

# Wagga Wagga Local Environmental Plan 2010

[2010-378]



New South Wales

## Status Information

### Currency of version

Historical version for 10 November 2023 to 22 February 2024 (accessed 25 July 2024 at 11:19)

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

### Provisions in force

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

### About this plan

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

### Authorisation

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

File last modified 10 November 2023

# Wagga Wagga Local Environmental Plan 2010



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	7
1.1 Name of Plan .....	7
1.1AA Commencement.....	7
1.2 Aims of Plan.....	7
1.3 Land to which Plan applies .....	7
1.4 Definitions .....	8
1.5 Notes .....	8
1.6 Consent authority .....	8
1.7 Maps.....	8
1.8 Repeal of planning instruments applying to land .....	8
1.8A Savings provision relating to pending development approvals .....	9
1.9 Application of SEPPs .....	9
1.9A Suspension of covenants, agreements and instruments .....	9
<b>Part 2 Permitted or prohibited development</b> .....	10
2.1 Land use zones.....	10
2.2 Zoning of land to which Plan applies .....	11
2.3 Zone objectives and Land Use Table.....	11
2.4 Unzoned land.....	12
2.5 Additional permitted uses for particular land .....	12
2.6 Subdivision—consent requirements .....	13
2.7 Demolition requires development consent .....	13
2.8 Temporary use of land .....	13
2.9 Canal estate development prohibited .....	14

<b>Land Use Table</b> .....	14
Note.....	14
Zone RU1 Primary Production.....	15
Zone RU2 Rural Landscape.....	16
Zone RU3 Forestry.....	17
Zone RU4 Primary Production Small Lots.....	17
Zone RU5 Village.....	18
Zone RU6 Transition.....	19
Zone R1 General Residential.....	20
Zone R3 Medium Density Residential.....	21
Zone R5 Large Lot Residential.....	22
Zone E1 Local Centre.....	23
Zone E2 Commercial Centre.....	25
Zone E3 Productivity Support.....	26
Zone E4 General Industrial.....	27
Zone MU1 Mixed Use.....	28
Zone SP2 Infrastructure.....	29
Zone RE1 Public Recreation.....	30
Zone RE2 Private Recreation.....	31
Zone C1 National Parks and Nature Reserves.....	31
Zone C2 Environmental Conservation.....	32
Zone C4 Environmental Living.....	33
Zone W1 Natural Waterways.....	33
Zone W2 Recreational Waterways.....	34
<b>Part 3 Exempt and complying development</b> .....	35
3.1 Exempt development.....	35
3.2 Complying development.....	36
3.3 Environmentally sensitive areas excluded.....	36
<b>Part 4 Principal development standards</b> .....	37
4.1 Minimum subdivision lot size.....	37
4.1A Exceptions to minimum subdivision lot sizes for certain split zones.....	38
4.1AA Minimum subdivision lot size for community title schemes.....	38

4.2 Rural subdivision .....	39
4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural and conservation zones .....	40
4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones .....	41
4.3 Height of buildings .....	42
4.4 Floor space ratio .....	42
4.5 Calculation of floor space ratio and site area .....	43
4.6 Exceptions to development standards .....	44
4.6A Boundary changes between lots in certain rural zones .....	46
<b>Part 5 Miscellaneous provisions .....</b>	<b>47</b>
5.1 Relevant acquisition authority .....	47
5.2 Classification and reclassification of public land .....	48
5.3 Development near zone boundaries .....	49
5.4 Controls relating to miscellaneous permissible uses .....	50
5.5 Controls relating to secondary dwellings on land in a rural zone .....	51
5.6 Architectural roof features .....	51
5.7 Development below mean high water mark .....	52
5.8 Conversion of fire alarms .....	52
5.9 Dwelling house or secondary dwelling affected by natural disaster .....	52
5.9AA (Repealed) .....	53
5.10 Heritage conservation .....	53
5.11 Bush fire hazard reduction .....	57
5.12 Infrastructure development and use of existing buildings of the Crown .....	57
5.13 Eco-tourist facilities .....	57
5.14 Siding Spring Observatory—maintaining dark sky .....	57
5.15 Defence communications facility .....	57
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones .....	57
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations .....	58
5.18 Intensive livestock agriculture .....	58
5.19 Pond-based, tank-based and oyster aquaculture .....	60

5.20 Standards that cannot be used to refuse consent—playing and performing music.....	62
5.21 Flood planning .....	63
5.22 Special flood considerations .....	64
5.23 Public bushland .....	66
5.24 Farm stay accommodation .....	66
5.25 Farm gate premises .....	67
<b>Part 6 Urban release areas .....</b>	<b>68</b>
6.1 Arrangements for designated State public infrastructure.....	68
6.2 Public utility infrastructure .....	69
6.3 Development control plan .....	69
6.4 Relationship between Part and remainder of Plan .....	70
6.5 Lloyd Quarry site development .....	70
<b>Part 7 Additional local provisions.....</b>	<b>71</b>
7.1 Restriction on new dwellings at North Wagga Wagga.....	71
7.1A Earthworks .....	72
7.2 (Repealed) .....	73
7.3 Biodiversity.....	73
7.4 Vulnerable land.....	74
7.5 Riparian lands and waterways.....	75
7.6 Groundwater vulnerability .....	77
7.7 Protected regrowth for Native Vegetation Act 2003 .....	78
7.8 Cartwrights Hill Precinct—odour and noise assessment .....	78
7.9 Primacy of Zone E2.....	78
7.10 Business premises in Zone E3 .....	79
7.11 Airspace operations .....	79
7.12 Development in areas subject to aircraft noise .....	79
7.13 Certain land at Estella .....	81
<b>Schedule 1 Additional permitted uses.....</b>	<b>81</b>
<b>Schedule 2 Exempt development .....</b>	<b>82</b>
<b>Schedule 3 Complying development.....</b>	<b>85</b>

<b>Schedule 4 Classification and reclassification of public land</b> .....	86
<b>Schedule 5 Environmental heritage</b> .....	87
<b>Schedule 6 Pond-based and tank-based aquaculture</b> .....	105
<b>Dictionary</b> .....	107

# Wagga Wagga Local Environmental Plan 2010



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is [Wagga Wagga Local Environmental Plan 2010](#).

#### 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 Wagga Wagga 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 optimise the management and use of resources and ensure that choices and opportunities in relation to those resources remain for future generations,
  - (b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change,
  - (c) to promote the sustainability of the natural attributes of Wagga Wagga, avoid or minimise impacts on environmental values and protect environmentally sensitive areas,
  - (d) to co-ordinate development with the provision of public infrastructure and services.

### 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.

**Note—**

The following local environmental plans are repealed under this provision—



*Wagga Wagga Local Environmental Plan 1985,*

*Wagga Wagga Local Environmental Plan—Reclassification of Public Land,*

*Wagga Wagga Rural Local Environmental Plan 1991.*

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

### **1.8A Savings provision relating to pending development approvals**

- (1) 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 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

### **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
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village
- RU6 Transition

#### **Residential Zones**

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

#### **Employment Zones**

- E1 Local Centre

E2 Commercial Centre

E3 Productivity Support Centre

E4 General Industrial

**Mixed Use Zones**

MU1 Mixed Use

**Special Purpose Zones**

SP1 Special Activities

SP2 Infrastructure

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C2 Environmental Conservation

C4 Environmental Living

**Waterway Zones**

W1 Natural Waterways

W2 Recreational Waterways

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

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

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

**Notes—**

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.
- 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 20 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 foster strong, sustainable rural community lifestyles.
- To maintain the rural landscape character of the land.
- To allow tourist and visitor accommodation only where it is in association with agricultural activities.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home businesses; Home occupations; Roads

### **3 Permitted with consent**

Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Extractive industries; Farm buildings; Farm stay accommodation; Hardware and building supplies; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Markets; Open cut mining; Roadside stalls; Rural supplies;

Rural workers' dwellings; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Airports; Amusement centres; Camping grounds; Caravan parks; Commercial premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Local distribution premises; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential accommodation; Restricted premises; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

### **Zone RU2 Rural Landscape**

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

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

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

Environmental protection works; Extensive agriculture; Home occupations

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

Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Dual occupancies; Dwelling houses; Farm buildings; Farm stay accommodation; Hotel or motel accommodation; Roads; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Air transport facilities; Amusement centres; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Commercial



premises; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

### **Zone RU3 Forestry**

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

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.
- To maintain the rural character of the land.

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

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

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

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

#### **4 Prohibited**

Any development not specified in item 2 or 3

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

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

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

## **2 Permitted without consent**

Environmental protection works; Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Agriculture; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Dual occupancies; Dwelling houses; Extensive agriculture; Farm buildings; Farm stay accommodation; Group homes; Hardware and building supplies; Home industries; Intensive plant agriculture; Kiosks; Markets; Plant nurseries; Roadside stalls; Rural supplies; Secondary dwellings; Timber yards; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Educational establishments; Entertainment facilities; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Local distribution premises; Mortuaries; Passenger transport facilities; Places of public worship; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Wharf or boating facilities; Wholesale supplies

### **Zone RU5 Village**

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

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To protect and maintain the rural village character of the land.

## **2 Permitted without consent**

Home businesses; Home occupations; Roads

## **3 Permitted with consent**

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

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Mortuaries; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sex services premises; Sewerage treatment plants; Storage premises; Transport depots; Truck depots; Waste disposal facilities; Wharf or boating facilities

### **Zone RU6 Transition**

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

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- 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 businesses; Home occupations; Roads

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

Dwelling houses; Home industries; Oyster aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 4

## **4 Prohibited**

Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.

### **2 Permitted without consent**

Home businesses; Home occupations; Roads

### **3 Permitted with consent**

Attached dwellings; Boarding houses; 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; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; 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; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

### **Zone R3 Medium Density Residential**

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

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

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

Home businesses; Home occupations; Roads

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Home industries; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Restaurants or cafes; Seniors housing; Take away food and drink premises; Tank-based aquaculture; 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; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recycling facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

## **Zone R5 Large Lot Residential**

### **1 Objectives of zone**

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

## **2 Permitted without consent**

Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Dwelling houses; Hardware and building supplies; Home industries; Neighbourhood shops; Oyster aquaculture; Rural supplies; Pond-based aquaculture; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Any other development not specified in item 2 or 4

## **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Water recycling facilities; 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**

Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; 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); Respite day care centres; Self-storage units; 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 sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management



facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

## **Zone E2 Commercial Centre**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Home businesses; Home occupations; Roads

### **3 Permitted with consent**

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Group homes; Helipads; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Self-storage units; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Recreation facilities (major); Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water treatment facilities; 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.
- To protect the primacy of the Wagga Wagga central business district.
- To maintain the effective operation and function of main roads and limit opportunities for additional access to and from the Sturt Highway.
- To facilitate a mix of uses along the Sturt Highway that service the needs of

the travelling public.

## **2 Permitted without consent**

Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; 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; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Home-based child care; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; 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**

Home businesses; Home occupations; Roads

## **3 Permitted with consent**

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; 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; Airports; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Home occupations (sex services); Information and education facilities; Recreation facilities (major); 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**

Home-based child care; Home occupations

## **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; Self-storage units; 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; Camping grounds; Caravan parks; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; 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.
- To protect and enhance the natural environment generally and to assist in ensuring that areas of high ecological, scientific, cultural or aesthetic values are maintained or improved.

### **2 Permitted without consent**

Environmental facilities; Environmental protection works; Roads

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Depots; Entertainment facilities; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Marinas; Mooring pens; Moorings; Recreation areas; Recreation

facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Sewerage systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone RE2 Private Recreation**

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

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

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

Roads

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

Aquaculture; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Markets; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Sewerage systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **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.
- To provide for recreational activities that promote enjoyment and appreciation of the natural environment, consistent with the protection of these values.

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

Environmental protection works; Home businesses; Home occupations

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

Boat launching ramps; Community facilities; Environmental facilities; Extensive agriculture; Farm buildings; Flood mitigation works; Home-based child care; Information and education facilities; Jetties; Oyster aquaculture; Recreation areas; Roads; Sewerage systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

Advertising structures; 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; Water treatment facilities; 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 development that can assist in the enhancement, management and restoration of those values.

### **2 Permitted without consent**

Environmental protection works; Home businesses; Home occupations

### **3 Permitted with consent**

Boat launching ramps; Bed and breakfast accommodation; Dwelling houses; Environmental facilities; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Jetties; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Sewerage systems; Signage; Tank-based aquaculture; Water recreation structures; Water reticulation systems; Water supply systems; Wharf or boating facilities

### **4 Prohibited**

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

## **Zone W1 Natural Waterways**

### **1 Objectives of zone**

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Sewage reticulation systems; Signage; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

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

### **Zone W2 Recreational Waterways**

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

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

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

Nil

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

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Environmental facilities; Environmental protection works; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roads; Signage; Water recreation structures; Wharf or boating facilities

#### **4 Prohibited**

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

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

#### **3.1 Exempt development**

- (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 protect the productive capacity of agricultural land,
  - (b) to maintain viable farm sizes to promote continuing agricultural production,
  - (c) to ensure that rural residential development does not prejudice future urban development,
  - (d) to ensure that subdivision does not unreasonably impact on the natural and environmental values of the area, and will not lead to fragmentation of natural areas.
- (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.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
  - (b) by any kind of subdivision under the [Community Land Development Act 2021](#).

#### **4.1A Exceptions to minimum subdivision 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 RU2 Rural Landscape, Zone RU6 Transition or Zone C2 Environmental Conservation.
- (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 RU2 Rural Landscape, Zone RU6 Transition or Zone C2 Environmental Conservation that was in the original lot, and
  - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

#### **4.1AA 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 additional dwelling entitlements.

- (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 RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition,
  - (e) Zone R5 Large Lot Residential,
  - (f) 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.

#### **4.2 Rural subdivision**

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (baa) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

**Note—**

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

**4.2A Erection of dwelling houses and dual occupancies on land in certain residential, rural 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 residential, rural and conservation zones.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition,
- (e) Zone R5 Large Lot Residential,
- (f) Zone C4 Environmental Living.

(3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot is—

- (a) a lot that is at least the minimum lot size specified for that lot by the [Lot Size Map](#),  
or
- (b) 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) 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
- (c1) a lot resulting from a subdivision for which development consent (or equivalent) was granted before [Wagga Wagga Local Environmental Plan 2010 \(Amendment No 13\)](#) 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) an existing holding to which the *Wagga Wagga Rural Local Environmental Plan 1991* applied,
- (e) a lot created by a boundary adjustment in accordance with clause 4.6A and on which the erection of a dwelling house would have been permissible before the adjustment of the boundary.

**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) Land ceases to be an existing holding for the purposes of subclause (3)(d) if an application for development consent referred to in that subclause is not made in relation to that land within 12 months from the day this Plan commences.
- (5) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies if—
  - (a) 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, or
  - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

- (6) In this clause—

**existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership on 1 November 1986 and includes any other land adjoining that land acquired by the owner since 1 November 1986.

**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 Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain 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 proposed to be used, for residential accommodation or tourist and visitor accommodation—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU6 Transition,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that land.

**Note—**

See note 2 to clause 2.6(1).

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

- (1) The objectives of this clause are as follows—
- (a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,
  - (b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,
  - (c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,
  - (d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

#### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows—
- (a) to regulate the density of development and generation of vehicular and pedestrian traffic,

- (b) to facilitate development that contributes to the economic growth of Wagga Wagga city centre,
  - (c) to ensure the bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

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

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
    - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
    - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
    - (iii) require community land and public places to be dealt with separately.
- (2) **Definition of “floor space ratio”** The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.
- (3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be—
- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
  - (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
- In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.
- (4) **Exclusions from site area** The following land must be excluded from the site area—
- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
  - (b) community land or a public place (except as provided by subclause (7)).

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

#### 4.6 Exceptions to development standards

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

**Note—**

The *Environmental Planning and Assessment Regulation 2021* requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (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) (Repealed)
- (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,
- (ca) clause 4.2A, 4.2B, 6.1, 6.2 or 7.10.

#### **4.6A Boundary changes between lots in certain rural zones**

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots.
- (3) Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots if the subdivision will not result in any of the following—
  - (a) an increase in the number of lots,
  - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots,
  - (c) a lot created by a boundary adjustment in Zone RU1 Primary Production or Zone RU2 Rural Landscape having an area of less than 5 hectares,
  - (d) a lot created by a boundary adjustment in Zone RU4 Primary Production Small Lots having an area of less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
  - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether 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 the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether the subdivision is likely to have an adverse impact on the environmental values, heritage vistas or landscapes or agricultural viability of the land.
- (5) This clause does not apply—
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could be subdivided in accordance with clause 4.1.

## 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>

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

**Note—**

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

**Note—**

At the time this Plan was made no land in the zones listed in the Table to subclause (2) was included on the [Land Reservation Acquisition Map](#).

## 5.2 Classification and reclassification of public land

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

**Note—**

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
- (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and



(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

(5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—

(a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and

(b) any reservations that except land out of the Crown grant relating to the land, and

(c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

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

### **5.3 Development near zone boundaries**

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres in relation to land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry or Zone RU4 Primary Production Small Lots and 30 metres in relation to land in any other zone.

(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

(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 100 square metres of floor area.

(4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—

(a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 8 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 100 square metres.

- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.
- (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 50 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) 33% of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) 30% of the gross floor area of the industry, or
  - (b) 400 square metres,
- whichever is the lesser.

### 5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) 60 square metres,
  - (ii) 33% of the total floor area of the principal dwelling, and
- (b) [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 New South Wales Fire Brigades to monitor fire alarm systems.

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

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.

- (2) This clause applies to land in the following zones—
- (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU5 Village,
  - (e) RU6 Transition,
  - (f) R1 General Residential,
  - (g) R3 Medium Density Residential,
  - (h) R5 Large Lot Residential,
  - (i) MU1 Mixed Use,
  - (j) C4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

#### **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 Wagga Wagga,
  - (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**

[Not applicable]

### **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 Flood Risk Management Manual.

***Flood Risk Management Manual*** means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

## 5.22 Special flood considerations

- (1) The objectives of this clause are as follows—
  - (a) to enable the safe occupation and evacuation of people subject to flooding,
  - (b) to ensure development on land is compatible with the land’s flood behaviour in the event of a flood,
  - (c) to avoid adverse or cumulative impacts on flood behaviour,
  - (d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,
  - (e) to avoid adverse effects of hazardous development on the environment during



flood events.

(2) This clause applies to—

- (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and
- (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—
  - (i) cause a particular risk to life, and
  - (ii) require the evacuation of people or other safety considerations.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

- (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and
- (b) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (c) will adversely affect the environment in the event of a flood.

(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**—see clause 5.21(5).

**flood planning area**—see clause 5.21(5).

**Flood Risk Management Manual**—see clause 5.21(5).

**probable maximum flood** has the same meaning as in the Flood Risk Management Manual.

**sensitive and hazardous development** means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,

- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

### **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 Urban release areas**

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

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban or industrial purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) If there was no minimum lot size specified for the land immediately before the land became, or became part of, an urban release area, development consent must not be granted for the subdivision of the land unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to

contribute to the provision of designated State public infrastructure in relation to that lot.

(4) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot created by a subdivision previously consented to in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(5) This clause does not apply to land in an urban release area if all or any part of the land is in a region within the meaning of the Act, Division 7.1, Subdivision 4.

## **6.2 Public utility infrastructure**

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

## **6.3 Development control plan**

(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.

(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

(3) The development control plan must provide for all of the following—

(a) a staging plan for the timely and efficient release of urban land, including planning for necessary infrastructure and sequencing,

(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bush fire, flooding, site contamination, and urban soil salinity,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development—
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
  - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

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

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

#### **6.5 Lloyd Quarry site development**

- (1) This clause applies to land identified as the “Lloyd Quarry site” on the [Lloyd Quarry Map](#).
- (2) Despite clause 6.1, development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—

- (a) quarrying activities have ceased permanently, and
- (b) the land has been adequately rehabilitated for the purpose of urban development.

## **Part 7 Additional local provisions**

### **7.1 Restriction on new dwellings at North Wagga Wagga**

- (1) The objective of this clause is to prevent intensified residential development on flood planning land in North Wagga Wagga and to control the replacement of, and alterations or additions to, lawfully erected dwellings on that land.
- (2) This clause applies to land identified as a “Special Site” on the [North Wagga Wagga Restrictions on New Dwellings Map](#).
- (3) Despite any other provision of this Plan, development consent must not be granted for the erection of a new dwelling on land to which this clause applies unless the consent authority is satisfied that—
  - (a) the new dwelling is a replacement dwelling, and
  - (b) any habitable floor space contained within the replacement dwelling is above the flood planning level, and
  - (c) any non-habitable floor space below the flood planning level does not create an unreasonable risk of injury to persons or damage to property, and
  - (d) adequate arrangements have been made for the demolition and removal of the dwelling it replaces.
- (4) Development consent must not be granted to a development application for the carrying out of alterations or additions to an existing dwelling on land to which this clause applies unless the consent authority is satisfied—
  - (a) that the dwelling as proposed to be altered or added to will be substantially the same as the existing dwelling, and
  - (b) if the existing dwelling does not contain habitable floor space below the flood planning level, the alterations or additions will not create any floor space below the flood planning level, and
  - (c) if the existing dwelling already contains habitable floor space below the flood planning level, the alterations or additions, when taken together with any alterations or additions for which development consent has been granted, will not result in the amount of habitable floor space below the flood planning level created by alterations or additions, exceeding 50 square metres, and
  - (d) if the alterations or additions will raise the height of the floor level of the entire

dwelling, the finished floor level of the dwelling will be at or above the flood planning level.

- (5) In determining whether a dwelling as proposed to be altered or added to will be substantially the same as the existing dwelling, the consent authority must have regard to the following matters—
- (a) the extent to which the structural elements of the existing dwelling (such as the walls, roof and slab footings) will be altered, removed or replaced by the alterations or additions,
  - (b) the extent to which the bulk and scale of the existing dwelling will be changed by the alterations or additions, including any additional amount of floor space or storeys,
  - (c) any other factors that the consent authority considers relevant.
- (6) A reference in subclause (4)(c) to development consent is a reference to a development consent granted under this Plan or [Wagga Wagga Local Environmental Plan 1985](#) (before its repeal), but does not include a development consent that has been surrendered or has lapsed.

- (7) In this clause—

**flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

**replacement dwelling** means a dwelling that is lawfully erected and that replaces—

- (a) a lawfully erected dwelling on land identified as a “Special Site” on the [North Wagga Wagga Restrictions on New Dwellings Map](#) and that was in existence at the commencement of this Plan, or
- (b) a lawfully erected dwelling that has replaced a dwelling referred to in paragraph (a).

**Note—**

Development for the purpose of alterations or additions to which this clause applies that is exempt or complying development under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (in particular, the *Housing Alterations Code* in that Policy) may be carried out as exempt or complying development in accordance with that Policy.

### 7.1A Earthworks

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



- (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
  - (b) the effect of the proposed 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 proposed 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 watercourse, drinking water catchment or environmentally sensitive area.

**Note—**

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

## **7.2 (Repealed)**

## **7.3 Biodiversity**

- (1) The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including—
- (a) protecting biological diversity of native flora and fauna, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the recovery of threatened species, communities or populations and their habitats.

- (2) This clause applies to land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—
  - (a) any potential adverse impact of the proposed development on any of the following—
    - (i) a native vegetation community,
    - (ii) the habitat of any threatened species, population or ecological community,
    - (iii) a regionally significant species of plant, animal or habitat,
    - (iv) a habitat corridor,
    - (v) a wetland,
    - (vi) the biodiversity values within a reserve, including a road reserve or a stock route,
  - (b) any proposed measures to be undertaken to ameliorate any such potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—
  - (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
  - (b) if a potential adverse impact cannot be avoided, the development—
    - (i) is designed and sited so as to have minimum adverse impact, and
    - (ii) incorporates effective measures so as to have minimal adverse impact, and
    - (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

#### **7.4 Vulnerable land**

- (1) The objectives of this clause are to protect, maintain or improve the diversity and stability of landscapes, including—
  - (a) restricting development on land that is unsuitable for development due to steep slopes or shallow soils or both, and
  - (b) restricting development on land that is subject to soil salinity, and

- (c) restricting the removal of native vegetation, and
  - (d) restricting development on land that is subject to permanent inundation, and
  - (e) restricting development on land with a high proportion of rock outcropping.
- (2) This clause applies to land identified as “Vulnerable Land” on the [Vulnerable Land Map](#).
- (3) Development consent must not be granted to development that involves the disturbance of soil, including the erection of a building or the undertaking of a work, on the following land to which this clause applies unless the consent authority has considered the potential for any adverse impact on the land—
- (a) land with a slope greater than 25%,
  - (b) land with a high proportion of rock outcropping,
  - (c) land subject to high erosion potential,
  - (d) land subject to soil salinity or impeded drainage,
  - (e) land subject to regular or permanent inundation.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—
- (a) the development is—
    - (i) designed, sited and managed to avoid any potential adverse impact on the land, and
    - (ii) unlikely to affect the rate, volume and quality of water leaving the land, or
  - (b) if a potential adverse impact cannot be avoided, that the development—
    - (i) is designed and sited so as to have minimum adverse impact, and
    - (ii) incorporates effective measures to remedy or mitigate any adverse impact, and
    - (iii) provides for the rehabilitation of areas to maintain landscape stability, such as revegetation of areas subject to soil salinity and high erosion potential.

## **7.5 Riparian lands and waterways**

- (1) The objectives of this clause are to protect or improve—
- (a) water quality within waterways, and

- (b) stability of the bed and banks of waterways, and
  - (c) aquatic and riparian habitats, and
  - (d) ecological processes within waterways and riparian areas, and
  - (e) threatened aquatic species, communities, populations and their habitats, and
  - (f) scenic and cultural heritage values of waterways and riparian areas, and
  - (g) catchment protection to prevent increased sediment loads and stream bank erosion from entering lakes, rivers and waterways.
- (2) This clause applies to all of the following—
- (a) land identified as “Water” on the [Water Resource Map](#),
  - (b) land identified as “Waterway” on that map,
  - (c) all land that is within 40 metres of the bank or shore (measured horizontally from the top of the bank or shore) of each waterway on land identified as “Waterway” on that map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—
- (a) any potential adverse impact on any of the following—
    - (i) water quality within the waterway,
    - (ii) aquatic and riparian habitats and ecosystems,
    - (iii) stability of the bed, shore and banks of the waterway,
    - (iv) the free passage of fish and other aquatic organisms within or along the waterway,
    - (v) habitat of any threatened species, population or ecological community,
  - (b) whether or not it is likely that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,
  - (c) proposed measures to ameliorate any potential adverse impact.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—
- (a) the development is designed, sited and managed to avoid any potential adverse

environmental impact, or

- (b) if a potential adverse impact cannot be avoided, the development—
  - (i) is designed and sited so as to have minimum adverse impact, and
  - (ii) incorporates effective measures so as to have minimal adverse impact, and
  - (iii) mitigates any adverse impact through the restoration of any existing disturbed area on the land.

## **7.6 Groundwater vulnerability**

- (1) The objective of this clause is to protect and preserve groundwater sources.
- (2) This clause applies to land identified as “Groundwater” on the [Water Resource Map](#).
- (3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development—
  - (a) is unlikely to adversely impact on existing groundwater sources, and
  - (b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and
  - (c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.
- (4) The following development is specified for the purposes of this clause—
  - (a) aquaculture,
  - (b) industries,
  - (c) intensive livestock agriculture,
  - (d) liquid fuel depots,
  - (e) mines,
  - (f) rural industries,
  - (g) service stations,
  - (h) sewerage systems,
  - (i) turf farming,
  - (j) waste or resource management facilities,

- (k) water supply systems,
- (l) works comprising waterbodies (artificial).

### **7.7 Protected regrowth for [Native Vegetation Act 2003](#)**

- (1) The objective of this clause is to identify, for the purposes of the [Native Vegetation Act 2003](#), protected regrowth on land in the following zones—
  - (a) Zone RE1 Public Recreation,
  - (b) Zone C2 Environmental Conservation,
  - (c) Zone C4 Environmental Living.
- (2) Regrowth of native vegetation on the land marked “Regrowth protection area” on the [Protected Regrowth Map](#) is identified as protected regrowth for the purposes of section 10(1) of the [Native Vegetation Act 2003](#).

### **7.8 Cartwrights Hill Precinct—odour and noise assessment**

- (1) The objective of this clause is to ensure that any odour and noise impacts from the Bomen industrial area and the Bomen sewage treatment facility are considered in determining the suitability of development within the Cartwrights Hill Precinct.
- (2) This clause applies to land identified as the “Cartwrights Hill Precinct” on the [Cartwrights Hill Precinct Map](#).
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the potential impacts of odour and noise from the Bomen industrial area and the Bomen sewage treatment facility on the development.

### **7.9 Primacy of Zone E2**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the primacy of Zone E2 Commercial Centre as the principal business, office and retail hub of the Wagga Wagga city centre and to ensure that development does not conflict with the hierarchy of commercial centres,
  - (b) to strengthen Wagga Wagga’s position as an eminent regional centre by creating employment opportunities for tourism, commerce, education, health care, culture and the arts.
- (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development maintains the primacy of Zone E2 Commercial Centre as the principal business, office and retail hub of Wagga Wagga.

### 7.10 Business premises in Zone E3

- (1) The objective of this clause is to facilitate development of large-scale business premises that do not detract from the core commercial functions of Zone E2 Commercial Centre.
- (2) Development consent must not be granted to development for the purposes of business premises on land in Zone B6 Enterprise Corridor if the total gross floor area of the part of the development comprising business premises is less than 1,000 square metres.

### 7.11 Airspace operations

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

**relevant Commonwealth body** means the Civil Aviation Safety Authority (established by the [Civil Aviation Act 1988](#) of the Commonwealth) or any other body, under Commonwealth legislation, that is responsible for approvals for development that penetrates the Obstacle Limitation Surface for Wagga Wagga Airport.

### 7.12 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 Wagga Wagga 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 Wagga Wagga 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 that the development will meet AS 2021—2000 with respect to interior noise levels for the purposes of—
    - (i) if the development will be in an ANEF contour of 20 or greater—centre-based child care facilities, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and
    - (ii) if the development will be in an ANEF contour of 25 or greater—business premises, hostels, hotel or motel accommodation, office premises or retail premises.
- (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 Wagga Wagga 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*.

### **7.13 Certain land at Estella**

- (1) The objective of this clause is to ensure that development of certain land at Estella provides for cycling and pedestrian pathways.
- (2) This clause applies to the following land at Estella—
  - (a) Lot 199, DP 1206757,
  - (b) Lot 2, DP 1270330.
- (3) Development consent must not be granted for a subdivision of land unless the consent authority is satisfied that adequate provision is made for cycling and pedestrian pathways.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at Hammond Avenue and Jones Street, East Wagga Wagga**

- (1) This clause applies to the following land—
  - (a) part of Lot 26, DP 1097028, 78A Hammond Avenue, East Wagga Wagga, that is in Zone E4,
  - (b) Lots 3 and 9, DP 853994, 9 Jones Street, East Wagga Wagga.
- (2) Development for the purpose of specialised retail premises is permitted with consent.

### **2 Use of certain land at 5069 Hume Highway, Tarcutta**

- (1) This clause applies to land at 5069 Hume Highway, Tarcutta, being Lot 30, DP 1127106.
- (2) Development for the purpose of a highway service centre is permitted with consent.

### **3 (Repealed)**

### **4 Use of certain land at 129 Hammond Avenue, Wagga Wagga**

- (1) This clause applies to land at 129 Hammond Avenue, Wagga Wagga, being Lots 1 and 2, DP 542294.
- (2) Development for the purpose of specialised retail premises is permitted with consent.

## **5 Use of certain land at 1A Moorong Street, Moorong**

- (1) This clause applies to land at 1A Moorong Street, Moorong, being Lot 2, DP 1016567.
- (2) Development for the purposes of business premises situated on the same land as rural supplies is permitted with consent.

## **6 Use of certain land at 77 Gurwood Street, Wagga Wagga**

- (1) This clause applies to land at Lot 5, DP 1067409, 77 Gurwood Street, Wagga Wagga.
- (2) Development for the purposes of office premises is permitted with development consent.

## **Schedule 2 Exempt development**

(Clause 3.1)

### **Note 1—**

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

### **Note 2—**

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

### **Change of use—exhibition home to dwelling**

- (1) Current use must be a lawful use and must not be an existing use within the meaning of section 106 of the Act.
- (2) New use must be permissible in the land use zone in which it is carried out.
- (3) Must not involve any building alterations or additions that are not a type of exempt development.
- (4) The size of the lot must not be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (5) Must have at least 1 off-street car parking space.

### **Emergency services facilities**

- (1) Must be for the use of the NSW Rural Fire Service.
- (2) Must have obtained all required approvals.
- (3) Must not be constructed or installed on or in a heritage item, heritage conservation area, land on which an Aboriginal item is located or land within the flood planning area

(within the meaning of clause 5.21).

- (4) Must be located on land in Zone RU1 Primary Production.
- (5) Must not have an area of more than 140m<sup>2</sup>.
- (6) Must not exceed a height of 5m above ground level (existing).
- (7) Must be located at a distance of at least 20m from the primary road frontage and at least 10m from any other lot boundary.
- (8) Must not be constructed or installed within 50m of a dwelling.
- (9) Must be located at least 50m from any natural waterbody.
- (10) To the extent it is comprised of metal components—must be constructed of low reflective materials and designed and constructed in accordance with a professional engineer's specifications.
- (11) If it is located on bush fire prone land—must be constructed in accordance with *Planning for Bush Fire Protection*.

**Signage—projecting wall signs**

- (1) Must only be a building identification sign or business identification sign.
- (2) Must not be located on or in, or in relation to, a heritage item and not within a heritage conservation area.
- (3) Must be attached to the wall of a building (other than the transom of a doorway or display window).
- (4) Must not project horizontally more than 300mm.
- (5) Must be at least 2.7m above ground level (existing).
- (6) Must be erected at right angles to the wall of the building to which it is attached.
- (7) Must not be erected below an awning if there is an existing under awning sign associated with the premises.
- (8) Must not cover existing windows or doors.
- (9) Must be non-flashing and non-illuminated.
- (10) Must be constructed of non-reflective materials.
- (11) Maximum area of sign—1.5m<sup>2</sup>.
- (12) Maximum number of building identification signs—1 per building.

- (13) Maximum number of business identification signs—1 per business.

**Temporary commercial, community or retail events or private functions**

- (1) Must be located on Council-owned land or land for which the Council has care, control or management.
- (2) Must have obtained the written consent of Council.
- (3) Must have obtained all required approvals.
- (4) Must not involve the closure of any public roads.
- (5) Must not have a duration of more than 1 day in any 12-month period.
- (6) Total number of people attending the event must not exceed 1,000 at any time.
- (7) Must not involve the selling of liquor.
- (8) Must not involve any permanent physical change to any land.
- (9) Lighting must be provided to facilitate the safe movement of patrons, must not cause glare to adjoining properties and must comply with AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting*.
- (10) Event (including set up and pack down) must take place only during the following periods—
  - (a) 7.00 am to 10.00 pm on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday,
  - (b) 8.00 am to 10.00 pm on Sunday.
- (11) Toilet facilities must be available as follows—
  - (a) female facilities—at least 3 toilets and 1 hand basin,
  - (b) male facilities—at least 1 toilet, 1m length of urinal troughs and 1 hand basin.

**Temporary event signage**

**Note—**

Certain other temporary structures are specified as exempt development under Division 3 of Part 2 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

- (1) Must be located on Council-owned land or land for which the Council has care, control or management.
- (2) Must be for the purposes of promoting a civic or community event (including a public exhibition, a festival, a sporting event, a charity event or the like) to be held in the

Council's local government area.

- (3) Must not include advertising of a commercial nature, other than the name of the event's sponsor or a small logo.
- (4) Must not be illuminated or reflective.
- (5) Must be removed within 2 days after the event.
- (6) Must be located on a site designated by the relevant guidelines issued by the Council in relation to temporary event signage.
- (7) Maximum 1 sign on each designated site.
- (8) Must not be higher than 5m above ground level (existing).
- (9) Must not have a surface area of more than 6m<sup>2</sup>.
- (10) Must not be located on or visible from a classified road.
- (11) Must be wholly located within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall.
- (12) Must not obstruct or interfere with traffic signs.
- (13) Must not be permanently fixed to a building, fence, wall, electricity pole, tree or traffic sign.
- (14) Must only be displayed on the Council-owned fixtures provided at each designated site.
- (15) Must not be displayed earlier than 14 days before the event.

## 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**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Bourke Street, Bourkelands	Part of Lot 10, DP 1017384, as shown edged heavy red on the <a href="#">Land Reclassification (Part Lots) Map</a>
Spring Street, Wagga Wagga	Lot 20, DP 22260
Edward Street, Wagga Wagga	Lot 4, DP 1012605
205 Morgan Street, Wagga Wagga	Lot A, DP 331461; Lot 1, DP 375748
Red Hill Road, Tatton	Lot 16, DP 835763
Boorooma Street, Boorooma	Lots 1 and 2, DP 805848

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Saxon Street Open Space, Wagga Wagga	Lot 5, DP 253595	
Staunton Oval Car Park, Wagga Wagga	Lot 30, DP 1027765	
Part of Tatton Pocket Park, Wagga Wagga	Lot 61, DP 1041446	

**Part 3 Land classified, or reclassified, as community land**

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
49 Fitzroy Street, Tatton	Lot 34, DP 1061134

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Alfredtown	The Shanty	3016 Sturt Highway	Lot 2, DP 531706	Local	I2
Alfredtown	Old Glandore Homestead and Outbuildings	3023 Sturt Highway	Lot 2, DP 835777	Local	I1
Ashmont	Best Family Cemetery	73A Truscott Drive	Lot 167, DP 825281	Local	I3
Belfrayden	Belfrayden Silos	739 Lockhart Road	Lot 1, DP 819502	Local	I4
Big Springs	Cox Cottage Ruin	198 Flakney Road	Lot 11, DP 1057436	Local	I6
Big Springs	Big Springs Homestead and Outbuildings	54 O'Brien's Creek Road	Lot 2, DP 757261	Local	I5
Big Springs	Livingstone Gully School (former)	1310 Pulletop Road	Lot 1, DP 203140	Local	I7
Book Book	Book Book Tennis Courts	Tumbarumba Road	Lot 7006, DP 1058218	Local	I10
Borambola	Old Borambola	70 Brunskills Lane	Part Lot 1, DP 757218	Local	I16
Borambola	Tarra Wingee and Outbuildings	1285 Mates Gully Road	Lot 2, DP 1088773	Local	I11
Borambola	Borambola Park Outbuildings	Sturt Highway	Lot 693, DP 1169738	Local	I14
Borambola	Tennis Courts and Clubhouse	Sturt Highway	Lot 7003, DP 1068582	Local	I17
Borambola	Borambola Woolshed	1708 Sturt Highway	Lot 117, DP 45408	Local	I15
Borambola	Borambola, dwelling	1734 Sturt Highway	Lot 115, DP 257415	Local	I12
Brucedale	Pine Ridge Cottage	491 Poiles Road	Lot 385, DP 751422	Local	I27

Brucedale	Shepherds Concrete Silos	636 Shepherds Sidings Road	Lot 1, DP 819688	Local	128
Burrandana	Burrandana Siding Building	495 Burrandana Road	Lot 1, DP 195092	Local	129
Burrandana	Burrandana Hall and Tennis Court	6 Livingston State Forest Road	Lots 34 and 54, DP 754544	Local	130
Burrandana	Burrandana School Site and Tennis Court	67 Paper Forest Road	Lot 107, DP 1168355	Local	1302
Cartwright's Hill	Wattle Vale	45 Cooramin Street	Lot 1, DP 731371	Local	131
Charles Sturt University	Olive trees	85 Coolamon Road	Lot 5, DP 878214	Local	134
Charles Sturt University	Experiment Farm Manager's Residence (former)	286 Pine Gully Road	Lot 167, DP 46875	Local	135
Charles Sturt University	Former Cannery	345 Pine Gully Road	Lot 157, DP 39925	Local	133
Charles Sturt University	Principal's Residence (former), Riverina Murray Institute of Higher Education, Cobb Elevator and Granary Building Foundations	345 Pine Gully Road	Lot 153, DP 751407	Local	132
Collingullie	Berry Jerry Homestead	189 Berry Jerry Road	Lot 2, DP 75537	Local	136
Collingullie	Pine Tree and Fence Post	38 Bristol Street	Lot 20, DP 843207	Local	143
Collingullie	Roman Catholic Church	5 Leitch Street	Lot 6, Section 1, DP 758265	Local	137
Collingullie	St Margaret's Uniting Church	1 McDonnell Street	Lot 1, Section 3, DP 758265	Local	138
Collingullie	Yarragundry Woolshed	1988 Sturt Highway	Lot 34, DP 754573	Local	139
Collingullie	Timber Bridge	Via 2356 Sturt Highway	Beavers Island Creek adjacent to, and including, Lot 1, DP 1127086	Local	1307



Collingullie	Collingullie Hall	14 Urana Street	Lot 1, Section 1, DP 758265	Local	I41
Collingullie	Collingullie School	18 Urana Street	Lot 116, DP 754561	Local	I42
Currawarna	Currawarna Cemetery	10 Ganmurra Road	Lot 7002, DP 1072084	Local	I45
Currawarna	Currawarna Public School	70 River Street	Lot 54, DP 750832	Local	I44
Downside	St Stephen's Presbyterian Church	98 Downside Road	Lot 68, DP 751400	Local	I47
Downside	Downside Hall and Recreation Ground	58 Downside Village Road	Lots 1 and 113, DP 751400	Local	I46
Estella	Estella Homestead, Outbuildings and Stables	20 Pine Gully Road	Lot 1, DP 1048294	Local	I48
Euberta	Timber and Slab Building on Riverslie	199 Boytons Road	Lot 172, DP 750863	Local	I49
Euberta	Rathmount	391 Cobdens Road	Lot 104, DP 750863	Local	I52
Euberta	Former Malebo School	854 Old Narrandera Road	Lot 122, DP 750863	Local	I53
Euberta	Euberta Hall, Tennis Courts and Recreation Reserve	1543 and 1557 Old Narrandera Road	Lots 217 and 218, DP 750863	Local	I51
Euberta	Euberta Community Centre (former school)	1557 Old Narrandera Road	Lot 210, DP 750863	Local	I50
Eunonoreenya	Eunonyhareenyha Cottage and 1920 Cottage	394 Oura Road	Lot 4, DP 614940	Local	I57
Eunonoreenya	Numeralla Park	874 Oura Road	Lot 13, DP 751405	Local	I58
Eunonoreenya	Inglebrae	158 Pattersons Road	Lot 1, DP 235712	Local	I56
Eunonoreenya	Hareenyha Slab Shed	47 Shepherds Sidings Road	Part Lot 1, DP 1091030	Local	I55

Eunonoreenya	Kurrajong Woolshed and Shearers' Quarters	47 Shepherds Sidings Road	Part Lot 1, DP 937663	Local	154
Forest Hill	Cowell and Saxon Family Graves	22 Cowells Road	Lot 1, DP 576221	Local	159
Forest Hill	Timber Railway Bridge	28 O'Hehirs Road	Lot 1, DP 950921	Local	160
Galore	Arajoel Siding Grain Silos	M137 Arajoel Sidings	Lot 1, DP 819503	Local	161
Galore	Wagingoberembee Graves	1152 Central Island Road	Lot 1, DP 754569	Local	163
Galore	Wagingoberembee Log Shed	1152 Central Island Road	Lot 1, DP 754569	Local	1305
Galore	Hill Plain Blacksmith's Shop	1205 Central Island Road	Lot 59, DP 754569	Local	162
Galore	Galore Siding	Galore Road	Lot 1, DP 1123718	Local	165
Galore	Galore Hall and Tennis Courts	19 and 27 Hall Road	Lot 1, Section 4, DP 758427; Lot 701, DP 1024143	Local	166
Galore	Glen Eith Park Stables	1010 Lower Middle Road	Part Lot 51, DP 750848	Local	168
Galore	Kockibitoo School (former)	M65	Lot 36, DP 750848	Local	169
Galore	Arajoel Homestead complex	4915 Sturt Highway	Lot 2, DP 1123786	Local	167
Ganmurra	Ganmurra Bridge	Ganmurra Road	Adjacent to Lot 1, DP 186535	Local	1306
Gregadoo	Stone Ruin	1149 Gregadoo East Road	Lot 1, DP 806259	Local	171
Gregadoo	Ivydale Woolshed	9 Ivydale Road	Lot 66, DP 757231	Local	173
Gregadoo	Ivydale	10 Ivydale Road	Lot 2, DP 333046	Local	172
Gumly Gumly	St Ninian's Church	16 Pioneer Avenue	Lot 256, DP 757232	Local	174
Humula	Railway Bridge	Near Carabost Road and Humula Eight Mile Road	Lot 3043, DP 1183659; Lot 1, DP 166695	Local	1124

Humula	Humula Recreation Ground Entrance Gates	Creek Street	Lot 76, DP 757235	Local	I123
Humula	Federation Timber Residence	68 Creek Street	Lot 6, Section 1, DP 758529	Local	I121
Humula	Humula Recreation Ground and Meeting Room	60 Douglas Street	Lot 76, DP 757235	Local	I122
Humula	Humula Station	4 Humula Road	Lot 15, DP 726206	Local	I125
Humula	Humula Station Woolshed and Fittings	4 Humula Road	Lot 15, DP 726206	Local	I308
Humula	Humula Galvin Tennis Club	5 Mate Street	Lots 7 and 8, Section 14, DP 758529	Local	I131
Humula	Humula Post Office	9 Mate Street	Lot 3, Section 14, DP 758529	Local	I127
Humula	St Therese Roman Catholic Church	43 Mate Street	Lot 6, Section 2, DP 758529	Local	I128
Humula	Union Church	53 Mate Street	Lot 3, Section 2, DP 758529	Local	I129
Humula	Humula Cemetery	Possum Plains Road	Lot 7304, DP 1155808	Local	I130
Humula	Humula Public School	21 School Street	Lot 1, DP 1027883	Local	I132
Humula	Shockeroo Homestead	Shockeroo Road	Lot 3, DP 1085916	Local	I134
Humula	Cheney Graves	301 Shockeroo Road	Lot 2, DP 1085916	Local	I133
Kapooka	Kapooka Railway Bridge	Olympic Highway	Road reserve, adjacent to Lot 1, DP 91552	Local	I138
Keajura	Tennis Courts	Hume Highway	Lot 7003, DP 1125974	Local	I190
Koorinal	Residence	5 Colong Place	Lot 20, DP 209543	Local	I220
Koorinal	Wagga Wagga General Cemetery	Koorinal Road	Lot 7043, DP 1029402	Local	I221

Koorringal	Koorringal Stables and Woolshed (former)	509 and 527 Koorringal Road	Lot 1, DP 160155; Lot 7, DP 806826	Local	I222
Koorringal	Residence	259 Lake Albert Road	Lot 1, DP 223331	Local	I223
Kyeamba	Kyeamba Station	7154 Hume Highway	Lot 10, DP 1021587	Local	I141
Kyeamba	Port Phillip Road (south of Kyeamba Station)	7154 Hume Highway	Lot 3, DP 757238	Local	I142
Kyeamba	Kyeamba Angel's Residence	7205 Hume Highway	Lot 66, DP 757243	Local	I139
Kyeamba	Kyeamba South Homestead	7460 Hume Highway	Lot 1, DP 1120589	Local	I140
Kyeamba	Wandoo Stone Cottage	35 Thompsons Road	Part Lot 26, DP 754570; Lot 1, DP 981533	Local	I185
Ladysmith	Railway Station, Shed, Points and Siding	Cunningdroo Street	Lot 2, DP 819851	Local	I150
Ladysmith	Methodist Church	14 Cunningdroo Street	Lot 6, Section 5, DP 758593	Local	I152
Ladysmith	Stationmaster's Residence (former)	55 Cunningdroo Street	Lot 1, DP 611752	Local	I145
Ladysmith	St Saviour's Anglican Church	2021 Keajura Road	Lot 153, DP 757253	Local	I146
Ladysmith	School Residence (former)	2031 Keajura Road	Part Lot 95, DP 757253	Local	I147
Ladysmith	General Store and Residence	14 Kyeamba Street	Lot 1, Section 4, DP 758593	Local	I148
Ladysmith	Ladysmith Memorial Hall	30 Kyeamba Street	Lot 4, Section 3, DP 758593	Local	I149
Ladysmith	Lothlorien	36 Kyeamba Street	Lot 10, Section 2, DP 758593	Local	I151
Ladysmith	Church of Our Lady	Tarcutta Street	Lot 1, DP 961685	Local	I144
Ladysmith	Concrete Silos	9002 Tumbarumba Road	Lot 1, DP 819851	Local	I143

Ladysmith	Public School	Tywong Street	Lot 180, DP 757253	Local	I153
Lake Albert	Residence	17 Craft Street	Lot 2, DP 286377	Local	I224
Lake Albert	Residence	42-44 Graham Street	Lot 12, Section 2, DP 758594	Local	I227
Lake Albert	Residence	59 Graham Street	Lot 52, DP 828996	Local	I225
Lake Albert	Residence	1 Inglis Street	Lot 1, DP 827536	Local	I226
Lake Albert	Residence	103 Main Street	Lot 2, DP 593664	Local	I228
Lake Albert	St Peter's Anglican Church (former)	109 Main Street	Lot 3, Section 1, DP 758594	Local	I229
Lower Tarcutta	Bungarabee	63 Mundarlo Road	Lot 1, DP 712460	Local	I18
Lower Tarcutta	Lower Tarcutta Cemetery	63 Mundarlo Road	Lot 145, DP 727789	Local	I21
Lower Tarcutta	Lower Tarcutta Settlement Site	63 Mundarlo Road	Lot 1, DP 712460	Local	I19
Lower Tarcutta	Remains of Adelaide Road (former)	63 Mundarlo Road	Lot 122, DP 757250	Local	I22
Lower Tarcutta	Stone Culvert	63 Mundarlo Road	Road reserve, adjacent to Lot 1, DP 712460, LID 38292	Local	I20
Mangain	Mangain Reserve Shooting Range	452 Roping Pole Road	Lot 38, DP 750841	Local	I70
Mangoplah	Mangoplah Hotel	39 Baylis Street	Lot 10, Section 19, DP 758642	Local	I160
Mangoplah	Store (former) and Residence	37 Cox Street	Lot 10, Section 22, DP 758642	Local	I161
Mangoplah	General Store and Residence	43 Cox Street	Lot 6, Section 21, DP 758642	Local	I154
Mangoplah	Mangoplah Station Complex	21 Darlow Street	Lot 3, DP 754557	Local	I156
Mangoplah	Mangoplah Silos and Siding Store Shed	61 Darlow Street and 1744 Mangoplah—The Rock Road	Lots 3 and 12, DP 227609	Local	I155

Mangoplah	St Michael Archangels Roman Catholic Church	40 Kane Street	Lot 1, Section 9, DP 758642	Local	I162
Mangoplah	Mangoplah Hall	14 Kyeamba Street	Lot 257, DP 721079	Local	I157
Mangoplah	Mangoplah Public School	41 Kyeamba Street	Lot 4, Section 10, DP 758642	Local	I158
Mangoplah	Scots Uniting Church	50 Kyeamba Street	Lots 1 and 2, Section 2, DP 758642	Local	I159
Mangoplah	Kumonin	1270 Mangoplah—The Rock Road	Lot 2, DP 604357	Local	I163
Matong	Deepwater Woolshed and Well	5215 Old Narrandera Road	Lot 36, DP 750854	Local	I165
Matong	Homestead and Shed Complex	5215 Old Narrandera Road	Lot 4, DP 750854	Local	I164
Maxwell	Fleetwood and Almond Orchard	1015 O'Briens Creek Road	Lot 99, DP 754565	Local	I167
Maxwell	Little Sandy Creek Slab Cottage and Woolshed	1015 O'Briens Creek Road	Lot 100, DP 754565	Local	I168
Moorong	Tobacco Kiln	133 McNickle Road	Lot 3, DP 714462	Local	I170
Moorong	Moorong Station Ruins	230 Roach Road	Lot B, DP 381991	Local	I169
Mount Austin	Mount Austin Homestead (former)	22 Warranga Avenue	Lot 18, DP 239030	Local	I230
Narrandera	Berembed Weir	5749 Old Narrandera Road	Lot 1, DP 750854	State	I309
North Wagga Wagga	Springfield	51 East Street	Lot 2, DP 820881	Local	I231
North Wagga Wagga	Residence	21 Gardiner Street	Lot 13, DP 1085132	Local	I232
North Wagga Wagga	Residence	96–120 Gardiner Street	Lot 1, DP 178461	Local	I238
North Wagga Wagga	North Wagga Primary School	Hampden Avenue	Lot 204A, DP 751422	Local	I234

North Wagga Wagga	Residence	32 Hampden Avenue	Lot 13, 1086179	Local	I235
North Wagga Wagga	Police Station (former)	52 Hampden Avenue	Lot 1, DP 997133	Local	I236
North Wagga Wagga	North Wagga Wagga Hall	76 Hampden Avenue	Lot 5, DP 774458	Local	I237
North Wagga Wagga	The Mill House	153 Hampden Avenue	Lot 154, DP 751422	Local	I117
North Wagga Wagga	St Mary's Anglican Church and Hall	15 William Street	Lot 15, DP 1094892	Local	I233
Oberne Creek	Galvin Graves	24 Oberne-Umbargo Road	Lot 1, DP 847358	Local	I171
Oberne Creek	Janey Harvey's Cottage and Outbuildings	24 Oberne-Umbargo Road	Lot 1, DP 847358	Local	I172
Oberne Creek	Oberne Tennis Courts and School Site	Westbrook Road	Lot 7003, DP 96697	Local	I176
Oberne Creek	Oberne Hall	2449 Westbrook Road	Lot 7003, DP 96697	Local	I174
Oberne Creek	Bardwell Family Graves	2607 Westbrook Road	Lot 13, DP 1061884	Local	I173
Oberne Creek	Oberne House Ruin	2607 Westbrook Road	Lot 13, DP 1061884	Local	I175
Oberne Creek	Dellhaven Homestead	53 Wilkinsons Road	Lot 1, DP 566995	Local	I177
Oura	Scots Church	2A Alfred Street	Lot 345, DP 751423	Local	I181
Oura	Oura Station Homestead	2052 Oura Road	Lots 137 and 138, DP 751397		I180
Pulletop	Pulletop Station Manager's Cottage (former Chapel)	168 Burrandana Road	Part Lot 8, DP 754564	Local	I182
Pulletop	Stone Ruin	Westby Road	Lot 112, DP 754564	Local	I188
Pulletop	Wingelo Yards	Westby Road	Lot 88, DP 754564	Local	I187
Pulletop	Cressy Farm	1122 Westby Road	Lot 1, DP 397932	Local	I183

Pulletop	Knox Union Church	1122 Westby Road	Part Lot 1, DP 532673	Local	I184
Rowan	Rowan, dwelling	6910 Holbrook Road	Part Lot 68, DP 757246	Local	I189
Tarcutta	St Columba's Presbyterian Church	31 Argent Street	Lot 209, DP 757255	Local	I191
Tarcutta	Inflammable Liquid Store	Bent Street	Lot 136, DP 757255	Local	I192
Tarcutta	Tarcutta Railway Station Complex Shop (former)	5 Comatawa Road	Lot 10, DP 1090464	Local	I200
Tarcutta	Slab Cottage	39 Cynthia Street	Lot 3, Section 10, DP 758953	Local	I194
Tarcutta	Corrugated Iron Cottage	42 Cynthia Street	Lot 8, Section 1, DP 758953	Local	I193
Tarcutta	Tarcutta School Residence	31 Gresham Street (south end)	Lot 62, DP 757255	Local	I195
Tarcutta	Tarcutta Railway Station Complex	Hume Highway	Lot 2945, DP 1182441	Local	I199
Tarcutta	Tennis Courts and Breaden Sportsground	Hume Highway	Lot 7301, DP 1154357	Local	I207
Tarcutta	Tarcutta Hotel	4504 Hume Highway	Lot 1, DP 158892	Local	I212
Tarcutta	Tarcutta Inn (former)	4514 Hume Highway	Lot 3, DP 158892	Local	I198
Tarcutta	Hambledon Homestead	4557 Hume Highway	Lot 71, DP 1153349	State	I196
Tarcutta	Hambledon Outbuildings	4557 Hume Highway	Lot 71, DP 1153349	Local	I197
Tarcutta	Elizabeth Nugent Grave on "College Creek"	1615 Humula Road	Lot 122, DP 757245	Local	I202
Tarcutta	Tarcutta House	2438 Humula Road	Lot 10, DP 1164113	Local	I201
Tarcutta	Toonga Homestead	3 Lower Tarcutta Road	Lot 51, DP 1132211	Local	I203
Tarcutta	Toonga Shearers' Quarters	3 Lower Tarcutta Road	Lot 132, DP 757255	Local	I204



Tarcutta	Wynyard Woolshed	117 Lower Tarcutta Road	Lot 4, DP 1045813	Local	I205
Tarcutta	Chinese Clearing Site	188 Mates Gully Road	Lot 191, DP 757255	Local	I206
Tarcutta	Nugent Fences	130 Nugents Road	Lot 18, DP 757254	Local	I136
Tarcutta	William John Nugent Grave (relocated)	130 Nugents Road	Lot 51, DP 757254	Local	I135
Tarcutta	Wooden Gate (Umbango Village)	130 Nugents Road	Lot 12, DP 757254	Local	I137
Tarcutta	CBC Bank Building (former)	20 Sydney Street	Lot 1, DP 309524	Local	I215
Tarcutta	Tarcutta Store	24 Sydney Street	Lot 4, DP 227896	Local	I214
Tarcutta	Tarcutta Memorial Hall	26 Sydney Street	Lot 54, DP 757255	Local	I213
Tarcutta	Post Office (former)	28 Sydney Street	Lot 2, DP 708701	Local	I209
Tarcutta	Corrugated Iron Shop (former)	37 Sydney Street	Lot 4, Section 1, DP 758953	Local	I208
Tarcutta	St Francis Xavier Roman Catholic Church	39 Sydney Street	Lot 3, Section 1, DP 758953	Local	I211
Tarcutta	House and Store (former)	41 Sydney Street	Part Lot B, DP 380915	Local	I210
The Gap	Kittegora School Site	380 Colonels Road	Lot 75, DP 750830	Local	I218
The Gap	Flowerdale School	552 Flowerdale Road	Lot 127, DP 750866	Local	I216
The Gap	The Gap Hall Site 7 Tennis Courts	146 Gap Hall-Coolamon Road	Lot 133, DP 750866	Local	I217
The Gap	Moreton Bay Fig	1942 The Gap Road	Lot 139, DP 750863 and adjacent road reserve	Local	I219
The Rock	Old Calmsley	314 Old Station Road	Lot 2, DP 1047749	Local	I284
The Rock	Gillamagong	371 Wattle Hills Road	Lot 1, DP 577969	Local	I166

Turvey Park	Wagga Wagga Showground, Kyeamba Smith Hall and Grandstand	26 Bourke Street	Lot 1, DP 62738	Local	I246
Turvey Park	Residence	93-95 Bourke Street	Lot 2, DP 39038	Local	I239
Turvey Park	Wagga Wagga High School (1917-1930s building)	36 Coleman Street	Lot 5, DP 122502	Local	I248
Turvey Park	Residence	46 Coleman Street	Lot 3, DP 17039	Local	I116
Turvey Park	Residence	48 Coleman Street	Lot 121, DP 1179855	Local	I240
Turvey Park	Residence	50 Coleman Street	Lot 7, DP 1103476	Local	I40
Turvey Park	Residence	52 Coleman Street	Lot A, DP 335080	Local	I241
Turvey Park	Residence	54 Coleman Street	Lot A, DP 340574	Local	I242
Turvey Park	Residence	100 Coleman Street	Lot 8, Sec 1, DP 12786	Local	I243
Turvey Park	Residence	108 Coleman Street	Lot 4, Sec 1, DP 12786	Local	I244
Turvey Park	Mt Erin Convent, Chapel, High School and Grounds	Edmonson Street	Lot 2, DP 543801	Local	I260
Turvey Park	Residence	7 Grandview Avenue	Lots 11 and 12, Section 3, DP 14383	Local	I247
Turvey Park	Charles Sturt University South Campus	20 Hely Avenue	Lot 2, DP 1183166	Local	I245
Turvey Park	Residence	2 Macleay Street	Lot 7, DP 37353	Local	I303
Turvey Park	Residence	80 Macleay Street	Lot B, DP 372212	Local	I249
Uranquinty	Liquid Explosives Store	88 Hanging Rock Road	Lot 11, DP 228780	Local	I287

Uranquinty	Uranquinty Cemetery	Lugsdin Road	Lot 7011, DP 1002160	Local	I286
Uranquinty	St Patrick's Roman Catholic Church	22 Morgan Street	Lot 3, Sec 12, DP 759024	Local	I288
Uranquinty	Uranquinty General Store	26 Morgan Street	Lot A, DP 340312	Local	I290
Uranquinty	Uranquinty General Store Post Boxes	26 Morgan Street	Lot A, DP 340312	Local	I291
Uranquinty	Uranquinty Hotel	30-34 Morgan Street	Lot 1, Section 4, DP 759024; Lot 2, DP 660466	Local	I289
Uranquinty	Trinity Lutheran Church	48 O'Connor Street	Lot 2, DP 529500	Local	I293
Uranquinty	St Cuthbert's Church of England Church	50-52 O'Connor Street	Lot B, DP 391953	Local	I292
Uranquinty	Memorial Avenue	Pearson Street	Road reserves adjacent to Lots 1-5, Section 3, DP 759024	Local	I304
Uranquinty	Uranquinty School	Pearson Street	Lot 181, DP 754567	Local	I297
Uranquinty	Uranquinty Silos	Pearson Street	Lot 1, DP 819900	Local	I296
Uranquinty	Ganawarra	47 Pearson Street	Lot 2, Section 3, DP 759024	Local	I294
Uranquinty	Uranquinty Hall	55-57 Pearson Street	Lot 4, Section 3, DP 759024	Local	I295
Uranquinty	Wyadra Grave Site	12 South Boundary Road	Lot 48, DP 754563	Local	I285
Uranquinty	Wise Grave	449 Uranquinty and Cross Road	Lot 1, DP 124510	Local	I298
Wagga Wagga	Union Club Hotel	122-124 Baylis Street	Lot 1, DP 217344	Local	I95
Wagga Wagga	Plaza Theatre	161-169 Baylis Street	Lot 1, DP 798370	Local	I94
Wagga Wagga	Civic Precinct	243 Baylis Street	Lot 333, DP 1009142	Local	I251
Wagga Wagga	Council Chambers (former)	243 Baylis Street	Lot 333, DP 1009142	Local	I83

Wagga Wagga	Victory Memorial Gardens	Corner Baylis and Morrow Streets	Lot 7024, DP 1043682 and Lots 7026-7028, DP 1043684	Local	I250
Wagga Wagga	Residence	7 Beauty Point Avenue	Lot 13, DP 19243	Local	I253
Wagga Wagga	Residence	19 Beauty Point Avenue	Lot 19, DP 343094	Local	I252
Wagga Wagga	Semi-detached Residence	1 Beckwith Street	Lots 19-22, DP 2910	Local	I84
Wagga Wagga	St John's Anglican Church	Church Street	Lot 5, Section 43, DP 759031	Local	I103
Wagga Wagga	St Andrew's Manse	5 Church Street	Lot 6, Section 41, DP 759031	Local	I113
Wagga Wagga	Bishops House	9 Church Street	Lot 7, Section 41, DP 759031	Local	I115
Wagga Wagga	St Michael's Presbytery	9 Church Street	Lot 1 Section 41, DP 759031	Local	I115
Wagga Wagga	Christian Brothers High School and Staff Centre (former Monastery)	14-20 Church Street	Lot 1, DP 1101346	Local	I255
Wagga Wagga	St Andrew's Presbyterian Church	Cross Street	Lot 5, Section 41, DP 759031	Local	I112
Wagga Wagga	Drill Hall	Docker Street	Lot 2, DP 83058	Local	I256
Wagga Wagga	Former Docker Street Railway Gatehouse	1 Docker Street	Lot 2, DP 818398	Local	I257
Wagga Wagga	Residence	18-20 Docker Street	Lot 45, DP 15274	Local	I258
Wagga Wagga	Former Corner Store	130 Docker Street	Lot A, DP 418413	Local	I259
Wagga Wagga	Residence	136 Docker Street	Lot 3, DP 634448	Local	I89
Wagga Wagga	Murrumbidgee Milling Company Flour Mill (former) and Outbuildings	50-82 Edward Street	Lot 12, DP 1178547	Local	I100

Wagga Wagga	Former Corner Store	135 Edward Street	Lot 1, DP 12196	Local	I262
Wagga Wagga	South Wagga Public School	140 Edward Street	Lot 2, DP 882714	Local	I97
Wagga Wagga	Wagga Wagga Base Hospital (c1960 building)	260-280 Edward Street	Lot 13, DP 659184	Local	I261
Wagga Wagga	Residence	16 The Esplanade	Lot 1, DP 327353	Local	I87
Wagga Wagga	Brewery (former)	22-24 The Esplanade	Lot 1, DP 1034723	Local	I86
Wagga Wagga	Croquet Club	25 Fitzhardinge Street	Lot 333, DP 1012174	Local	I266
Wagga Wagga	Residential Flats "Wilstone Court"	40 Fitzhardinge Street	Lot 1, DP 1003930	Local	I267
Wagga Wagga	Hampden Bridge (remains) including metal pylons, bridge abutment and plaques	Fitzmaurice Street	Lot 6, DP 875316	Local	I85
Wagga Wagga	Street Directory and Palm Trees	Adjacent to 1 Fitzmaurice Street	Road Reserve, adjacent to Lot 4, DP 1035833	Local	I82
Wagga Wagga	2WG Sign	14-20 Fitzmaurice Street	SP 66519	Local	I268
Wagga Wagga	ANZ Bank (former)	44 Fitzmaurice Street	Lot C, DP 89682	Local	I108
Wagga Wagga	Post Office (former)	49-51 Fitzmaurice Street	Lot 1, DP 776578	Local	I105
Wagga Wagga	CBC Bank (former)	53-55 Fitzmaurice Street	Lot 1, DP 905502	Local	I106
Wagga Wagga	Court House	57 Fitzmaurice Street	Lot 1, Section 39, DP 759031	Local	I104
Wagga Wagga	Barbers Restaurant	143-147 Fitzmaurice Street	Lot 1, DP 700199	Local	I96
Wagga Wagga	Corner Store and Residence	105 Forsyth Street	Lot 1, DP 534783	Local	I270

Wagga Wagga	Collins Park	131 Forsyth Street	Lot 1, DP 154172	Local	I102
Wagga Wagga	Water trough	Opposite 132 Forsyth Street	Road reserve, adjacent to Lot 707, DP 757249	Local	I269
Wagga Wagga	Brick Building	65 Fox Street	Lot 1, DP 797068	Local	I283
Wagga Wagga	Residence "Moonbiana"	103 Fox Street	Lot 1, DP 86968	Local	I271
Wagga Wagga	Residence (former Home of Compassion)	109 Fox Street	Lot 10, Section 48, DP 759031	Local	I91
Wagga Wagga	Headmaster's Residence (former)	Gurwood Street	Lot 9, Section 36, DP 759031	Local	I77
Wagga Wagga	Shops	9-11 Gurwood Street	Lot 1, DP 73827	Local	I119
Wagga Wagga	Wagga Waterworks	89-91 Hammond Avenue	Lot 2, DP 540063	Local	I273
Wagga Wagga	Canary Island Palm Trees (along the lagoon)	Johnston Street	Lot 7012, DP 1043680	Local	I274
Wagga Wagga	St Michael's Roman Catholic Cathedral	10 Johnston Street	Lot 8, Section 41, DP 759031	Local	I114
Wagga Wagga	Wesley Uniting Church	17-21 Johnston Street	Lot 3, DP 455778	Local	I276
Wagga Wagga	Department of Lands Building	26-28 Johnston Street	Lot 8, DP 47977	Local	I109
Wagga Wagga	Kyeamba Shire and Mitchell Shire Office Buildings (former)	30-32 Johnston Street	Lot 140, DP 1041976	Local	I110
Wagga Wagga	Bryan J Hamilton Offices (former)	38 Johnston Street	Lot 1, DP 666009	Local	I111
Wagga Wagga	Ambulance Station	54-58 Johnston Street	Lot 2, Section 38, DP 759031	Local	I275
Wagga Wagga	Residence	77 Johnston Street	Lot 1, DP 909700	Local	I80
Wagga Wagga	Residence	79 Johnston Street	Lot 1, DP 909701	Local	I81

Wagga Wagga	Belmore House, Residence	44 Kincaid Street	Lot 1, DP 124501	Local	1107
Wagga Wagga	Calvary Hospital and Chapel	22 Lewisham Avenue	Lot 1, DP 1186411	Local	1272
Wagga Wagga	Racecourse Group of Buildings: Entrance Building, Administration Building, Grandstand, Champagne Bar, Public Bar, Publican's Booth, Two Kiosks, Fountain	Corner Moorong and Travers Streets	Lot 2, DP 840187; Lot 210, DP 650311	Local	176
Wagga Wagga	Robertson Oval Gates and Ticket Boxes	Morgan Street	Lot 7069, DP 1043666	Local	1265
Wagga Wagga	Corner Store and Residence	94 Morgan Street	Lot 1, DP 382357	Local	1277
Wagga Wagga	Fire Station Building and Residence (former)	Morrow and Sheppard Streets	Lot 3, DP 1079639	Local	1263
Wagga Wagga	Residence	4 Morrow Street	Lot C, DP 339186	Local	1279
Wagga Wagga	The Manor	38 Morrow Street	Lot 1, DP 9966	Local	188
Wagga Wagga	South Wagga Tennis Club	40 Oates Avenue	Lots 1, 2, 13 and 14, Section 78, DP 759031	Local	1278
Wagga Wagga	Palm Tree Avenue	Peter Street	Road reserve	Local	1280
Wagga Wagga	Residence (former)	102 Peter Street	Lot 1, DP 64355	Local	192
Wagga Wagga	Best Street Railway Gatehouse (former)	97 Railway Street	Lot 2, DP 1006140	Local	1254
Wagga Wagga	Residence (former)	20 Simmons Street	Lot 1, DP 651790	Local	179
Wagga Wagga	Railway Station and Yard Group	Station Place	Lot 1, DP 1041553	State	198
Wagga Wagga	Stationmaster's Residence (former)	14 Station Place	Lot 14, DP 1043109	Local	199

Wagga Wagga	Police Station	10-20 Sturt Street	Lot 1, Section 39, DP 759031	Local	I120
Wagga Wagga	Cottage	166 Tarcutta Street	Lot 1, DP 771164	Local	I281
Wagga Wagga	Residence	201 Tarcutta Street	Lot 1, DP 1084711	Local	I282
Wagga Wagga	Riverine Club	231 Tarcutta Street	Lot 1, DP 738344	Local	I75
Wagga Wagga	Electrical Substation	10-14 The Esplanade	Lot 1, DP 1079639	Local	I264
Wagga Wagga	Residence (former)	64 Tompson Street	Lot A, DP 322416	Local	I93
Wagga Wagga	Terrace Building	106-110 Tompson Street	Lot 1, SP 42378	Local	I90
Wagga Wagga	Dorset Cottage	14 Trail Street	Lot D, DP 330690	Local	I78
Wagga Wagga	House	40 Trail Street	Lot 1, DP 86171	Local	I118
Wagga Wagga	Residence	48 Trail Street	Lot 1, DP 871069	Local	I101
Westbrook	St Albans Lucas Memorial Church	Westbrook Road	Lot 72, DP 757215	Local	I178
Westbrook	Westbrook PMG Building	1100 Westbrook Road	Lot 101, DP 757215	Local	I179
Westby	Westby Railway Station and Turntable Site	Westby Road	Lot 1, DP 1009625; Lot 1041, DP 1164534	Local	I186
Yarragundry	Pomingalarna	932 Sturt Highway	Lot 5, DP 76274	Local	I299
Yarragundry	Yarragundry School (former)	1431 Sturt Highway	Lot 144, DP 754573	Local	I300
Yarragundry	Cottage	1810 Sturt Highway	Part Lot 146, DP 754573	Local	I301

## Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on <a href="#">Heritage Map</a>
Wagga Wagga Conservation Area	Shown by a red outline with red hatching



## Schedule 6 Pond-based and tank-based aquaculture

(Clause 5.19)

### Part 1 Pond-based and tank-based aquaculture

#### Division 1 Site location requirements

##### 1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*,
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
  - (a) land declared as an aquatic reserve under the *Marine Estate Management Act 2014*,
  - (b) land declared as a marine park under the *Marine Estate Management Act 2014*.

##### Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

#### Division 2 Operational requirements

##### 2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

##### 3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

##### 4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive

aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

## **5 Outlets from culture ponds etc**

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

## **6 Definition**

In this Division—

**intensive aquaculture** has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

# **Part 2 Extensive pond-based aquaculture**

## **Division 1 Site location requirements**

### **7 Conservation exclusion zones**

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
  - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
  - (b) vacant Crown land,
  - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

#### **Note—**

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

### **8 Flood liability**

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

## **Division 2 Operational requirements**

### **9 Species selection**

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

## 10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

## 11 Culture water

Must use freshwater.

## Dictionary

(Clause 1.4)

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Plan.

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

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

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

### Note—

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

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

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

**advertisement** has the same meaning as in the Act.

**Note—**

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

**advertising structure** has the same meaning as in the Act.

**Note—**

The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note—**

The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note—**

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

**agriculture** means any of the following—

- (aaa) agritourism,
- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note—**

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

**agritourism** means the following—

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

**Note—**

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

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note—**

Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

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

**aquaculture** has the same meaning as in the [Fisheries Management Act 1994](#). It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

**Note—**

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

**archaeological site** means a place that contains one or more relics.

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
- (c) facilities for holding tastings, tours or workshops.

**Note—**

See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

**attached dwelling** means a building containing 3 or more dwellings, where—

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note—**

Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that—

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note—**

Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

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

**Note—**

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note—**

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

**biodiversity** or **biological diversity** means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note—**

Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

**boarding house** means a building or place—

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

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

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note—**

This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note—**

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

**Note—**

Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and—

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

whichever distance is the shortest.

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

**Note—**

The term is defined as follows—

**bush fire hazard reduction work** means—

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

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

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

**Note—**

The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 10.3(2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the [Rural Fires Act 1997](#) for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign—

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

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

**Note—**

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of



services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note—**

Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

(a) a caravan park, or

(b) farm stay accommodation.

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

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

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

**Cartwrights Hill Precinct Map** means the [Wagga Wagga Local Environmental Plan 2010 Cartwrights Hill Precinct Map](#).

**catchment action plan** has the same meaning as in the [Catchment Management Authorities Act 2003](#).

**Note—**

The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the [Catchment Management Authorities Act 2003](#).

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—**

Cellar door premises are a type of **farm gate premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**centre-based child care facility** means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

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

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

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

**Note—**

The term is defined as follows—

**classified road** means any of the following—

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

**clearing native vegetation** has the same meaning as in Part 5A of the [Local Land Services Act 2013](#).

**clearing vegetation** has the same meaning as in [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 2.

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

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

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

**coastal waters of the State**—see section 58 of the [Interpretation Act 1987](#).

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

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

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

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

**Note—**

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

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

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the

Commonwealth, or part of a primary production business, including a business that—

- (i) was a primary production business, and
- (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

**correctional centre** means—

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the [Crimes \(Administration of Sentences\) Act 1999](#), including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5(1) of the [Children \(Detention Centres\) Act 1987](#),

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Wagga Wagga City 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.

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

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**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 [Wagga Wagga Local Environmental Plan 2010 Floor Space Ratio Map](#).

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—**

Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** means forestry operations within the meaning of the [Forestry Act 2012](#) or Part 5B of the [Local Land Services Act 2013](#).

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note—**

Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of

any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note—**

Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

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

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

**Note—**

Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**groundwater** means a body of water below the surface of the ground in an aquifer.

**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 [Wagga Wagga Local Environmental Plan 2010 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 [Wagga Wagga Local Environmental Plan 2010 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 [Wagga Wagga Local Environmental Plan 2010 Land Application Map](#).

**Land Reclassification (Part Lots) Map** means the [Wagga Wagga Local Environmental Plan 2010 Land Reclassification \(Part Lots\) Map](#).

**Land Reservation Acquisition Map** means the [Wagga Wagga Local Environmental Plan 2010 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Wagga Wagga Local Environmental Plan 2010 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.

**Lloyd Quarry Map** means the [Wagga Wagga Local Environmental Plan 2010 Lloyd Quarry Map](#).

**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 [Wagga Wagga Local Environmental Plan 2010 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.

**North Wagga Wagga Restrictions on New Dwellings Map** means the [Wagga Wagga Local Environmental Plan 2010 North Wagga Wagga Restrictions on New Dwellings Map](#).

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note—**

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

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

**Note—**

Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note—**

Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

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

**oyster aquaculture** means the cultivation of any species of edible oyster for a commercial purpose.

**Note—**

Oyster aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

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

**people who are socially disadvantaged** means—

- (a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or
- (b) people who require protection because of domestic violence or upheaval.

**people with a disability** means people of any age who, as a result of having an intellectual, psychiatric, sensory, physical or similar impairment, or a combination of such impairments, either permanently or for an extended period, have substantially limited opportunities to enjoy full and active lives.

**pig farm** means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

**Note—**

Pig farms are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**Planning for Bush Fire Protection** means the document prescribed by the [Environmental Planning and Assessment Regulation 2021](#), section 271.

**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](#)).

**Protected Regrowth Map** means the [Wagga Wagga Local Environmental Plan 2010 Protected Regrowth Map](#).

**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 infrastructure**, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Public Service agency or under the authority of or in pursuance of any Commonwealth or State Act—

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

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

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

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

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

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the [Liquor Act 2007](#).

**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.

**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.

**Terrestrial Biodiversity Map** means the [Wagga Wagga Local Environmental Plan 2010 Terrestrial Biodiversity Map](#).

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

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—**

Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include—

- (f) camping grounds, or
- (g) caravan parks, or

(h) eco-tourist facilities.

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

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note—**

Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means—

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**urban release area** means an area of land identified as "Urban Release Area" on the [Urban Release Area Map](#).

**Urban Release Area Map** means the [Wagga Wagga Local Environmental Plan 2010 Urban Release Area Map](#).

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

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

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

**Note—**

Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note—**

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

**Vulnerable Land Map** means the [Wagga Wagga Local Environmental Plan 2010 Vulnerable Land Map](#).

**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 Resource Map** means the [Wagga Wagga Local Environmental Plan 2010 Water Resource Map](#).

**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.