vista Road	Lots 1 and 2, DP 1233014	Local	I032
Armidale	Post and rail fence	82 Boorolong Road	Lot 2345, DP 1123729	Local	I033
Armidale	Cottage; former post office	800 Boorolong Road	Lot 3, DP 982353	Local	I034
Armidale	Burr Oak tree (<i>Quercus macrocarpa</i>)	74 Brown Street	Lot 1, DP 310576	Local	I035
Armidale	House and garden, "Trelawney"	84 Brown Street	Lot 13, Section 32, DP 758032	Local	I036
Armidale	House, "Wiluna"	89 Brown Street	Lot 7, DP 83824	Local	I037
Armidale	House, garden and hedge	91 and 93 Brown Street	Lots 1 and 2, DP 1214748	Local	I038
Armidale	Cottage	98 Brown Street	Lot 37, DP 581120	Local	I039
Armidale	House and garden, "Birida"	108 Brown Street	SP 39370	Local	I040
Armidale	House and stable	111 Brown Street	Lot 5, DP 542804	Local	I041
Armidale	House	113 Brown Street	Lot 18, DP 550823	Local	I042
Armidale	Trees along eastern boundary	125 Brown Street	SP 64758	Local	I043
Armidale	House	131 Brown Street	Lot 1, DP 1150264	Local	I044
Armidale	House	134 Brown Street	Lot 1, DP 78722; Lot 1, DP 136782	Local	I045
Armidale	House	138 Brown Street	Lot 13, Section 29, DP 758032	Local	I046
Armidale	House	166 Brown Street	Lot 1, DP 781376	Local	I047
Armidale	Cottages	193 and 195 Brown Street	Lots 21 and 22, DP 716198	Local	I048
Armidale	Cottage, "Areello"	196 Brown Street	Lot 1, DP 522220	Local	I049
Armidale	Cottage	198 Brown Street	Lot 1, DP 1066037	Local	I050
Armidale	Armidale Railway Station	234 and 250 Brown Street; 11 Ampol Street	Part of Lot 33, DP 883524; Lots 31 and 32, DP 883524	State	I051
Armidale	Armidale Railway Station and yard group movable relics	234 Brown Street, Main Northern Railway	Part of Lot 33, DP 883524	State	I052

Armidale	Armidale Railway Station turntable	234 Brown Street, Main Northern Railway	Part of Lot 33, DP 883524	State	1053
Armidale	Armidale Railway Station, Station Master's residence	240 Brown Street	Lot 2, DP 818123	Local	1054
Armidale	Former police lock-up	247 Brown Street	Lot 101, DP 12369152	Local	1055
Armidale	House	102 Butler Street	Lot 27, DP 855958	Local	1056
Armidale	Armidale High School—original circa 1921, 2-storey building, grounds	158-182 Butler Street	Lot 1, DP 196298; Lot 704, DP 755808; Lots 1 and 2, Section 49, DP 758032; Lot 1, Section 161, DP 758032; Lot 1151, DP 821627	Local	1057
Armidale	House	163 Butler Street	Lot A, DP 157084	Local	1058
Armidale	House	206 Chapel Street	Lot 8, DP 616255	Local	1059
Armidale	Former Trim and Co. Store	1-3 Claverie Street	Lot 1, DP 1179415	Local	1060
Armidale	Garden, "Maroombra"	67 Cookes Road	Lot 12, DP 777282	Local	1061
Armidale	Cottage	12 Crescent Street	Lot 1, DP 359573	Local	1062
Armidale	Presbyterian Ladies' College, grounds	15-57 Crest Road (bound by Glen Innes Road, Duval Street and Crest Road)	Lots 154-156, 158-162, 227-229, 250-255 and 275-292, DP 15433; Lots 1-3, DP 715484; Lot 2, DP 103685; Lot 11, DP 1165229	Local	1063
Armidale	Victorian cast iron post box	Dangar Street	Footpath, north east corner Rusden Street intersection	Local	1064
Armidale	"Webb Tree" (Elm tree) and other Elm trees	Dangar Street (north of railway line) between Lot 3, DP 1055438 and Lot 1, DP 835480	Road reserve	Local	1065
Armidale	Shopfront, "Hodgson's Chemist"	114 Dangar Street	Lot 1, DP 88590	Local	1066
Armidale	Central Park, including rotunda	125 Dangar Street	Lot 16, DP 1048143	State	1067

Armidale	St Mary and St Joseph Catholic School Group—St Mary's School, Merici House, St Anne's Building, Cathedral Hall and former church hall	128A and 130-136 Dangar Street; 154-156 Rusden Street	Lots 13-15 and Parts of Lots 8 and 12, Section 7, DP 758032; Part of Lot 10, DP 856013; Part of Lot 10, DP 1138986; Part of Lot 11, DP 1138987	Local	1068
Armidale	St Mary and St Joseph Catholic Cathedral Group—Ursuline Convent, Ursuline Convent Chapel, Bishop's House, former St Ursula's College, Catholic Schools Administration Building, Moira Foley Building, parish garage, landscaping and fencing	130-136 Dangar Street; 131 Barney Street; 135 Jessie Street	Lots 1-3 and 16 and part of Lots 4, 5 and 7, Section 7, DP 758032; Lot 15, DP 1048143	State	1069
Armidale	"Arran Cottage"	133 Dangar Street	Lot 1, DP 37407	Local	1070
Armidale	House	137 Dangar Street	Lots 1 and 2, DP 319350	Local	1071
Armidale	Former Hilton School	160 Dangar Street	Lots 1 and 2, DP 996619	Local	1072
Armidale	House and garden, "Kilbucho"	161 Dangar Street	Lots 1 and 2, DP 503487	Local	1073
Armidale	House and trees	176 Dangar Street	Lot 56, DP 1064237	Local	1074
Armidale	Himalayan Cypress tree, circa 1926	184 Dangar Street	Lot 20, DP 627295	Local	1075
Armidale	Privet hedge, circa 1920s	186 Dangar Street	Lot 5, DP 13852	Local	1076
Armidale	Timber and woven wire fence	188 Dangar Street	Lot 4, DP 13852	Local	1077
Armidale	House	194 Dangar Street	Lot A, DP 184339	Local	1078
Armidale	Grounds, "Terangan"	39-41 and 43-53 Dangarsleigh Road	Lots 1-3, DP 857997	Local	1079
Armidale	House, "Palmerston", including outbuildings and grounds	345 and 347 Dangarsleigh Road	Lot 2, DP 569410; Lots 1, 192, 494, 554, 555 and 767, DP 66672	Local	1080

Armidale	Drummond Park and Apex Outlook	153-189 Donnelly Street	Lot 1173, DP 748415; Lot 965, DP 755808	Local	I081
Armidale	House	3 Dorothy Avenue	Lot 55, DP 596242	Local	I082
Armidale	The Armidale School—original main building including classrooms and chapel	87 Douglas Street	Lots 1-5 and 20, Section 155, DP 758032	State nominated	I083
Armidale	The Armidale School—library, dormitory and headmaster's residence, grounds, Wakefield House	87 Douglas Street, bound by Douglas, Barney, Chapel and Mann Streets and Black Gully	Lot 1, DP 1124855; Lot 1, DP 241526; Lot 1, DP 213167; Lot 1, DP 245667; Lots 1-4, DP 1124858; Lot 12, DP 112882; Lots 2 and 3, Section 146, DP 758032; Lots 1-21, Section 154, DP 758032; Lots 1-21, Section 155, DP 758032	Local	I084
Armidale	Row of houses—"Beverley", "Lutton", "Stanley" and "Sutton"	98, 100, 104 and 106 Douglas Street	Lot 1, DP 784408; Lot 1, DP 999245; Lot 104, DP 1130000; Lot 1, DP 709855	Local	I085
Armidale	Armidale Showground—buildings and trees	5 Dumaresq Street	Lot 7012, DP 94241; Part Lot 21, Section 91, DP 758032; Lot 1, DP 1133047	Local	I086
Armidale	Armidale Sportsground and trees	38-58 Dumaresq Street	Lot 1129, DP 39842	Local	I087
Armidale	Former hotel	93 Dumaresq Street	Lot 2, DP 617526	Local	I088
Armidale	Former pool entrance building	186 Dumaresq Street	Lot 4, DP 877846	Local	I089
Armidale	House	263 Dumaresq Street	Lot 15, DP 579467	Local	I090
Armidale	House	269-271 Dumaresq Street	Lot 1, DP 199547	Local	I091

Armidale	Elm Avenue, row of trees—entrance to University of New England	Elm Avenue	Road reserve	Local	I092
Armidale	House and grounds, "Yarrobindi"	54 Faulkner Street	Lot 1, DP 504855	Local	I093
Armidale	House	68–70 Faulkner Street	Lot Y, DP 161586	Local	I094
Armidale	Legacy House	89 Faulkner Street	Lot 30, DP 788185	Local	I095
Armidale	Police station	96–98 Faulkner Street	Lot 2, DP 1165697	Local	I096
Armidale	Court house	100 Faulkner Street	Lot 24, DP 1176464	State nominated	I097
Armidale	Former sheriff's cottage	100 Faulkner Street	Lot 24, DP 1176464	Local	I098
Armidale	Monument and tree	100 Faulkner Street	Lot 24, DP 1176464	Local	I099
Armidale	Lands Board Office	108 Faulkner Street	Lot 1, DP 1198874	State	I100
Armidale	Pastoral Chambers	111 Faulkner Street	Lot 1, DP 104630	Local	I101
Armidale	Commercial building	121 Faulkner Street	Lot 11, DP 791397	Local	I102
Armidale	Former Dumaresq Shire Offices	122 Faulkner Street	Lot 17, DP 837491	Local	I103
Armidale	Folk Museum	124 Faulkner Street	Part Lot 13, Section 5, DP 758032	Local	I104
Armidale	Lindsay House	128 Faulkner Street	Lot 1, DP 880142	Local	I105
Armidale	Cottage and garden, "Denham Cottage"	132 Faulkner Street	Lot 1, DP 974137	Local	I106
Armidale	Johnstone Memorial Hall	137 Faulkner Street	Lot 15, Section 9, DP 758032	Local	I107
Armidale	St Paul's Presbyterian Church, including grounds, fence, trees and hedge	137 Faulkner Street	Lot 15, Section 9, DP 758032	Local	I108
Armidale	House	139 Faulkner Street	Lot 1, DP 743281	Local	I109
Armidale	Elm trees	140 Faulkner Street	Lot 2, DP 573158	Local	I110
Armidale	Armidale City Public School grounds	142–152 Faulkner Street	Lots 1–9, Section 30, DP 758032; Lot 1146, DP 821025	Local	I111

Armidale	Masonic Hall	147 Faulkner Street	Lot 2, DP 582526	Local	I112
Armidale	House and garden	157 Faulkner Street	Lot 1, Section 18, DP 758032	Local	I113
Armidale	House	169 Faulkner Street	Lot 12, DP 234220	Local	I114
Armidale	House, hedge and trees, "Highbury"	177 Faulkner Street	Lot 4, DP 339610	Local	I115
Armidale	Garden, trees and hedge	187 Faulkner Street	Lot 1, DP 129759	Local	I116
Armidale	Hedge and oak tree	189 Faulkner Street	Lot 1, DP 119181	Local	I117
Armidale	Garden	201 Faulkner Street	Lot 2, DP 324646	Local	I118
Armidale	House and garden	65 Galloway Street	Lot 23, DP 621281	Local	I119
Armidale	Culvert	Gara Road southeast of intersection with Grafton Road	Road reserve	Local	I120
Armidale	House, "Yallabee"	69 Glen Innes Road	Lot 7, DP 232385	Local	I121
Armidale	House and garden, "Canowindra"	101 Glen Innes Road	Lot 5, DP 608284	Local	I122
Armidale	House	96 Golgotha Street	Lot 1, DP 1132822	Local	I123
Armidale	AIF Memorial Avenue of Trees (WWI)	Grafton Road between Canambe and Castledoyle Roads	Road reserve	Local	I124
Armidale	House	20 Grafton Road	Lot 2, DP 39091	Local	I125
Armidale	Street planting of Camphor Laurel trees (<i>Cinnamomum camphora</i>)	Jeffrey Street between Marsh and Faulkner Streets	Road reserve	Local	I126
Armidale	House	79 Jeffrey Street	Lot 1, DP 735455	Local	I127
Armidale	House	83 Jeffrey Street	Lot 1, DP 730537	Local	I128
Armidale	House	95 Jeffrey Street	Lot 1, DP 517875	Local	I129
Armidale	House and garden, "Eynsford"	109 Jeffrey Street	Lots 1 and 2, DP 130007; Lot 3, DP 347540	Local	I130
Armidale	Baptist church and hall	124 Jessie Street	Lots 1-3, DP 907495	Local	I131
Armidale	House	168 Jessie Street	Lot 2, DP 153868	Local	I132

Armidale	House and garden, "Sturry"	170 Jessie Street	Lot 170, DP 1110296	Local	I133
Armidale	Garden	178 Jessie Street	Lot 1, DP 995365	Local	I134
Armidale	House	27 Kennedy Street	Lot 1, DP 712397	Local	I135
Armidale	Street planting of Poplar trees	Kentucky Street (formerly, New England Highway) between Butler and Miller Streets	Road reserve	Local	I136
Armidale	Former public school buildings	116-122 Kentucky Street	Lot 1, DP 1055438	Local	I137
Armidale	Arboretum	216-236 Kentucky Street	Lot 701, DP 93982; Lot 701, DP 93983; Lot 761, DP 755808; Lot 7006, DP 93980; Lot 7077, DP 93981	Local	I138
Armidale	Former De La Salle Brothers residence	35 Kirkwood Street	Lot 3, DP 837007	Local	I139
Armidale	O'Connor Catholic College Group—Kirkwood Street entry gates, avenue of trees, grounds, original main building and 1920s classroom building	39 Kirkwood Street (bound by Kirkwood, Kennedy, Donnelly and Canambe Streets)	Lots 1-4, DP 522525; Lot 10, DP 112882	Local	I140
Armidale	House	160 Kirkwood Street	Lot 1, DP 524851	Local	I141
Armidale	House	187 Kirkwood Street	Lot 1, DP 562034	Local	I142
Armidale	Former railway gatekeeper's cottage	29 Lambs Avenue	Lot 5, DP 805771	Local	I143
Armidale	Trees	68 Lynches Road	Lot 1, DP 242027	Local	I144
Armidale	House and grounds, "Booolominbah"	60 Madgwick Drive	Lot 10, DP 1142199	State	I145
Armidale	House and grounds, "Trevenna"	60 Madgwick Drive	Lot 10, DP 1142199	State nominated	I146
Armidale	University of New England—the Lodge, sub-lodge, science block and shingled cottage	60 Madgwick Drive	Lot 10, DP 1142199	Local	I147

Armidale	House, garden and trees, "Opawa"	65 Mann Street	Lot 1, DP 1120265	Local	I148
Armidale	Former CB Newling Administration Centre—grounds and playing fields	80 Mann Street; 173 Taylor Street; 181 Taylor Street	Lots 1–3, DP 1046262	Local	I149
Armidale	Garden	89 Mann Street	Lot 48, DP 632165	Local	I150
Armidale	Garden, trees and hedge	91 Mann Street	Lot 10, DP 557652	Local	I151
Armidale	Himalayan cedar tree and fence, circa 1940s	93 Mann Street	Lot 13, DP 559703	Local	I152
Armidale	House, garden and trees, "Comeytrowe"	105 Mann Street	Lot 23, DP 590445	Local	I153
Armidale	House, "Teringa"	108 Mann Street	Lot 5, DP 239922	Local	I154
Armidale	Garden hedge	112 Mann Street	Lot 1, DP 130024	Local	I155
Armidale	Cedar trees	116 Mann Street	Lot 10, DP 564560	Local	I156
Armidale	House, garden and cedar tree, "Loombra"	118 Mann Street	Lot 9, DP 564560	Local	I157
Armidale	House, garden, hedge and fence	128 Mann Street	Lots 1 and 3, DP 212280	Local	I158
Armidale	House, "Linden Hall"	146 Mann Street	Lot A, DP 410290	Local	I159
Armidale	Hedge and peppercorn tree	150 Mann Street	Lot 14, Section 36, DP 758032	Local	I160
Armidale	Garden	157 Mann Street	Lot 100, DP 1235500	Local	I161
Armidale	Garden	164 Mann Street	Lot 1, DP 555691	Local	I162
Armidale	House, "Carlisle"	200 Mann Street	Lot 14, DP 576854	Local	I163
Armidale	House	123 Markham Street	Lot 72, DP 815369	Local	I164
Armidale	House, "Owlscoot"	129 Markham Street	Lot 27, DP 881189	Local	I165
Armidale	House	136 Markham Street	Lot 1, DP 196798	Local	I166
Armidale	House and English Holly tree (<i>Ilex aquifolium</i>)	208 Markham Street	Lot 18, DP 701223	Local	I167
Armidale	House, "Hepplegate"	236 Markham Street	Lot 5, DP 1064920	Local	I168

Armidale	House, grounds and fence, "Cotswold"	32 Marsh Street	Lot 22, DP 610117	Local	I169
Armidale	House	45 Marsh Street	Lot 1, DP 12546	Local	I170
Armidale	House	49 Marsh Street	Lot 21, DP 998907	Local	I171
Armidale	St Kilda Cellars	129 Marsh Street	Lot 2, DP 578182	Local	I172
Armidale	Two Himalayan cedar trees	139-141 Marsh Street	Lot 1, DP 1102010	Local	I173
Armidale	Hedge, fence, garden and trees	159-163 Marsh Street	Lot 1, DP 711560; Lot 117, DP 1133316	Local	I174
Armidale	House, garden, trees and hedge, "Belmore Cottage"	168 Marsh Street	Lot A, DP 155192	Local	I175
Armidale	House	175 Marsh Street	Lot Y, DP 371436	Local	I176
Armidale	House and Himalayan cypress trees	179 Marsh Street	Lot 1, DP 745132	Local	I177
Armidale	Garden	189 Marsh Street	Lot A, DP 330161	Local	I178
Armidale	House	192 Marsh Street	Lot 1, DP 334596	Local	I179
Armidale	Cottage	32 Martin Street	Lot 11, DP 1181213	Local	I180
Armidale	Cemetery buildings and grounds	1-29 Memorial Avenue; Memorial Avenue Road Reserve	Lots 576-584, DP 755808; Lot 2, DP 1036752; Lot 7020, DP 94139; Lot 7019, DP 1073343; Lot 3, DP 1036750; Lot 1, DP 1036754; Lot 7036, DP 1073329; Lot 7010, DP 94141	Local	I181
Armidale	Mountain Gum (<i>Eucalyptus dalrympleana</i>)	Corner of Middle Farm Road and Somerset Lane	Road reserve	Local	I182
Armidale	House, "Kiola"	18 Millie Street	Lot 1, DP 709983	Local	I183
Armidale	House and chapel, "Moore Park"	63 Moore Park Lane	Lot 1, DP 881813	Local	I184
Armidale	House	113 Mossman Street	Lot B, DP 389072	Local	I185
Armidale	Garden, "Yo-Merrie"	120 Mossman Street	Lot 1, DP 327470	Local	I186

Armidale	C B Newling Centre—former teachers' college, main building, residence, grounds	122-132 Mossman Street (bound by Mossman, Faulkner, Kentucky and Dangar Streets)	Lot 78, DP 905545	State	I187
Armidale	House	144 Mossman Street	Lot 7, DP 14312	Local	I188
Armidale	House and garden, "The Turrets"	145 Mossman Street	Lot A, DP 370218	Local	I189
Armidale	Homestead, "Tilbuster"	11312 New England Highway	Lot 20, DP 1066162	Local	I190
Armidale	Homestead, "Newholme"	495 Newholme Road	Lot 3, DP 755819	Local	I191
Armidale	Johnson and Kennedy Service Station	120 Niagara Street	Lot 19, DP 1076915	Local	I192
Armidale	Liquid Amber trees (<i>Liquidambar styraciflua</i>)	O'Connor Road on western boundary of cemetery	Road reserve	Local	I193
Armidale	Cottage	148 O'Dell Street	Lot 4, DP 323081	Local	I194
Armidale	House	66 Ohio Street	Lot 2, DP 506901	Local	I195
Armidale	House, "Mongoola"	1-3 Reginald Avenue	Lot 1, DP 663177	Local	I196
Armidale	House and garden, "Uloola"	2A Reginald Avenue	Lot 210, DP 1130774	Local	I197
Armidale	House, "Roseneath"	36 Roseneath Lane	Lot 1, DP 526699	State	I198
Armidale	"Wood Park Cottage"	49-83B Rowlands Road	Lot 2, DP 1183541	Local	I199
Armidale	"Centenary of Local Government 1963" Memorial trees	Rusden Street between Dangar and Marsh Streets	Road reserve	Local	I200
Armidale	House	69 Rusden Street	Lot 1, DP 859091	Local	I201
Armidale	Mallam House	94 Rusden Street	Lot 1, DP 815479	Local	I202
Armidale	St Kilda Hotel	102-104 Rusden Street	Lot 1, DP 567726	Local	I203
Armidale	Uniting Church Group— Uniting Church, church grounds, grounds of parsonage and Wesley Hall	112 Rusden Street	Lots 10-13, Section 9, DP 758032	Local	I204

Armidale	Former St Peter's Church Hall	116 Rusden Street	Lot 1, DP 605314	Local	I205
Armidale	Anglican Cathedral Church of St Peter Apostle and Martyr Precinct—St Peter's Anglican Cathedral, churchyard, deanery and garden and Diocesan Registry	122 Rusden Street (bound by Dangar, Tingcombe, Faulkner and Rusden Streets)	Lot 100, DP 869687	State	I206
Armidale	Town hall	127 Rusden Street	Part Lot 12, Section 5, DP 758032	Local	I207
Armidale	Minto Building (former Central Hotel)	161 Rusden Street	Lot 1, DP 795233	Local	I208
Armidale	Railway Hotel	222 Rusden Street	Lot 26, DP 706203	Local	I209
Armidale	Drummond School—grounds and trees	250 Rusden Street	Lots 1-5 and 10-20, Section 59, DP 758032; Lot 1153, DP 820551	Local	I210
Armidale	House	277 Rusden Street	Lot A, DP 156827	Local	I211
Armidale	St Mary's Anglican Church	286 Rusden Street	Lot 26, DP 1137118	Local	I212
Armidale	Cypress trees	291 Rusden Street	Lot 10, DP 1036607	Local	I213
Armidale	Homestead, "Saumarez", including outbuildings, gardens, grounds and driveway	230 Saumarez Road	Part Lot 2, DP 1267882	State	I214
Armidale	House, "Wye Vale"	16 Short Street	Lot 4, DP 810419	Local	I215
Armidale	House, "Soudan"	3 Soudan Terrace	Lot 1, DP 253268	Local	I216
Armidale	House	7 Taylor Street	Lot 8, DP 247309	Local	I217
Armidale	House	36 Taylor Street	Lot A, DP 393048; Lot 1125, DP 39933	Local	I218
Armidale	House	150 Taylor Street	Lot 1, DP 745627	Local	I219
Armidale	Former St Patrick's Orphanage and grounds	20 The Boulevard	SP 49700	Local	I220
Armidale	"Centenary of Self Government in NSW 1956" Memorial trees	Tingcombe Street	Road reserve	Local	I221

Armidale	Former "Bishopscourt"—house 2 Uralla Road and grounds		SP 80828	Local	I222
Armidale	New England Girls' School— music building, Akaroa, dining room complex and chapel	13-83 Uralla Road	Lots 618-621, DP 755808; Lot 22, DP 112882	Local	I223
Armidale	New England Girls' School—St John's Junior School	13-83 Uralla Road	Lot 615, DP 755808	Local	I224
Backwater	Former Backwater Post Office	771 Mount Mitchell Road	Lots 2 and 3, DP 751446	Local	I225
Backwater	St Augustine's Church; Bald Blair Church	808 Mount Mitchell Road	Lot 5, DP 751446	Local	I226
Backwater	Cemetery—Paddys Gully (Backwater)	440 Pinkett Road	Lot 7309, DP 1148019	Local	I227
Bald Blair	Station—Bald Blair homestead and outbuildings, landscape	6486 Guyra Road	Lot 42, DP 751437; Lot 1, DP 127745	Local	I228
Ben Lomond	War Memorial Hall	Ben Lomond Road	Lot 145, DP 753665	Local	I229
Ben Lomond	Ben Lomond Cemetery	Government Lane and Ben Lomond Road	Lot 7011, DP 94117	Local	I230
Ben Lomond	St Patrick's Catholic Church and cemetery	Inn Road	Lot 15, DP 665620	Local	I231
Ben Lomond	Ben Lomond Public School	588 Inn Road	Lot 45, DP 753665	Local	I232
Ben Lomond	Ben Lomond Railway Station	Main Northern Railway	Railway reserve	State	I233
Ben Lomond	Presbyterian Church	4 Marowan Street	Lot 144, DP 753665	Local	I234
Ben Lomond	St Pauls Anglican Church	25 Moredun Road	Lots 4 and 5, Section 2, DP 2391	Local	I235
Ben Lomond	Station and cemetery, "Moredun"	1419 Moredun Road	Lot 3, DP 1075339; Lot 7001, DP 94235	Local	I236
Ben Lomond	Ben Lomond Station	120 Streeters Road	Lot 1, DP 1184364	Local	I237

Black Mountain	Cemetery	Black Mountain Cemetery Road	Lot 7019, DP 1054926	Local	I238
Black Mountain	Black Mountain Public School	815 Black Mountain Road	Lot 112, DP 755823	Local	I239
Black Mountain	Black Mountain Baptist Church	857 Black Mountain Road	Lot 1, DP 915840	Local	I240
Black Mountain	Landscape—avenue of trees	New England Highway	Road reserve from latitude 30.302430°S to 30.314010°S	Local	I241
Black Mountain	“Pinch Flat”	12150 New England Highway	Lot 5, DP 876537	Local	I242
Black Mountain	Former public school (1928), “Newhaven”	Toms Gully Road	Lot 204, DP 755823	Local	I243
Black Mountain	Black Mountain Railway Station	5 Toms Gully Road; Main Northern Railway	Lot 1, DP 584178; Lot 1, DP 1062235; Railway reserve	State	I244
Boorolong	Homestead and outbuildings, “Boorolong”	2344 Boorolong Road	Part Lot 6, DP 608268; Lot 1, DP 40389; Lot 11, DP 254969; Lot 1, DP 944759	Local	I245
Boorolong	Homestead, “Warrane”	1188 Warrane Road	Lot 47, DP 755806	Local	I246
Brockley	Brockley Church	19 Brockley Road	Lot 1, DP 507144	Local	I247
Brushy Creek	Station—Tangley homestead and outbuildings	251 Tangley Road	Lot 95, DP 753674	Local	I248
Castledoyle	Gara River Hydro-Electric Scheme	1093 Dangars Falls Road; Oxley Wild Rivers National Park	Lot 179, DP 723329; Lot 16, DP 755813; National Park	State	I249
Dangarsleigh	House, outbuildings, entrance gates and grounds, “Chevy Chase”	643 Dangarsleigh Road	Lots 59 and 60, DP 4356	Local	I250
Dangarsleigh	Dangarsleigh War Memorial	755 Dangarsleigh Road	Lot 1, DP 809402	State	I251
Dumaresq	Station Master’s residence in the Dumaresq Railway Station	530 Dumaresq Road	Lot 1, DP 792093	Local	I252

Dumaresq	Dumaresq Railway Station Group—Dumaresq Railway Station building, brick platform face and station signs	537 Dumaresq Road	Main Northern Railway (Old System Conveyance Book 261 220)	State	I253
Ebor	Ebor Cemetery	33 Ebor Falls Road	Lot 7305, DP 1146836; Lot 7004, DP 94114	Local	I254
Ebor	Former Australian Bank of Commerce (formerly City Bank of Sydney)	27 Ebor Street	Lot 4, Section 17, DP 758378	Local	I255
Ebor	Homestead, "Milamba", including original Guy Fawkes Post Office and sheep dip	7122 Grafton Road	Lot 102, DP 1242425	Local	I256
Ebor	House, "Kotupna"	7314 and 7316 Grafton Road	Lots 1 and 2, DP 830823	Local	I257
Ebor	Former Cottage Hospital	5 Parke Street	Lot 6, Section 2, DP 758378	Local	I258
Ebor	Cement weir	337 Point Lookout Road	Lot 41, DP 751462	Local	I259
Ebor	National Park—Cathedral Rock—"Gwenda Gardens" and homestead	3026 Round Mountain Road	Lot 34, DP 751472	Local	I260
Ebor	Union Church	11608 Waterfall Way	Lot 11, DP 938534	Local	I261
Ebor	Former Ebor Soldiers Hall	11626 Waterfall Way	Lot 5, Section 3, DP 758378	Local	I262
Guyra	Former electricity factory	19-21 Boorolong Street	Lots 1 and 2, DP 545693	Local	I263
Guyra	Guyra Hotel	88-90 Bradley Street	Lot 1, DP 790439	Local	I264
Guyra	Kirks Supermarket and former New State Store	92-98 Bradley Street	Lot 1, DP 1168512	Local	I265
Guyra	Office—former WA Robert's Drapery	100 Bradley Street	Lot 1, DP 337638	Local	I266

Guyra	Former Wing's store	101 Bradley Street	Lot 6, DP 710403	Local	I267
Guyra	"gG's", store	102-104 Bradley Street	Lot 9, Section 21, DP 758497	Local	I268
Guyra	McLeods Butchery	105-107 Bradley Street	Lot 8, DP 1132590	Local	I269
Guyra	Store	110-112 Bradley Street	Lot 7, Section 21, DP 758497	Local	I270
Guyra	Former Eggleston's Stationery Store	114-116 Bradley Street	Lot 6, Section 21, DP 758497	Local	I271
Guyra	Store—Shopfront (Australian Fertilisers Ltd)	115 Bradley Street	Lot 1, DP 1117042	Local	I272
Guyra	National Australia Bank	119 Bradley Street	Lot 2, DP 541827	Local	I273
Guyra	Former H Beesley and Sons store	120 Bradley Street	Lot 4, Section 21, DP 758497	Local	I274
Guyra	Store	120 Bradley Street	Lot 4, Section 21, DP 758497	Local	I275
Guyra	Royal Hotel	122 Bradley Street	Lot 3, Section 21, DP 758497	Local	I276
Guyra	Former TE Sole and Sons	126-128 Bradley Street	Lot 19, DP 736103	Local	I277
Guyra	Office—Former Bank of NSW	130 Bradley Street	Lot 6, Section 20, DP 758497	Local	I278
Guyra	Motor garage—Burgess	131-143 Bradley Street	Lot 1, DP 949185; Lot 1, DP 949186	Local	I279
Guyra	Former Arcadia/Astor Theatre	140 Bradley Street	Lot 1, DP 1218634	Local	I280
Guyra	Butchery—Whites	145 Bradley Street	Lot 1, DP 348381	Local	I281
Guyra	Former MUIOOF Hall	147 Bradley Street	Lot 270, DP 667742	Local	I282
Guyra	Post office	154 Bradley Street	Lot 2, DP 713632	Local	I283
Guyra	Former Guyra Public School	156-160 Bradley Street	Part Lot 173, DP 753659	Local	I284
Guyra	Office—former Public School Principal's residence	156-160 Bradley Street	Part Lot 173, DP 753659	Local	I285
Guyra	LT Starr Memorial Library	162 Bradley Street	Lot 161, DP 753659	Local	I286

Guyra	Hall—Guyra Soldier's Memorial	163 Bradley Street	Lots 1 and 2, Section 18, DP 758497	Local	I287
Guyra	Boarding house (former)	165 Bradley Street	Lots 3 and 4, Section 18, DP 758497	Local	I288
Guyra	House—former police office and residence	172 Bradley Street	Lot 9, DP 20631	Local	I289
Guyra	House—former bank/police station	174 Bradley Street	Lot 212, DP 753659	Local	I290
Guyra	House—former King's house	184 Bradley Street	Lot 216, DP 753659	Local	I291
Guyra	Museum—Guyra Historical Society	190 Bradley Street	Lot 2, DP 786704	Local	I292
Guyra	Showground—Guyra and memorial—AW Everett Building	3 Dutton Parade	Lot 315, DP 755824	Local	I293
Guyra	House, former Pearson's house and former sawmill, "Pearson and Son"	33 Everett Street	Lot 112, DP 755824	Local	I294
Guyra	Agricultural shed—former R Hall and Son	186 Falconer Street	Lots 1, 2 and 13, Section 17, DP 758497	Local	I295
Guyra	Former police station and lockup	187 Falconer Street	Lot 10, Section 15, DP 758497	Local	I296
Guyra	Former courthouse	191 Falconer Street	Lot 471, DP 729869	Local	I297
Guyra	House—former manager's residence	206 Falconer Street	Lot 10, Section 17, DP 758497	Local	I298
Guyra	House—former manse	227 Falconer Street	Lot 2, Section 13, DP 758497	Local	I299
Guyra	Road Bridge—Sandy Creek (also known as Laura Creek)	Guyra Road	Lot 7313, DP 1148399	Local	I300
Guyra	Guyra Machinery Group Museum	9 Lagoon Road	Railway Lease 206.2332, Main Northern Railway	Local	I301
Guyra	Guyra Railway Station group	9 Lagoon Road	Railway Lease 206.2332, Main Northern Railway	State	I302

Guyra	Former railway cottage	37 Lagoon Road	Lot 1, DP 804149	Local	I303
Guyra	Former Dairy—Clovelly	126 Lagoon Road	Lot 1, DP 801051	Local	I304
Guyra	House—former Hutton residence	70 Llangothlin Street	Lot A, DP 354291	Local	I305
Guyra	Leggo Park	12 MacKenzie Street	Lots 43 and 293, DP 753659	Local	I306
Guyra	House—former private hospital	21 Malpas Street	Lot 4, DP 16024	Local	I307
Guyra	St Mary of the Angels Catholic Church precinct—church, parochial school, parish house and memorial fence and statue	47-49 Malpas Street; 36 Wirruna Street	Lot 81, DP 1059692; Lots 8-11, DP 5381	Local	I308
Guyra	St James Anglican Church precinct—church, vicarage and memorial Tom Croft gates	73-79 Malpas Street	Lot 86, DP 755824; Lot 1, DP 961248	Local	I309
Guyra	Former McAlister house	103 Malpas Street	Lot 30, DP 808996	Local	I310
Guyra	Guyra Masonic Lodge	139 Malpas Street	Lot 274, DP 755824	Local	I311
Guyra	Former Guyra Rural Services bean shed	173 Malpas Street	Lot 1, DP 806824	Local	I312
Guyra	Mother of Ducks Lagoon Nature Reserve No 452	McKie Parkway	Lot 2, DP 1189931; Lot 67, DP 1195694; Lot 2, DP 1144437; Lot 2, DP 1158272; Lot 350, DP 39608; Lot 353, DP 39932; Lot 359, DP 46361; Lot 363, DP 704039; Lot 1, DP 1162151; Lots 311, 335, 341, 343, and 344, DP 753659; Lots 21 and 22, DP 1050356	Local	I313

Guyra	McKie Park and Parkway	McKie Parkway; 192 and 194 Bradley Street	McKie Parkway road reserve adjacent to and including Lot 7002, DP 1072302; Lot 1 DP 1189931	Local	I314
Guyra	Cemetery	New England Highway	Lots 7306, 7307 and 7308, DP 1141644; Part Lot 7309, DP 1145106; enclosed road reserve portion	Local	I315
Guyra	Landscape—avenue of trees, “Coakes Park”	New England Highway	Located on the west side of the New England Highway (Malpas Street) stretching approximately from Aboomala Street to Ollera Street; Lot 1 DP 1001257	Local	I316
Guyra	Scout hall	18 Nincoola Street	Lot 331, DP 753659	Local	I317
Guyra	Railway West Park	North-east corner of intersection between Ollera and Llangothlin Streets, including part of railway reserve	Road and railway reserve	Local	I318
Guyra	House, “Brymohr”	29 Ollera Street	Lot 2, DP 525408	Local	I319
Guyra	House	45 Ollera Street	Lot 18, DP 5381	Local	I320
Guyra	Uniting Church and hall	55-57 Ollera Street	Lot 1, DP 525916	Local	I321
Guyra	Hairdressing salon	68 Ollera Street	Lot A, DP 392536	Local	I322
Guyra	House—former Izzeard residence	34 Robinson Lane	Lot 8, DP 1005055	Local	I323
Guyra	House	10 Ryanda Street	Lot B, DP 317264	Local	I324
Guyra	House	28 Ryanda Street	Lot A, DP 343599	Local	I325
Guyra	House, “Annalee Cottage”	87 Sandon Street	Lot 6, Section 16, DP 758497	Local	I326
Guyra	Memorial plaques at Guyra Hospital	40 Sole Street	Lot 4, DP 1202857	Local	I327

Guyra	House—former Sole residence	57 Sole Street	Lot 3, DP 598831	Local	I328
Guyra	Church of St Columba Presbyterian and McKie Memorial Presbyterian Church Hall	9-21 Tenterden Street	Lot 220, DP 755824	Local	I329
Guyra	Former Presbyterian manse and landscape	4 Urandangie Street	Lot 288, DP 755824	Local	I330
Guyra	House, “The Parsonage”	26 Wirruna Street	Lot 2, DP 576936	Local	I331
Guyra; Falconer	Former Coach Road	Urandangie Road; 670 Everetts Road	TSR and road reserve; Lot 7006, DP 1075714; Lot 7307, DP 1162755; Lot 7016, DP 94207; Lot 7001, DP 94206	Local	I332
Hillgrove	Eleanora Mine—chimney	130 Brackin Street	Lot 2, DP 597107	Local	I333
Hillgrove	Baker’s Creek Mine—chimney	132B Brackin Street	Part of Lot 7300, DP 1139642	Local	I334
Hillgrove	Baker’s Creek Mine—surface buildings	132B Brackin Street	Part of Lot 7300, DP 1139642	Local	I335
Hillgrove	Garibaldi Mine—chimney	132B Brackin Street	Part of Lot 7300, DP 1139642	Local	I336
Hillgrove	Baker’s Creek Mine—winding engine house	132B and 132F Brackin Street	Lot 407, DP 755834; Part of Lot 7300, DP 1139642	Local	I337
Hillgrove	Shearing shed, “Hillgrove Station”	2457 Grafton Road	Lot 1, DP 556558	Local	I338
Hillgrove	Homestead, “St Helena”	3138 Grafton Road	Lot 3, DP 1145435; Lots 9, 10, 12-18, 26, 32, 42, 53, 57, 58, 73, 75 and 96, DP 755828	Local	I339
Hillgrove	Cemetery	55 Hillgrove Cemetery Road	Lot 7304, DP 1137270	Local	I340

Jeogla	Kunderang East Pastoral Station	1093 Dangars Falls Road (80km north-west of Oxley Wild Rivers National Park)	Lot 1, DP 751444	State	I341
Jeogla	Styx River Bridge	Kempsey Road	Latitude 30.588617, longitude 152.164963	Local	I342
Kellys Plains	St John's Church of England	478 Kellys Plains Road	Lots 850 and 851, DP 755808	Local	I343
Kellys Plains	Machinery shed, "Stoneleigh"	46 Stoneleigh Road	Lot 30, DP 755840	Local	I344
Kookabookra	Former shearing shed, "Amos Park"	2144 Kookabookra Road	Lot 4, DP 751457	Local	I345
Llangothlin	Former Whan's stone cottage	Whan's Road	Lot 1, DP 958943	Local	I346
Lyndhurst	Kilcoy Cemetery	1568 Chandler Road	Lot 7302, DP 1146818	Local	I347
Metz	Cottage	372 Metz Road	Lot 330, DP 755834	Local	I348
Metz	Tattersalls Hotel brick outbuildings	372 Metz Road	Part Lot 9, DP 1167511	Local	I349
Tenterden	Hall	921 Tenterden Road	Lot 164, DP 753669	Local	I350
Tenterden	St Thomas' Church	1071 Tenterden Road	Lot 1, DP 917395	Local	I351
Tenterden	Station, Tenterden homestead, outbuildings and memorial (former Tenterden School memorial trees and former public school)	1075 Tenterden Road	Lot 34, DP 753669	Local	I352
Thalgarrah	House, "Thalgarrah"	1602 Rockvale Road	Part of Lot 1, DP 706601	Local	I353
Thalgarrah	Thalgarrah Anglican Church	1604 Rockvale Road	Lot 1, DP 917698	Local	I354
Tubbamurra	Little Llangothlin Lake and Nature Reserve	140 and 340 Bagot Road	Lot 158, DP 751436; Lot 192, DP 704030141; Lot 18, DP 751436	Local	I355

Tubbamurra	Disused former "Abbey Green" station	6867 Guyra Road	Lot 12 DP 751482; Lot 40, DP 751482; Lot 58, DP 751482	Local	I356
Tubbamurra	Church of St. John, Abbey Green and timber road signpost	7029 Guyra Road	Lot 55, DP 751436	Local	I357
Wandsworth	Timber road signpost	Corner of Guyra and Wandsworth Roads	Road reserve—western side of intersection	Local	I358
Wandsworth	Former public school	Guyra Road	Lot 5, Section 2, DP 759044	Local	I359
Wandsworth	Wandsworth War Memorial	Guyra Road	Part Lot 3, Section 2, DP 759044	Local	I360
Wandsworth	Landscape—"Cabarr Feidh", station	9584 Guyra Road	Lot 2, DP 815598	Local	I361
Wandsworth	Former post office	10026 Guyra Road	Lot 5, Section 3, DP 759044	Local	I362
Wandsworth	Former McCrossin House	10030 Guyra Road	Lot 10, Section 6, DP 759044	Local	I363
Wandsworth	Ollera Station—St Bartholomew's Church of England	196A Tenterden Road	Lot 1, DP 162622	Local	I364
Wandsworth	Ollera Station—homestead with gates, garden, outbuildings, cottages, shearing shed, cemetery and significant trees	347 Tenterden Road	Lot 5, DP 1125736; Lot 51, DP 1140167	Local	I365
Wandsworth	Wandsworth Cemetery	Wandsworth Road	Lot 7002, DP 1076522	Local	I366
Wollomombi	Former Kilcoy Presbyterian Church	1894 Chandler Road	Lot 73, DP 751442	Local	I367
Wollomombi	Yooroonah tank barrier	3026 Round Mountain Road; 5809 Grafton Road	Lot 34, DP 751476; Lot 7306, DP 1164294	State	I368
Wollomombi	St John's Presbyterian Church	78 Wollomombi Village Road	Lot 163, DP 751442	Local	I369

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
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Armidale Conservation Area	Shown with red diagonal hatching and labelled "C1"	Local
Armidale School Conservation Area	Shown with red diagonal hatching and labelled "C2"	Local
Armidale Showground Conservation Area	Shown with red diagonal hatching and labelled "C3"	Local
O'Connor Catholic College Conservation Area	Shown with red diagonal hatching and labelled "C4"	Local

Part 3 Archaeological sites

Locality	Item name	Address	Property description	Significance	Item no
Aberfoyle	Former Aberfoyle School of Arts site	Aberfoyle Road	Lot 7003, DP 1058842	Local	A001
Armidale	Site of Nott's Timber Mill and Joinery	124 Allingham Street; 182 Rusden Street	Lot 28, DP 775355; SP 84763	Local	A002
Armidale	Site of Commissioner's Quarters, Macdonald Park	40A Barney Street	Lot 158, DP 1146831	Local	A003
Armidale	Site of Moore/Richardson's Flour Mill	91 Beardy Street	Lot 500, DP 1244239	Local	A004
Armidale	Site of Assize Hotel	105 and 107 Beardy Street	Lot 1, DP 570805; Lot 1, Section 12, DP 758032	Local	A005
Armidale	Site of Traveller's Rest Hotel (2)	109 Beardy Street	Lot 1, DP 782200	Local	A006
Armidale	Site of Solomons' Photographic Studios and Well	123 and 127 Beardy Street	Lot 11, DP 586855; Lot 6, DP 580595	Local	A007
Armidale	Domed Beehive Cistern	236 Beardy Street	Lot 2, DP 163622	Local	A008
Armidale	Site of Daniel O'Connell Inn (2)	236 Beardy Street; 120 Jessie Street	Lot 2, DP 163622; Lot 2, DP 1130225	Local	A009
Armidale	Site of Edward Allingham's Mill	237 Beardy Street	Lot 1, DP 781352	Local	A010
Armidale	Site of Allingham's Store and Rose Inn	250 Beardy Street	Lot 1, DP 1088861	Local	A011

Armidale	Armidale Railway Station—former boiler for footwarmers	216 Brown Street	Part Lot 33, DP 883524	Local	A012
Armidale	Site of Palmer's Brickworks	13-23 Bundarra Road	Lot 41, DP 879127	Local	A013
Armidale	Site of City Brewery (Simpson's)	97-99 Butler Street; 196-204 Dumaresq Street	Lot 1, DP 995781; Lots 1 and 3, DP 625057; Lot 5, DP 832288	Local	A014
Armidale	Site of Star Hotel	102 Butler Street	Lot 27, DP 855958	Local	A015
Armidale	Site of Trim's Store	1-3 Claveri Street	Lot 1, DP 1179415	Local	A016
Armidale	Great Northern Road Stone Kerbing	Crescent Street between Claverie and O'Dell Streets	Road reserve	Local	A017
Armidale	Site of Roman Catholic Old Cathedral	130-136 Dangar Street	Lot 15, DP 1048143	Local	A018
Armidale	Site of Second Hospital	210-218 Donnelly Street	Lot 11, DP 786271	Local	A019
Armidale	Site of Tysoe's Tannery	90 Dumaresq Street; 96 Taylor Street	Part Lot 1, DP 1125255	Local	A020
Armidale	Site of Farrier's Arms Hotel	118 Dumaresq Street; 83-85 Faulkner Street	Lot 1, DP 744695; Lot 32, DP 1031471	Local	A021
Armidale	Site of First Hospital	118 Dumaresq Street; 83-85 Faulkner Street	Lot 1, DP 744695; Lot 32, DP 1031471	Local	A022
Armidale	Site of Trim's Cottages	129 Dumaresq Street	Lot 34, DP 1031471; Lot 8, DP 565499	Local	A023
Armidale	Site of New England Flour Mill	137 and 141 Dumaresq Street	Lot 102, DP 1237922; Lot 103, DP 1237922	Local	A024
Armidale	Site of Mallaby's Soap Factory	179 Dumaresq Street	Lot 1, DP 1057304	Local	A025
Armidale	Site of Tuck's Brewery	219 Dumaresq Street	Lot 11, DP 596544	Local	A026
Armidale	Site of Traveller's Rest Hotel (1)	74 and 76 Faulkner Street	Lot 5, DP 630416; SP 41082; road reserve	Local	A027

Armidale	Site of Public Well	96-98 Faulkner Street	Lot 2, DP 1165697	Local	A028
Armidale	Site of National School, and Superior Public School—Girls Department	142-152 Faulkner Street	Lots 1, 2 and 5, Section 30, DP 758032	Local	A029
Armidale	Site of old burial ground	142-152 Faulkner Street	Lot 1146, DP 821025; Lot 3, Section 30, DP 758032	Local	A030
Armidale	Site of Police Residential Complex—residence, barracks and stables	142-152 Faulkner Street	Lots 6 and 9, Section 30, DP 758032	Local	A031
Armidale	Site of Abattoir, “Wongalea”	475 Grafton Road	Lot 1, DP 777437	Local	A032
Armidale	Site of Commissioners Waters Inn	553 Grafton Road	Lot 7021, DP 1071561	Local	A033
Armidale	Site of Brookstead fellmongery and woolwashing works, “Eathorpe”	650 Grafton Road	Lot 171, DP 1123716	Local	A034
Armidale	Site of Olympic Hall	117A Jessie Street	Lot 3, DP 532766	Local	A035
Armidale	Site of railway cottage	124-130 Kentucky Street	Lot 3, DP 1055438	Local	A036
Armidale	Site of Roman Catholic Chapel	39 Kirkwood Street	Lot 4, DP 522525	Local	A037
Armidale	Site of Child’s Brickworks	60 Madgwick Drive	Lot 1, DP 73498	Local	A038
Armidale	Site of Saint George’s Church	15-23 Mann Street	Lot 225, DP 755808	Local	A039
Armidale	Site of Railway Cistern	92 Markham Street	Lot 20, DP 245363	Local	A040
Armidale	Site of Jenkin’s (Herzog’s) Cordial Factory and Cottage	136 Markham Street	Lot 1, DP 196798	Local	A041
Armidale	Site of First Presbyterian Church	68 Marsh Street	Lot 1, DP 660683	Local	A042

Armidale	Site of First Presbyterian Manse	70 Marsh Street	Lot 1, DP 37827	Local	A043
Armidale	Site of Robert Kirkwood's Mill	75 Marsh Street	Lot 4, Section 178, DP 758032	Local	A044
Armidale	Site of Markham's House	82 Marsh Street	Lot 100, DP 1199785	Local	A045
Armidale	Site of Trim's Store—3 buildings	82 Marsh Street	Lot 1, DP 83558; Lot 7310, DP 1146456; Lot 33, 1031471; Part Lot 701, DP 94054	Local	A046
Armidale	Site of Trim's Bridge	82 Marsh Street; Dumaresq Creek	Lot 4, DP 1131397; Part Lot 701, DP94054	Local	A047
Armidale	Site of Armidale Inn	82 Marsh Street; 115 and 117 Dumaresq Street; Marsh Street road reserve	Lot 100, DP 1199785; Lot 2, DP 1158729; Lot 1, DP1170619; road reserve	Local	A048
Armidale	Site of McLean's Corner Complex (Archaeological Excavation)	90-96 Marsh Street	Lot 1, DP 1110413	Local	A049
Armidale	Sites of Gold Digger's Arms Hotel, Tattersalls Hotel, White Horse Hotel and Australian Hotel	145 Marsh Street	Lot C, DP 159153	Local	A050
Armidale	Site of International Hotel	140 Miller Street	SP 93208	Local	A051
Armidale	Site of Gaol	122-132 Mossman Street	Lot 78, DP 905545	Local	A052
Armidale	Site of Pearson's Flour Mill	122, 124, 126, 128 and 130 Niagara Street	Lots 1-5, DP 38151	Local	A053
Armidale	Site of Crown Inn	102-104 Rusden Street	Lot 1, DP 567726	Local	A054
Armidale	Site of First Anglican Church	122 Rusden Street	Lot 100, DP 869687	Local	A055
Armidale	Site of Great Northern Hotel	156 Rusden Street	Lot 14, Section 7, DP 758032	Local	A056

Armidale	Site of Commercial Hotel	160 and 162 Rusden Street	Lot 101, DP 1103862; Lot 9, DP 825227; road reserve	Local	A057
Armidale	Site of Borland's Cordial Factory	169 Rusden Street; 240 and 240A Beardy Street	Lot Y, DP 162463; Lot 16 DP 802100	Local	A058
Armidale	Site of Electricity Station	175 Rusden Street	Lot 1, DP 999194; road reserve	Local	A059
Armidale	Site of Sportsman's Arms	191 and 191A Rusden Street	Lot 2, DP 1026380; Lot C, DP 389160	Local	A060
Armidale	Site of Plough Inn	202 and 204 Rusden Street	Lots 2 and 3, DP 22210	Local	A061
Armidale	Site of Trim's Chaff Factory and Sawmill	230-240 Rusden Street	SP 75032	Local	A062
Armidale	Domed Beehive Cistern	237 Rusden Street	Lot 24, DP 716036	Local	A063
Armidale	Site of BA Moses' Tannery	9-19 Tancredi Street	Lot 4, DP 590416	Local	A064
Ben Lomond	Disused slaughterhouse	1081 Ben Lomond Road	Lot 196, DP 657841	Local	A065
Ben Lomond	Watermill remains	120 Streeters Road	Lot 11, DP 751436; Lot 1, DP 1184364	Local	A066
Black Mountain	Former Butter Factory	19 Toms Gully Road	Lot 2, DP 321864	Local	A067
Guyra	Early police station site	187 Falconer Street	Lot 10, Section 15, DP758497	Local	A068
Guyra	Former Dr Harris residence	67 Malpas Street	Lot 100, DP 600734	Local	A069
Guyra	Disused rail stockyards	Western side of New England Highway, 830m north of Falconer Road and New England Highway intersection	Railway reserve	Local	A070

Guyra	Disused railway line	Corridor heading east from just north of intersection of New England Highway and Sole Street, starting at 4 Falconer Road	Railway reserve; Lots 4 and 5, DP 1153810; Lot 2, DP 1076415; Lots A-E, DP 188045; Lots 1, 2, 4, 5, 7, and 9, DP 183685; Lot 1, DP 184325; Lot 1013, DP 1172679; Lot 7307, DP 1162755; Lot 2, DP 1168370; Lots 3 and 4, DP 1192272; Lot 108, DP 755848; Lot 7300, DP 1133284; Lots 1 and 2, DP 1024241; Lots 1 and 2, DP 1024242; Lots 1-3, DP 185228; Lot 1, DP 1065472	Local	A071
Guyra	Demolished Gatekeeper's Cottage site	Corner of Ollera and Bradley Streets	Railway reserve to the rear (east) of Lot 1, Section 19, DP 758497	Local	A072
Guyra	Urandangie Hatchery	238 Urandangie Road	Lot 24, DP 755824	Local	A073
Guyra; Falconer	Disused railway bridge	105 and 200 Wards Mistake Road	Railway reserve; Lot 2, DP 1168370; Lot 4, DP 1192272	Local	A074
Llangothlin	Llangothlin railway siding site	Corner of Whans Road and Llangothlin Road, adjacent to the New England Highway	Railway reserve	Local	A075
New Valley	Moredun Dams	818 Moredun Dams Road	Lot 101, DP 753679	Local	A076
New Valley; Tingha	Water race	Northern side of Moredun Creek from the broken dam on Lot 101, DP 753679 to the abandoned tin mines south of Tingha	Road reserve sections; Lot 3, DP 1227747; Lot 7303, DP 1166909; Lots 4, 78, 96, 101 and 105-109, DP 753667; Lots 22 and 27, DP 753673; Lot 2, DP 1223828	Local	A077

Part 4 Aboriginal objects and places of heritage significance

Item name	Significance	Item no
Reba, Mount Boral, Black Mountain Area	Local	AH01
Tingha Stone Woman	Local	AH02

Note—

The precise location of these Aboriginal objects and places of heritage significance has not been disclosed.

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

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is—

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places

or areas of more contemporary cultural significance.

Note—

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Additional Permitted Uses Map means the [Armidale 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.

Airport Buffer Map means the [Armidale Regional Local Environmental Plan 2012 Airport Buffer Map](#).

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.)

Clause Application Map means the [Armidale Regional Local Environmental Plan 2012 Clause Application Map](#).

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 Armidale 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 [Armidale 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](#).

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.

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 [Armidale 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 [Armidale 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 [Armidale Regional Local Environmental Plan 2012 Land Application Map](#).

Land Reservation Acquisition Map means the [Armidale Regional Local Environmental Plan 2012 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Armidale 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, knackeries, tanneries, woolscours and rendering plants.

Note—

Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Lot Size Map means the [Armidale 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.

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.

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 [Armidale 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.

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, sedgeland, 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, sedgeland 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.