

# Hilltops Local Environmental Plan 2022

[2022-874]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### About this plan

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

### 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

# Hilltops Local Environmental Plan 2022



New South Wales

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# Hilltops Local Environmental Plan 2022



New South Wales

## Part 1 Preliminary

### 1.1 Name of Plan

This Plan is *Hilltops Local Environmental Plan 2022*.

### 1.1AA Commencement

This Plan commences on 1 February 2023 and is required to be published on the NSW legislation website.

### 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Hilltops 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 advance the environmental, economic and social goals of Hilltops,
  - (b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—
    - (i) the rural lifestyle and liveability of Hilltops communities,
    - (ii) connected, safe and accessible communities,
    - (iii) diverse and affordable housing options,
    - (iv) timely and efficient provision of infrastructure,
    - (v) sustainable building design and energy efficiency,
  - (c) to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future, including by providing for the

following—

- (i) social infrastructure that is appropriately planned and located in response to demand and demographic change,
  - (ii) the protection and enhancement of cultural heritage values,
  - (iii) land management practices that support sustainable outcomes, including water efficiency,
  - (iv) the siting and arrangement of land uses for development in response to climate change,
  - (v) the planning of development to manage emissions,
  - (vi) planning decisions that recognise the basic needs and expectations of diverse community members,
- (d) to facilitate a strong and diverse economy by providing a range of services and opportunities for residents and investors, including by providing for the following—
- (i) the protection of employment lands and rural lands from incompatible land uses to enhance productivity over time,
  - (ii) accessibility to expand markets for economic activity,
  - (iii) economic activity, value adding opportunities and job creation,
  - (iv) long-term sustainable productivity and intensive agriculture, subject to consideration of soil types, topography and environmental impact,
  - (v) major infrastructure projects,
  - (vi) innovative renewable energy projects,
- (e) to recognise and sustain the diverse natural environment and natural resources that support the liveability and economic productivity of Hilltops, including by providing for the following—
- (i) the avoidance of further development in areas with a high exposure to natural hazards,
  - (ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,
  - (iii) the retention and protection of remnant vegetation,
  - (iv) the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,

- (v) buffers and setbacks to minimise the impact of conflicting land uses and environmental values, including potential impacts on noise, water, biosecurity and air quality,
- (vi) the management of water on a sustainable and total water cycle basis to provide sufficient quantity and quality of water for consumption, while protecting biodiversity and the health of ecosystems.

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

- (1) This Plan applies to the land identified on the [Land Application Map](#).
- (1A) Despite subclause (1), this Plan does not apply to the land identified as “Deferred matter” on the [Land Application Map](#).

### **1.4 Definitions**

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

### **1.5 Notes**

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

### **1.6 Consent authority**

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

### **1.7 Maps**

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name—
  - (a) approved by the local plan-making authority when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the local plan-making authority when the instruments are made.
- (1AA) (Repealed)
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.



**Note—**

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

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

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

**Note—**

The following local environmental plans are repealed under this provision—

*Boorowa Local Environmental Plan 2012*

*Harden Local Environmental Plan 2011*

*Young Local Environmental Plan 2010*

- (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.

- (2A) Despite the repeal of *Young Local Environmental Plan 2010*, clause 1.8(1A) of that Plan continues to have effect.

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

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

**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) [Not applicable]

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

- (1) For the purpose of enabling development on land in a zone to be carried out in accordance with this Plan or with a consent granted under the Act, an agreement, covenant or other similar instrument that restricts the carrying out of the development does not apply to the extent necessary to serve the 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 biodiversity certification conferred under the *Biodiversity Conservation Act 2016*, Part 8, or
  - (c) to a private land conservation agreement within the meaning of the *Biodiversity Conservation Act 2016*, or
  - (d) to a relevant instrument within the meaning of the *Crown Land Management Act 2016*, section 13.4, or
  - (e) to the relevant provisions of a land management (native vegetation) code, and the necessary mandatory code compliant certificate, in relation to a set aside area under the *Local Land Services Act 2013*, Part 5A, or
  - (f) to a conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (g) to a property vegetation plan within the meaning of the *Native Vegetation Act 2003* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (h) to a Trust agreement within the meaning of the *Nature Conservation Trust Act 2001* that is continued in force by the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, or
  - (i) to a planning agreement within the meaning of the Act, Division 7.1.
- (3) This clause does not affect the rights or interests of a public authority under a registered instrument.
- (4) Under the Act, section 3.16, 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

RU4 Primary Production Small Lots

RU5 Village

#### **Residential Zones**

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

**Employment Zones**

E3 Productivity Support

E4 General Industrial

**Mixed Use Zones**

MU1 Mixed Use

**Special Purpose Zones**

SP2 Infrastructure

SP3 Tourist

**Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

**Conservation Zones**

C1 National Parks and Nature Reserves

C3 Environmental Management

**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 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

## **2.9 Canal estate development prohibited**

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this Plan, **canal estate development** means development that involves—
- (a) a constructed canal, or other waterway or waterbody, that—
    - (i) is inundated by surface water or groundwater movement, or
    - (ii) drains to a waterway or waterbody by surface water or groundwater movement, and
  - (b) the erection of a dwelling, and
  - (c) one or both of the following—
    - (i) the use of fill material to raise the level of all or part of the land on which the dwelling will be erected to comply with requirements for residential development in the flood planning area,
    - (ii) excavation to create a waterway.
- (3) Canal estate development does not include development for the purposes of drainage or the supply or treatment of water if the development is—
- (a) carried out by or with the authority of a person or body responsible for the drainage, supply or treatment, and
  - (b) limited to the minimum reasonable size and capacity.
- (4) In this clause—
- flood planning area** has the same meaning as in clause 5.21.

## Land Use Table

### Note—

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

*State Environmental Planning Policy (Housing) 2021*

*State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2—relating to infrastructure facilities, including air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Resources and Energy) 2021*, Chapter 2

*State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 3

*State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 3

*State Environmental Planning Policy (Primary Production) 2021*, Chapter 2

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage competitive rural production and associated economic development by maintaining and enhancing—
  - (a) local and regional transport and communications connectivity, and
  - (b) accessibility to national and global supply chains.
- To maintain areas of high conservation value vegetation.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.

- To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.

## **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Forestry; Home occupations

## **3 Permitted with consent**

Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Farm stay accommodation; Intensive livestock agriculture; Intensive plant agriculture; Light industries; Open cut mining; Roads; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4

## **4 Prohibited**

Amusement centres; Boat building and repair facilities; Car parks; Centre-based child care facilities; Commercial premises; Creative industries; Depots; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; High technology industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mortuaries; Passenger transport facilities; Places of public worship; Port facilities; Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; School-based child care; 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; Wholesale supplies

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

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

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



adjoining zones.

- To maintain areas of high conservation value vegetation.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.
- To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.

## **2 Permitted without consent**

Extensive agriculture; Home occupations

## **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Dual occupancies (attached); Dwelling houses; Farm buildings; Farm stay accommodation; Heliports; Intensive plant agriculture; Light industries; Plant nurseries; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Any other development not specified in item 2 or 4

## **4 Prohibited**

Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Creative industries; Crematoria; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Jetties; Local distribution premises; Marinas; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (major); 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; Waste or resource management facilities; Water recreation structures; 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 ensure that development is sustainable and does not unreasonably increase the demand for public services or public facilities.
- To promote and encourage development that will strengthen the character and economies of Hilltops villages.
- To enable a range of development, including diverse housing forms and complementary business uses taking into account the distinct character of each village.

### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Sewage reticulation systems; 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; Boat building and repair facilities; Boat launching ramps; Charter and tourism boating facilities; Co-living housing; Correctional centres; Creative industries; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; High technology industries; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties;

Landscaping material supplies; Local distribution premises; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Specialised retail premises; Timber yards; Warehouse or distribution centres; Water recreation structures

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide and protect a high quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.
- To provide fully serviced residential lots linked to town water and sewer networks.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Aquaculture; Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Co-living housing; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home businesses; Hostels; Hotel or motel accommodation; Jetties; Light industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Shops; Signage; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities

#### **4 Prohibited**

Advertising structures; Artisan food and drink industries; Creative industries; High technology industries; Neighbourhood supermarkets; Any other development not specified in item 2 or 3

### **Zone R2 Low Density Residential**

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide residential lots within a semi-rural environment with effective service provision.

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

Home occupations

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

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Sewage reticulation systems; Signage; Tank-based aquaculture; Water supply systems; Wharf or boating facilities

#### **4 Prohibited**

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

### **Zone R5 Large Lot Residential**

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

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

minimising impacts on, environmentally sensitive locations and scenic quality.

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

## **2 Permitted without consent**

Home occupations

## **3 Permitted with consent**

Bed and breakfast accommodation; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health services facilities; Home-based child care; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Research stations; Respite day care centres; Roads; Secondary dwellings; Sewage reticulation systems; Signage; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities

## **4 Prohibited**

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

### **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 provide fully serviced light industrial lots linked to town water and sewer networks.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Depots; Function centres; Garden centres; Hardware and building supplies; Home industries; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; 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; Roads; 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; Airports; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Food and drink premises; Forestry; Heavy industrial storage

establishments; Heavy industries; Helipads; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Mooring pens; Moorings; Neighbourhood supermarkets; Open cut mining; Port facilities; Public administration buildings; Registered clubs; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Water recreation structures; Water storage facilities; Water treatment 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.
- To provide fully serviced industrial lots linked to town water and sewer networks.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Building identification signs; Business identification signs; Depots; Freight transport facilities; 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; Roads; Rural supplies; School-based child care; Shops; Specialised retail premises; 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; Airstrips; Amusement centres; Animal boarding or training

establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Home businesses; Home occupations; Home occupations (sex services); Marinas; Mooring pens; Moorings; Registered clubs; Residential accommodation; Tourist and visitor accommodation; Water recreation structures

## **Zone MU1 Mixed Use**

### **1 Objectives of zone**

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To reinforce the established town centres and main streets of Boorowa, Harden, Murrumburrah and Young as the commercial centres for each town and Hilltops, including the main street role and historic character of the following streets—
  - (a) Marsden Street and Pudman Street, Boorowa,
  - (b) Neill Street, Harden,
  - (c) Albury Street, Murrumburrah,
  - (d) Boorowa Street, Young.
- To sustain robust and vibrant town centres and main streets capable of accommodating changing demands and expectations for retail, professional services, entertainment, hospitality, accommodation and permanent residential activities and services.
- To enhance the capacity of town centres and main streets to accommodate



housing options while sustaining a vibrant and active precinct and streetscape.

- To create walkable, coherent and high amenity streetscapes and public spaces.

## **2 Permitted without consent**

Nil

## **3 Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; 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; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Water reticulation systems; 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; Depots; Eco-tourist facilities; Electricity generating works; 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; Open cut mining; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wholesale supplies

## **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**

Nil

## **3 Permitted with consent**

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

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone SP3 Tourist**

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

- To provide for a variety of tourist-oriented development and related uses.
- To ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on nearby development and land use activity.
- To encourage development that is in accordance with sound management and land capability practices and takes into account the natural resources of the locality.
- To maintain areas of high conservation value vegetation.

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

Nil

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

Agricultural produce industries; Aquaculture; Dwelling houses; Food and drink premises; Home industries; Roads; Secondary dwellings; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Animal boarding or training establishments; Biosolids treatment facilities; Business premises; Centre-based child care facilities; Correctional centres;

Crematoria; Dairies (pasture-based); Depots; Educational establishments; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Freight transport facilities; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Landscaping material supplies; Mortuaries; Office premises; Places of public worship; Public administration buildings; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Rural supplies; Sex services premises; Specialised retail premises; Storage premises; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities

## **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 maintain areas of high conservation value vegetation.
- To sustain public access and connectivity.

### **2 Permitted without consent**

Nil

### **3 Permitted with consent**

Aquaculture; Camping grounds; Car parks; Caravan parks; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewage reticulation systems; Signage; Water reticulation systems; Water storage facilities; 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**

Nil

### **3 Permitted with consent**

Aquaculture; Community facilities; Environmental facilities; Environmental protection works; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Sewage reticulation systems; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wholesale supplies

## **Zone C1 National Parks and Nature Reserves**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

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

### **3 Permitted with consent**

Nil

### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone C3 Environmental Management**

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

### **2 Permitted without consent**

Home occupations

### **3 Permitted with consent**

Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Oyster aquaculture; Pond-based aquaculture; Research stations; Roads; Sewage reticulation systems; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities

#### **4 Prohibited**

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

### **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; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Mooring pens; Moorings; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation 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**

Environmental protection works

## **3 Permitted with consent**

Air transport facilities; Aquaculture; Boat launching ramps; Boat sheds; Business identification signs; Car parks; Charter and tourism boating facilities; Environmental facilities; Flood mitigation works; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Port facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Sewage reticulation systems; Water recreation structures; Water supply systems; Wharf or boating facilities

## **4 Prohibited**

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

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

### **3.1 Exempt development**

- (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*.
  - (e) (Repealed)
- (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](#),
- (ja) land identified as “Riparian land and watercourse” on the [Riparian Land and Watercourses Map](#),
- (jb) land identified as “Environmentally Sensitive Area” on the [Environmentally Sensitive Land Map](#).

## **Part 4 Principal development standards**

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

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

(a) for residential land—

- (i) to ensure land use and development are undertaken on appropriately sized parcels of land, and
- (ii) to ensure sufficient land area to promote high levels of residential amenity, and
- (iii) to ensure new lots are adequately serviced with town water supply and a reticulated sewer network, with an effective way of disposing of domestic waste, and
- (iv) to create lot sizes and arrangements that—
  - (A) support the efficient provision and management of roads and services, and
  - (B) align with existing and proposed development layouts in the neighbourhood, and
  - (C) minimise adverse impacts on the amenity and productivity of adjoining development,

(b) for semi-rural land and rural villages—

- (i) to ensure land use and development are undertaken on appropriately sized parcels of land, and
- (ii) to ensure sufficient land area to promote high levels of amenity, and
- (iii) to ensure new lots have adequate land area for on-site sewer management or are able to connect to a reticulated sewer network, and
- (iv) to create lots that—
  - (A) are compatible with the existing predominant lot pattern or desired future layout of the locality, and
  - (B) minimise adverse impacts on the amenity and productivity of adjoining primary production lands,

(c) for rural land—

- (i) to ensure land use and development are undertaken on appropriately sized

parcels of land, and

- (ii) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, and
  - (iii) to prevent fragmentation of primary production agricultural land, and
  - (iv) to sustain primary production and natural resource values, and
  - (v) to minimise potential for land use conflict between primary production land uses and other land uses, and
  - (vi) to protect supply chains for primary production land uses including natural resources and access to markets.
- (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](#).

#### **4.1AA 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 RU4 Primary Production Small Lots,
  - (c) Zone C3 Environmental Management,
- but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies

(other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

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

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

(2) Development consent must not be granted to development on land in a zone specified in the table to this subclause for a purpose specified opposite unless the lot is at least—

(a) for land not serviced by reticulated water and sewerage systems—2ha, or

(b) otherwise—the size specified opposite.

<b>Purpose</b>	<b>Zone</b>	<b>Minimum lot size</b>
Dual occupancies	Zone R1 General Residential	750m <sup>2</sup>
Multi dwelling housing	Zone R1 General Residential	1,000m <sup>2</sup>
Residential flat buildings	Zone R1 General Residential	2,000m <sup>2</sup>
Dual occupancies	Zone R2 Low Density Residential	750m <sup>2</sup>
Dual occupancies	Zone R5 Large Lot Residential	1.5ha

(3) Development consent must not be granted to development for the purposes of dual occupancies on land in Zone RU4 Primary Production Small Lots or Zone RU5 Village unless the lot size is—

(a) for Zone RU4 Primary Production Small Lots—at least 2ha but no more than 24ha, or

(b) for Zone RU5 Village—at least 4,000m<sup>2</sup>.

**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 Zone RU1, RU4 or C3**

- (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 certain rural and conservation zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots,
  - (c) Zone C3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land—
- (a) is a lot that is at least the minimum size shown on the [Lot Size Map](#), or
  - (b) is a lot—
    - (i) created before the day on which this Plan commenced, and
    - (ii) on which the erection of a dwelling house or dual occupancy was permissible immediately before that day, or

(c) is a lot—

- (i) resulting from a subdivision for which development consent was granted before the day on which this Plan commenced, and
- (ii) 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 day, or

(d) would have been a lot referred to in paragraph (a), (b) or (c) had it not been affected by—

- (i) a minor realignment of boundaries that did not create an additional lot, or
- (ii) a subdivision creating or widening a public road or public reserve, or
- (iii) a consolidation with an adjoining public road or public reserve.

(4) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if—

- (a) there is a lawfully erected dwelling house on the land, and
- (b) the dwelling house to be erected is intended only to replace the existing dwelling house.

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

[Not adopted]

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

[Not adopted]

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

[Not adopted]

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

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this

clause.

- (3) Development consent must not be granted 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.

## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (**the owner-initiated acquisition provisions**).

**Note—**

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) requires the authority to acquire the land.

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <a href="#">National Parks and Wildlife Act 1974</a>

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

### 5.2 Classification and reclassification of public land

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

**Note—**

Under the [Local Government Act 1993](#), "public land" is generally land vested in or under the control of a council (other than roads and certain Crown land). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the [Local Government Act 1993](#).



Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4—
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except—
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note—**

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

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

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50m between Zone RU1 Primary Production and Zone RU5 Village, and 20m in all other cases.
- (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 5 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 45 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 120 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) 67% 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 25 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 40 square metres.
- (8A) **Roadside stalls—Zone RU5 Village** If development for the purposes of a roadside stall is permitted under this Plan in Zone RU5 Village, the gross floor area must not exceed 25m<sup>2</sup>.
- (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) 67% 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) the distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.

#### **5.6 Architectural roof features**

[Not adopted]

#### **5.7 Development below mean high water mark**

[Not applicable]

#### **5.8 Conversion of fire alarms**

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

(5) In this clause—

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

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

[Not adopted]

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

## **5.10 Heritage conservation**

**Note—**

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

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

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

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

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

- (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) **When consent not required** However, development consent under this clause is not required if—
  - (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
  - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance** The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of

whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

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

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

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

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

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

**Note—**

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

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

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.



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

- (1) The objectives of this clause are as follows—
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and

- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
  - (i) measures to remove any threat of serious or irreversible environmental damage,
  - (ii) the maintenance (or regeneration where necessary) of habitats,
  - (iii) efficient and minimal energy and water use and waste output,
  - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
  - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

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

[Not adopted]

#### **5.15 Defence communications facility**

[Not adopted]

#### **5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU3 Forestry,
  - (d) Zone RU4 Primary Production Small Lots,
  - (e) Zone RU6 Transition,
  - (f) Zone R5 Large Lot Residential,
  - (g) Zone C2 Environmental Conservation,
  - (h) Zone C3 Environmental Management,

- (i) Zone C4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

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

[Not applicable]

**5.18 Intensive livestock agriculture**

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,

- (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
- (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or
      - (B) within 1km of a poultry farm not used for breeding poultry, or
    - (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—

- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—

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

**residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone MU1 Mixed Use, 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

[Not adopted]

## 5.23 Public bushland

[Not adopted]

## 5.24 Farm stay accommodation

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

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

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

### **5.25 Farm gate premises**

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

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

## **Part 6 Additional local provisions**

### **6.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development—

- (a) permitted without consent under this Plan, or
  - (b) for which development consent has been granted.
- (3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of the fill material and the destination of the excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,
  - (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note—**

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

## **6.2 Essential services**

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

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

### 6.3 Terrestrial biodiversity

- (1) The objective of this clause is to maintain and enhance terrestrial biodiversity by—
  - (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether the development is likely to have—
    - (i) an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and
    - (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) an adverse impact on a regionally significant species of fauna or flora, or habitat, and
    - (iv) an adverse impact on the habitat elements providing connectivity on the land, and
  - (b) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

#### **6.4 Riparian land and watercourses**

- (1) The objective of this clause is to maintain the hydrological functions of riparian land, waterways, and aquifers, including by protecting the following—
  - (a) water quality,
  - (c) natural water flows,
  - (b) the stability of the bed and banks of waterways and groundwater systems.
- (2) This clause applies to land identified as “Riparian land and watercourse” on the [Riparian Land and Watercourses Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
  - (a) whether or not the development is likely to have an adverse impact on the following—
    - (i) the water quality and flows within the watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
    - (iii) the stability of the bed and banks of the watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

## **6.5 Groundwater vulnerability**

- (1) The objectives of this clause are as follows—
  - (a) to maintain the hydrological functions of key groundwater systems,
  - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as “Groundwater vulnerable” on the [Groundwater Vulnerability Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
  - (a) the likelihood of groundwater contamination from the development, including from on-site storage or disposal of solid or liquid waste and chemicals,
  - (b) adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater, including impacts on nearby groundwater extraction for a potable water supply or stock water supply,
  - (d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

## **6.6 Salinity**

- (1) The objective of this clause is to provide for—
  - (a) the appropriate management of land subject to salinity, and
  - (b) the minimisation and mitigation of adverse impacts from development that contributes to salinity.

- (2) This clause applies to land identified as “Saline land” on the [Salinity Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether the development is likely to have an adverse impact on salinity processes on the land,
  - (b) whether salinity is likely to have an impact on the development,
  - (c) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
  - (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

## **6.7 Highly erodible soils**

- (1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.
- (2) This clause applies to land identified as “High Soil Erodibility” on the [Highly Erodible Soils Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
  - (a) whether or not the development is likely to have an impact on soil erosion processes, and
  - (b) whether or not soil erosion processes are likely to have an impact on the development, and
  - (c) appropriate measures to avoid or reduce undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).



## **6.8 Drinking water catchments**

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as “Drinking water catchment” on the [Drinking Water Catchment Map](#).
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
  - (a) whether or not the development is likely to have an adverse impact on the quality and quantity of water entering the drinking water storage, considering the following—
    - (i) the distance between the development and a waterway that feeds into the drinking water storage,
    - (ii) the on-site use, storage and disposal of chemicals on the land,
    - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
  - (b) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—
  - (a) the development is designed, sited and will be managed to avoid a significant adverse impact on water quality and flows, or
  - (b) if a significant adverse impact on water quality and flows cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact, or
  - (c) if a significant adverse impact on water quality and flows cannot be minimised—the development will be managed to mitigate the impact.

## **6.9 Development along the Lachlan and Boorowa Rivers and Lake Wyangala**

- (1) The objective of this clause is to protect the immediate environs of Boorowa’s main rivers and water bodies by controlling development along their banks.
- (2) This clause applies to development involving the erection of a building on land—
  - (a) comprising the bed of the Lachlan River or Boorowa River, or
  - (b) in Zone RU1 Primary Production or Zone R5 Large Lot Residential and within 100m

of the top of the bank of the Lachlan or Boorowa River, or

(c) within 100m of the full supply level of Lake Wyangala.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied the building is—

(a) ancillary to the use of the land for the purposes of a recreation area, or

(b) for the purposes of fisheries, irrigation works, including the pumping and treatment of water for private domestic consumption, marinas, utility installations or the servicing of vessels, or

(c) ancillary to another existing lawful use involving an existing building, or to replace an existing building, but only if no part of the building will be nearer to the Lachlan River, Boorowa River or Lake Wyangala than the existing building.

#### **6.10 Development on Carinya Estate**

(1) The objective of this clause is to ensure the location of dwellings and other development is appropriate in relation to the management of bush fire risk and biodiversity protection.

(2) This clause applies to Lots 1–31, DP 285029, off Caringa Road, Boorowa, known as Carinya Estate and identified as “Environmentally Sensitive Area” on the [Environmentally Sensitive Land Map](#).

(3) Development consent must not be granted to development on land to which this clause applies unless—

(a) the development is consistent with a development control plan applying to the land, and

(b) the consent authority is satisfied the development will—

(i) be protected by a bushfire asset protection zone, and

(ii) not substantially impact on the flora and fauna of the site.

(4) If a development application was made, but not finally determined, before 1 March 2020 in relation to land to which this clause applies, the application must be determined as if *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020* had not commenced.

(5) In this clause—

**bushfire asset protection zone** means an asset protection zone in accordance with *Planning for Bush Fire Protection*, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and

Environment, dated November 2019.

### **6.11 Development control plan for development in urban release area**

- (1) The objective of this clause is to ensure development on land in an urban release area occurs—
  - (a) in a logical and cost-effective way, and
  - (b) in accordance with a staging plan, and
  - (c) 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 providing for the following matters has been prepared for the land—
  - (a) a staging plan for the timely and efficient release of urban land that provides for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections required for 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 the public and private domain,
  - (d) a network of active and passive recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) management of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, land,
  - (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 traffic management facilities and parking.
- (3) Subclause (2) does not apply to the following development—

- (a) a subdivision for the purposes of a realignment of boundaries that does not create additional lots,
- (b) a subdivision of land if the lots proposed to be created will be reserved or dedicated for public open space, public roads or other public or environmental protection purposes,
- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) development of a minor nature only, if, in the consent authority's opinion, the development is consistent with the objectives of the zone in which the development will be carried out.

(4) This clause prevails over another provision of this Plan to the extent of an inconsistency.

## **Schedule 1 Additional permitted uses**

(Clause 2.5)

### **1 Use of certain land at Kalangan Road, Galong**

- (1) This clause applies to Lot 1, DP 606878, Kalangan Road, Galong, known as St Clement's Retreat Centre.
- (2) Development for the purposes of a single place of public worship that is a monastery with tourist and visitor accommodation is permitted with development consent.

### **2 Use of certain land at Neill Street, Harden**

- (1) This clause applies to Lot 20, Section 29, DP 758737, 136 Neill Street, Harden.
- (2) Development for the purposes of storage premises used for the storage of motor vehicles is permitted with development consent.

### **3 Use of certain land at Simmonds Road, Harden**

- (1) This clause applies to Lot 3, DP 787896, Simmonds Road, Harden, known as Stock's Native Nursery.
- (2) Development for the purposes of restaurants or cafes, plant nurseries and dwelling houses is permitted with development consent.

### **4 Use of certain land at 21 Campbell Street, Young**

- (1) This clause applies to Lots 1-15, Section 53, DP 759144 and Lot 2, DP 251940, 21 Campbell Street, Young.
- (2) Development for the following purposes is permitted with development consent—

- (a) backpackers' accommodation,
- (b) business premises,
- (c) office premises.

**5 Use of certain land at 161 Henry Lawson Way, Young**

- (1) This clause applies to Lot 5, DP 1065909, 161 Henry Lawson Way, Young.
- (2) Development for the following purposes is permitted with development consent—
  - (a) agricultural produce industries,
  - (b) office premises,
  - (c) retail premises, other than specialised retail premises,
  - (d) tourist and visitor accommodation.

**6 Use of certain land at 133-141 Lovell Street, Young**

- (1) This clause applies to the following land at Lovell Street, Young—
  - (a) Lots 20 and 21, DP 136178,
  - (b) Lot 1, DP 249816,
  - (c) railway land directly to the west of Lot 1, DP 249816,
  - (d) Lots 1 and 2, DP 579936,
  - (e) Lot 1, DP 723903,
  - (f) Lots 4 and 5, DP 907118,
  - (g) Lot 2, DP 909310,
  - (h) Lots A and B, DP 909444,
  - (i) Lot 1, DP 915844.
- (2) Development for the purposes of agricultural produce industries is permitted with development consent.

**7 Use of certain land at 1 Murringo Street, Young**

- (1) This clause applies to Lot 9, Section 57, DP 759144, 1 Murringo Street, Young.
- (2) Development for the purposes of car parks is permitted with development consent.

### **8 Use of certain land at 910 Olympic Way North, Young**

- (1) This clause applies to Lot 10, DP 1017938, 910 Olympic Way North, Young.
- (2) Development for the purposes of industry that is a hotmix and coldmix production plant is permitted with development consent.

### **9 Use of certain land at Telegraph Road and Murringo Road, Young**

- (1) This clause applies to the following land at Young—
  - (a) Lot 1228, DP 754611, 4207 Murringo Road,
  - (b) Lots 1251 and 1416, DP 754611 and Lots 1 and 2, DP 1246675, 90 Telegraph Road,
  - (c) Lot 2, DP 829700 and Lot 1771, DP 754611, 151 Telegraph Road.
- (2) Development for the purposes of a single poultry farm is permitted with development consent.

### **10 Use of certain land at 8 Wombat Street, Young**

- (1) This clause applies to Lot 2A, DP 976203, 8 Wombat Street, Young.
- (2) Development for the purposes of vehicle sales or hire 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.

(When this Plan was made this Schedule was blank)

## **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

### Parking and storage of passenger buses, heavy vehicles, plant and machinery

- (1) Must only be on land in Zone RU1, Zone RU4, Zone RU5, Zone R1 or Zone R5.
- (2) Must be used for commercial purposes.
- (3) Must be associated with an existing dwelling house adjoining the land.
- (4) Maximum area—
  - (a) if located on land in Zone RU5, Zone R1 or Zone R5—30m<sup>2</sup>, or
  - (b) if located on land in Zone RU1 or Zone RU4—100m<sup>2</sup>.
- (5) If located on land in Zone RU5, Zone R1 or Zone R5—must be located at least 3m from the primary road frontage of the lot and each lot boundary.
- (6) If located on land in Zone RU1 or Zone RU4—must be located at least 10m from the primary road frontage of the lot and each lot boundary.
- (7) Maintenance and servicing of vehicles must not be carried out on the land.
- (8) Appropriate vehicle access must be provided to the nearest Council-owned road.
- (9) Must not be located—
  - (a) on land containing water, sewerage or stormwater infrastructure, or
  - (b) over an easement used for the provision of essential services.

## Part 2 Complying development certificate conditions

### Note—

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

### General conditions

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

## Schedule 4 Classification and reclassification of public land

(Clause 5.2)

### Part 1 Land classified, or reclassified, as operational land—no

## interests changed

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

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

Column 1	Column 2
Locality	Description
Nil	

## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Barwang	Lowlynn Homestead	1920 Cunningar Road	Lot 1, DP 177119	Local	11
Barwang	Currawong Homestead Group (coach house and stables, stockman's cottage and homestead)	63 Hartfield Road	Lot 3, DP 580948	Local	12
Beggan Beggan	Bum Gum Homestead and former dairy	252 Bonoak Road	Lot 381, DP 753590	Local	13
Beggan Beggan	Collingwood Blade Shearing Shed	237 Cullinga Mines Road	Lot 1, DP 652888	Local	14



Beggan Beggan	Collingwood Machine Shearing Shed	237 Cullinga Mines Road	Lot 1, DP 652888	Local	I5
Beggan Beggan	Cunningham Creek weir	Cunningham Creek (off Eulie Road)	Lot 77, DP 753590	Local	I6
Beggan Beggan	Ardesier homestead and outbuildings	612 Glen Ayr Road	Lot 67, DP 753590	Local	I7
Beggan Beggan	Glen Ayr homestead	923 Glen Ayr Road	Lot 101, DP 1164621	Local	I8
Bendick Murrell	Bendick Murrell Memorial Hall	121 Bendick Murrell Road	Lot 7302, DP 1142976	Local	I9
Bendick Murrell	Bendick Murrell Cemetery	Hoads Road	Lot 7003, DP 1025418	Local	I10
Bendick Murrell	St Andrew's Anglican Church	1 Little Street	Lot 2, DP 609307	Local	I11
Bendick Murrell	Bendick Murrell SO16 Grain Elevator	50 Wirrimah Road	Lot 1, DP 819402	Local	I12
Berthong	Milong Flats Round Stable	1645 Berthong Road	Lot 11, DP 1003395	Local	I13
Boorowa	Boer War Memorial	Corner of Court Street and Pudman Street	Lot 1, Section 43, DP 758139	Local	I14
Boorowa	Boorowa Showground Grandstand	47 Ballyryan Road	Lot 72, DP 2493	Local	I15
Boorowa	Oriental Bank (former)	62-64 Brial Street	Lot A, DP 396416	Local	I16
Boorowa	Queen's Arms' Hotel (former)	62-64 Brial Street	Lot 15, DP 1080205	Local	I17
Boorowa	Wentworth House	71 Brial Street	Lot 1, Section 16, DP 758139	Local	I18
Boorowa	Preston Terrace	78 Brial Street	Lot 12, Section 43, DP 758139	Local	I23
Boorowa	Burrowa Steam Mill Store	49 Campbell Street	Lot 1, DP 160566	Local	I19
Boorowa	Boorowa General Cemetery	Cemetery Road	Lot 7303, DP 1145629; Lot 1, DP 1145880; Lot 1, DP 1145885	Local	I20
Boorowa	Boorowa Railway Yard	Court Street	Lot 1072, DP 1170091	Local	I21

Boorowa	Boorowa S008 Grain Elevator	Court Street	Lot 11, DP 1001813	Local	I22
Boorowa	St Patrick's Roman Catholic Church (original)	47 Court Street	Lot 6, DP 838750	Local	I24
Boorowa	Boorowa Municipal Chambers (former)	65 Court Street	Lot 1, Section 43, DP 758139	Local	I25
Boorowa	Cottage	48 Dry Street	Lot 13, Section 31, DP 758139	Local	I26
Boorowa	Burrowa Steam Mill Bakery and Cottage	14 Farm Street	Lot 1, DP 998208	Local	I27
Boorowa	Boorowa Uniting Church	42 Farm Street	Lot 3, DP 858066	Local	I28
Boorowa	Boorowa Weir and Pumphouse	Off Geraldine Street	Lot 1, DP 346321	Local	I29
Boorowa	Mattavi Homestead	171 Heathfield Road	Lot 2, DP 1099597	Local	I30
Boorowa	Boorowa Council Chambers (former)	Market Street	Lot 1, Section 49, DP 758139	Local	I31
Boorowa	Boorowa Court House (former)	Marsden Street	Lot 21, DP 821755	Local	I32
Boorowa	Boorowa War Memorial	Marsden Street	Lot 7007, DP 1026424	Local	I33
Boorowa	The Model Store	19 Marsden Street	Lot C, DP 162678	Local	I34
Boorowa	Boorowa Hotel	37 Marsden Street	Lot 11, DP 577553	Local	I35
Boorowa	Boorowa Post Office and residence	42 Marsden Street	Lot 1, DP 1155402	Local	I36
Boorowa	Star Hotel (former)	67-69 Marsden Street	Lot B, DP 162893	Local	I37
Boorowa	Glenara	71-73 Marsden Street	Lot 1, DP 536436	Local	I38
Boorowa	Boorowa River Bridge	Murringo Road	Road Reserve	Local	I39
Boorowa	Louvain Shearers' Quarters	462 Murringo Road	Lot 61, DP 754589	Local	I40
Boorowa	Boorowa Mechanics' Institute (former)	63-35 Pudman Street	Lot 1, DP 134115	Local	I41
Boorowa	Central Hotel (former)	78 Pudman Street	Lot 1, DP 779477	Local	I42

Boorowa	Murphy Bros'. House of Quality	82 Pudman Street	Lot 10, DP 1135979	Local	143
Boorowa	St John the Baptist Anglican Church	38 Queen Street	Lot D, DP 406556	Local	144
Boorowa	St James' Presbyterian Church (former)	50-52 Queen Street	Lot B, DP 398085	Local	145
Boorowa	St Patrick's Presbytery	66 Queen Street	Lot 3, DP 1112582	Local	146
Boorowa	St Patrick's Roman Catholic Church	69-71 Queen Street	Lot 2, DP 90291	Local	147
Boorowa	Boorowa River Weir—Ackerman's Bridge	Rugby Road	Road Reserve	Local	148
Boorowa	Boorowa Water Treatment Works	Scott Street	Road Reserve	Local	149
Boorowa	St Joseph's Primary School Building and Campanile	19 Scott Street	Lot 1, DP 856877	Local	150
Boorowa	St Joseph's School Building	19 Scott Street	Lot 1, DP 856877	Local	151
Boorowa	St Joseph's Convent (former)	23 Scott Street	Lot 2, DP 805545	Local	152
Boorowa	The Dairy (Dendeavilleagh)	26 Scott Street	Lot 13, Section 3, DP 758139	Local	153
Boorowa	Boorowa Power House	4 Stevenson Street	Lot A, DP 343003	Local	154
Boorowa	Patroni Residence	8 Stevenson Street	Lot B, DP 343003	Local	155
Bribbaree	St Columba's Presbytery	2 North Street	Lot 2, DP 872041	Local	156
Bribbaree	St Columba's Catholic Church	6 North Street	Lot 1, DP 872041	Local	157
Bribbaree	Railway Hotel	27 Railway Street	Lots 5 and 6, Section 1, DP 758162	Local	158
Bribbaree	Bribbaree War Memorial	28 Railway Street	Lots 130 and 142, DP 750632	Local	159
Bribbaree	Bribbaree Memorial Hall	15 Weedallion Street	Lot 10, Section 2, DP 758162	Local	160

Bribbaree	St Matthew's Anglican Church (former)	38 Weedallion Street	Lot 1, DP 771862	Local	161
Bribbaree	Bribbaree Presbyterian Church and Manse (former)	44-48 Weedallion Street	Lots 5 and 6, Section 6, DP 758162	Local	162
Bribbaree	Bribbaree Uniting Church	56 Weedallion Street	Lot 8, Section 6, DP 758162	Local	163
Bribbaree	Bribbaree Recreation Ground	73 Weedallion Street	Lots 701 and 702, DP 96864	Local	164
Bulla Creek	Lower Coolegong Shearing Shed	Jerrybang Lane	Lot 3, DP 528908	Local	165
Bulla Creek	Quamby (Burrangong Station) Cemetery	Werona, 675 Monteagle SR West	Lot 1, DP 1102865	Local	166
Crowther	Crowther War Memorial Wildman Park	3547 Olympic Highway North	Lot 222, DP 754593	Local	167
Crowther	Crowther Post Office (former)	147 Reids Road	Lot 122, DP 754576	Local	169
Crowther	Crowther Creek Shearing Shed	3680 Scenic Road	Lot 2, DP 1193943	Local	168
Crowther	Cooyong School House (former)	33 Wilkinsons Road	Lot 16, DP 787389	Local	170
Crowther	Crowther Creek Run Store	33 Wilkinsons Road	Lot 16, DP 787389	Local	171
Cunningar	Old Barwang homestead and outbuildings	2090 Cunningar Road	Lot 56, DP 753607	Local	172
Currawong	St Mark's Anglican Church and Cemetery	20 Tiverton Road	Lot 1, DP 957871	Local	173
Demondrille	Demondrille Junction railway ruins and signal box	Main Southern Railway Reserve		State	174
Frogmore	Frogmore General Cemetery	Ballyhooley Road	Lots 124 and 125, DP 754097	Local	175
Frogmore	Frogmore Uniting Church	Frogmore Road	Lot 223, DP 754097	Local	176

Frogmore	St John the Baptist Catholic Church and Cemetery	Frogmore Road	Lot 1, DP 905944	Local	177
Frogmore	Frogmore Courthouse	993 Frogmore Road	Lot 2, DP 229092	Local	178
Galong	Galong General Cemetery	Galong Road	Lot 171, DP 753614	Local	180
Galong	St Clement's Retreat	352 Kalangan Road	Lot 1, DP 606878	Local	181
Galong	Galong Railway Station and yard group	Main Southern Railway Reserve		State	182
Galong	Royal Hotel (former)	McMahon Street	Lots 1 and 2, Section 8, DP 8235	Local	183
Galong	Killick & Sons' General Store and Produce Shed	McMahon Street	Lots 32 and 33, DP 5295	Local	184
Galong	Catholic Church Complex (former)	Ryan Street	Lot 1, DP 1093932	Local	185
Galong	Galong Hotel (former)	Ryan Street	Lot 1, Section A, DP 8477	Local	186
Harden	Newson Park and war memorial	Albury Street	Lot 660, DP 753624	Local	187
Harden	St Anthony's Catholic Church	Albury Street	Lot 1, DP 1011158	Local	188
Harden	St Paul's Church Hall	Albury Street	Lots 1 and 2, Section 28, DP 758737	Local	189
Harden	Pise cottage	122 Albury Street	Lot 1, DP 1093722	Local	190
Harden	Pise duplex	128-130 Albury Street	Lots 1 and 2, DP 625188	Local	191
Harden	Methodist parsonage (former)	136 Albury Street	Lot 6, Section 32, DP 758737	Local	192
Harden	Methodist Church (former)	144 Albury St	Lot 8, Section 32, DP 758737	Local	193
Harden	Murrumburrah Public School	199 Albury Street	Lots 5-7, DP 727527	Local	194
Harden	Harden Uniting Church and Hall	Binalong Street	Lots 4 and 5, Section 34, DP 758737	Local	195

Harden	Hillside homestead	126 Bouyeo Road	Lot 490, DP 753624	Local	I96
Harden	Railway viaduct	Burley Griffin Way	Lot 1, DP 995489	Local	I97
Harden	Pise house	98 Clarke Street	Lot 11, Section 15, DP 758737	Local	I98
Harden	Derneveagh homestead and outbuildings	396 Currawong Road	Lot 1, DP 1233447	Local	I99
Harden	Pise house	22 Derby Street	Lot 4, Section C, DP 6919	Local	I100
Harden	Harden Shire Council Chambers (former)	3 East Street	Lot 5, DP 664226	Local	I101
Harden	Trinity Centre	27 East Street	Lot 2, DP 1011158	Local	I102
Harden	Murrumburrah Lodge Federal No 193 (former)	Jugiong Road	Lot 10, DP 78876	Local	I103
Harden	Pise house	7-9 Lucan Street	Lot 21, Section C, DP 6919	Local	I104
Harden	Harden Railway Station and yard group	Main Southern Railway reserve		State	I105
Harden	Mechanics' Institute Public Hall (former)	Neill Street	Lot C, DP 375926	Local	I106
Harden	Harden Post Office and residence	32 Neill Street	Lot 7, Section 62, DP 758737	Local	I107
Harden	Commercial Banking Company of Sydney (former)	40 Neill Street	Lot 6, Section 62, DP 758737	Local	I108
Harden	Pise cottage	66 Scott Street	Lots 1 and 2, DP 6800	Local	I109
Harden	Murrumburrah Harden District Hospital and Nurses' Quarters	Swift Street	Lot 22, DP 1225242	Local	I110
Harden	St Paul's Anglican Church	Swift Street	Lots 9 and 10, Section 56, DP 758737	Local	I111
Harden	St Paul's Rectory (former)	139 Swift Street	Lot 1, Section 56, DP 758737	Local	I112
Harden	School master's residence (former)	Ward street	Lot 4, DP 727527	Local	I113

Hovells Creek	St Joseph's Catholic Church cemetery	Frogmore Road	Lot 2, DP 1041636	Local	I114
Hovells Creek	St Joseph's Catholic Church (former)	2761 Frogmore Road	Lot 1, DP 1041636	Local	I115
Hovells Creek	Old Graham	3021 Frogmore Road	Lot 992, DP 819152	Local	I116
Jugiong	Christ Church Anglican Church	Jugiong Road	Lot 12, Section 45, DP 758547	Local	I117
Jugiong	Police station and lockup	Jugiong Road	Lots 1 and 3, Section 46, DP 758547	Local	I118
Jugiong	Jugiong Anglican Cemetery	Larmer Street	Lot 20, Section 7, DP 758547	Local	I119
Jugiong	Jugiong Catholic Cemetery	Riverside Drive	Lots 1-3, DP 117819	Local	I120
Jugiong	St John the Evangelist Catholic Church	4 Riverside Drive	Lot 1, DP 90472	Local	I121
Jugiong	Old Butcher Shop	6 Riverside Drive	Lot 1, DP 88515	Local	I122
Jugiong	Sir George Hotel and stables	9 Riverside Drive	Lot 1, DP 1177936	Local	I123
Jugiong	Jugiong Public School and teacher's residence (former)	Staplyton Street	Lot 1, Section 5, DP 758547	Local	I124
Jugiong	Water Filtration Plant (Original only)	Waterworks Road	Lot 10, DP 862890	Local	I125
Kingsvale	The Pines shearing shed	1479 Back Creek Road	Lot 2, DP 876541	Local	I126
Kingsvale	Kingsvale School House (former)	1494 Back Creek Road	Lot 2, Section 1, DP 758573	Local	I132
Kingsvale	Artfield Park homestead	170 Huntleigh Road	Lot 170, DP 753631	Local	I127
Kingsvale	Prune dehydrator (former)	Kingsvale Road	Lot 247, DP 753632	Local	I128
Kingsvale	Roseville stone stables and smithy	Kingsvale Road	Lot 2, DP 34534	Local	I129
Kingsvale	Kingsvale Memorial Hall (former)	1001 Kingsvale Road	Lot 4, Section 2, DP 758573	Local	I130

Kingsvale	Kingsvale Anglican Church (former)	1003 Kingsvale Road	Lot 11, Section 2, DP 758573	Local	I131
Koorawatha	Koorawatha Post Office (former)	7 Boorowa Street	Lot 1, DP 91147	Local	I133
Koorawatha	Koorawatha Regional Rooms	9 Boorowa Street	Lot 5, Section 12, DP 758580	Local	I134
Koorawatha	Koorawatha War Memorial Park	15 Boorowa Street	Lots 1 and 2, Section 12, DP 758580	Local	I135
Koorawatha	St Paul's Anglican Church (former)	40 Boorowa Street	Lot 6, Section 14, DP 758580	Local	I136
Koorawatha	St Columba's Catholic Church (former)	11 Broad Street	Lot 21, DP 829801	Local	I137
Koorawatha	Trengrove Park Grandstand	14 Bumbaldry Street	Lots 139 and 284, DP 754593	Local	I138
Koorawatha	Koorawatha Police Station	Campbell Street	Lot 11, Section 7, DP 758580; Lot 702, DP 1024736	Local	I139
Koorawatha	Koorawatha General Cemetery	Cowra Street	Lot 7012, DP 1024741	Local	I140
Koorawatha	Koorawatha Public School	19 Crowther Street	Lot 2, DP 1219270	Local	I141
Koorawatha	Koorawatha Convent School (former)	11 Hester Street	Lot 1, DP 922288	Local	I142
Koorawatha	The Presbytery	11 Hester Street	Part Lot 1, DP 922288	Local	I143
Koorawatha	Koorawatha Falls	Koorawatha Nature Reserve	Lots 62, 63, 78 and 279, DP 754593; Lot 7008, DP 1024743	Local	I144
Koorawatha	Koorawatha Railway Weir	Koorawatha Nature Reserve	Lot 7008, DP 1024743	Local	I145
Koorawatha	Koorawatha Hotel	4340 Olympic Highway North	Lot A, DP 389691	Local	I146
Koorawatha	Koorawatha Memorial Hall	4334 Olympic Highway North	Lots 1 and 2, DP 120823	Local	I147
Koorawatha	Koorawatha Railway Water Tank	Off Prince Street	Rail Corridor	Local	I148
Koorawatha	Bank of NSW (former)	52 Prince Street	Lot 2, DP 956080	Local	I149



Langs Creek	Langs Creek Cemetery	Lachlan Valley Way	Lots 272 and 273, DP 754143	Local	I150
Maimuru	Quinn's Welcome Inn stables	758 Henry Lawson Way	Lot 1, DP 1185752	Local	I151
Maimuru	Maimuru Tennis Club	470 Maimuru SS Road	Lot 204, DP 754575	Local	I152
Memagong	Imperial Hotel, Elton Hills (former)	1520 Milvale Road	Part Lot 149, DP 750611	Local	I153
Memagong	Milong Homestead	1520 Milvale Road	Part Lots 58 and 148, DP 750611	Local	I154
Milvale	Milvale Railway Water Tanks	Off Milvale Road	Lot 4012, DP 1205151	Local	I156
Milvale	St Brendan's Catholic Church	1528 Milvale Road	Lot 144, DP 750601	Local	I157
Milvale	War Memorial Church of St James	3453 Milvale Road	Lot 1, DP 399231	Local	I158
Milvale	Milvale S041 Grain Elevator	35 Schillers Road	Lot 1, DP 819848; Lot 10, DP 1043555	Local	I159
Monteagle	St Mark's Anglican Church (former)	26 Jerrybang Lane	Lot 50, DP 754608	Local	I160
Monteagle	Bulla/Monteagle General Cemetery	Sads Lane	Lot 7012, DP 1027942	Local	I161
Monteagle	Tout Park Scenic Lookout	1780 Scenic Road	Lot 1, DP 345797	Local	I162
Murringo	Calabash Cottage	332 Douglas Gap Road	Lot 4, DP 575416	Local	I163
Murringo	The Calabash Shearing Shed and shearers' quarters	332 Douglas Gap Road	Lot 1, DP 575416	Local	I164
Murringo	Willawong Homestead	660 Douglas Gap Road	Lot 45, DP 754607	Local	I165
Murringo	Willawong shearers' quarters	660 Douglas Gap Road	Lot 58, DP 754607	Local	I166
Murringo	Willawong Woolshed	660 Douglas Gap Road	Lot 58, DP 754607	Local	I167
Murringo	Sacred Heart Catholic School (former)	1709 Geegullalong Road	Lot 11, DP 877024	Local	I168
Murringo	Sacred Heart Convent (former)	1717 Geegullalong Road	Lot 10, DP 877024	Local	I169

Murringo	Sacred Heart Catholic Church (former)	1723 Geegullalong Road	Lot 1, DP 567585	Local	I170
Murringo	Murringo General Cemetery	Murringo Road	Lot 7304, DP 1149678; Lot 1, DP 1161112	Local	I171
Murringo	Murringo Police Barracks (former)	2244 Murringo Road	Lot 363, DP 754598	Local	I172
Murringo	Grant's Store (former)	2255 Murringo Road	Lot 1, DP 1173198	Local	I173
Murringo	Blacksmith shop (former)	2262 Murringo Road	Lot 5, Section 26, DP 758734	Local	I174
Murringo	Marengo Hotel (former)	2266 Murringo Road	Lot 3, DP 864942	Local	I175
Murringo	Murringo Memorial Hall and Mechanics' Institute	2272 Murringo Road	Lot 266, DP 754598	Local	I176
Murringo	Christ Church Anglican Church	2471 Murringo Road	Lots 1-4, Section 37, DP 758734	Local	I177
Murringo	Marengo Station Homestead	2605 Murringo Road	Lot 2, DP 882910	Local	I178
Murringo	Orizaba Homestead and stables	2706 Murringo Road	Lot 74, DP 754598	Local	I179
Murringo	Orizaba Woolshed	2706 Murringo Road	Lot 73, DP 754598	Local	I180
Murringo	Old Plough Inn	24 Murringo Gap Road	Lots 9 and 10, Section 28, DP 758734	Local	I181
Murringo	Murringo Post Office (original)	26 Murringo Gap Road	Lot 82, DP 1115993	Local	I182
Murringo	Murringo Public School	91 Murringo Gap Road	Lots 2 and 3, Section 32, DP 758734	Local	I183
Murringo	East Milo Homestead	151 Waihemo Road	Lot 238, DP 754598	Local	I184
Murringo	Waihemo Homestead	810 Waihemo Road	Lot 2, DP 754599	Local	I185
Murringo	Waihemo shearers' quarters	810 Waihemo Road	Lot 44, DP 754607	Local	I186
Murrumburrah	Council Chambers (former)	230 Albury Street	Lot 20, Section 35, DP 758737	Local	I187

Murrumburrah	Liliansfel	259 Albury Street	Lots 4 and 5, Section 25, DP 758737	Local	I188
Murrumburrah	Historical Society Museum	306 Albury Street	Lot 3, DP 1242689	Local	I189
Murrumburrah	Barnes Store complex	343-346 Albury Street	Lots 14-16, Section 39, DP 758737	Local	I190
Murrumburrah	Murrumburrah Courthouse (former)	374 Albury Street	Lot 1, Section 22, DP 758737	Local	I191
Murrumburrah	Demondrille Shire Council Chambers	Bathurst Street	Lot 11, Section 22, DP 758737	Local	I192
Murrumburrah	Light Horse Memorial Diorama and Park	Bathurst Street	Lot 1, DP 1027823	Local	I193
Murrumburrah	Harden Murrumburrah General Cemetery	Burley Griffin Way	Lot 1, DP 668458; Lot 1, DP 668462; Lots 723 and 724, DP 753624; Lot 7022, DP 1021570; Lots 7008-7010, DP 1021572; Lot 7013, DP 1021574; Lots 7325-7329, DP 1162286	Local	I194
Murrumburrah	Murrumburrah Public School (former)	116 Burley Griffin Way	Lot 351, DP 753624	Local	I195
Murrumburrah	Our Lady of Mercy Presbytery	Clarke Street	Lot 19, Section 19, DP 758737	Local	I196
Murrumburrah	Fallon Family House (former)	57 Iris Street	Lot 1, DP 1079736	Local	I197
Murrumburrah	Inn (former)	190-192 Neill Street, Harden	Lots 15 and 16, Section 25, DP 758737	Local	I198
Murrumburrah	Allsopp's Mill (former) and residence	220 Neill Street	Lot 2, DP 1080535	Local	I199
Murrumburrah	Harden- Murrumburrah Showground	North Street	Lot 570, DP 753624	Local	I200
Murrumburrah	St Mary's Catholic Church	Vernon Street	Lot 2, DP 114853	Local	I201

Murrumburrah	St Mary's Convent (former)	Vernon Street	Lots 4 and 5, Section 1, DP 758737	Local	I202
Murrumburrah	Trinity Catholic School	Vernon Street	Lot 7, Section 20, DP 758737	Local	I203
Murrumburrah	Rosemore Store and stables	17 Vernon Street	Lot 6, DP 1058449	Local	I204
Murrumburrah	Whichcraft and Coffee Cottage	19 Vernon Street	Lot 5, Section 21, DP 758737	Local	I205
Reids Flat	Reids Flat Public Hall	Albert Street	Lots 1 and 2, DP 323649	Local	I206
Reids Flat	Reids Flat Public School (former)	Albert Street	Lot 1, Section 9, DP 758876	Local	I207
Reids Flat	Reids Flat Showground	Britannia Street	Lot 241, DP 754134	Local	I208
Reids Flat	Reids Flat Union Church (former)	26-28 Britannia Street	Lot 7, Section 7, DP 758876	Local	I209
Reids Flat	Reids Flat General Cemetery	Reids Flat Road	Lot 7301, DP 1147361	Local	I210
Rugby	St Virgil's Catholic Church	31 Good Street	Lot 159, DP 754144	Local	I211
Rugby	Rugby Homestead	Lugano Road	Lot 6, DP 1045855	Local	I212
Rugby	Rugby General Cemetery	Corner Rugby Road and Grassy Creek Road	Lot 7300, DP 1148016	Local	I213
Rugby	St Aidan's Anglican Church (former)	3062 Rugby Road	Lot 166, DP 754144	Local	I214
Rugby	Rugby Public School (former)	3074 Rugby Road	Lot 164, DP 754144	Local	I215
Rugby	Rugby Memorial Gates	3081 Rugby Road	Lot 7001, DP 1026331	Local	I216
Rugby	Rugby Hall	3083 Rugby Road	Lot 169, DP 754144	Local	I217
Rugby	Rugby Police Station (former)	3090 Rugby Road	Lot 3, Section 2, DP 2025	Local	I218
Rugby	Rugby General Store (former)	3105 Rugby Road	Lot 4, Section 3, DP 2025	Local	I219
Rugby	Mewburn Grove Cemetery	3176 Rugby Road	Lot 25, DP 754142	Local	I220

Rye Park	Rye Park General Cemetery	Cemetery Drive	Lot 7003, DP 1026228	Local	I221
Rye Park	Everton Homestead Group	5316 Dalton Road	Lot 36, DP 754135	Local	I222
Rye Park	St Matthew's Anglican Church (former)	69 Kershaw Street	Lot 5, Section 6, DP 1810	Local	I223
Rye Park	Illyria Homestead	793 Rye Park Road	Lot 82, DP 1064886	Local	I224
Rye Park	Rye Park Uniting Church and cemetery (former)	Yass Street	Lot 26, DP 668425	Local	I225
Rye Park	Rye Park Soldiers Memorial Hall	16 Yass Street	Lot 1, DP 304133	Local	I226
Rye Park	St Joseph's Catholic Church (former)	26-28 Yass Street	Lot 14, DP 6190	Local	I227
Rye Park	Rye Park Bush Nurse Cottage (former)	29 Yass Street	Lot 13, Section 2, DP 1810	Local	I228
Rye Park	Palmer Butchery (former)	51 Yass Street	Lot 2, DP 321183	Local	I229
Rye Park	Rye Park Recreation Ground	54-68 Yass Street	Lot 1, DP 937799	Local	I230
Rye Park	Rye Park Public School (former)	78-86 Yass Street	Lot 322, DP 40176	Local	I231
Thuddungra	Thuddungra Memorial Hall	22 Blayneys Road	Lot 149, DP 754594	Local	I232
Thuddungra	St Patrick's Catholic Church (former)	2177 Bribbaree Road	Lot 1, DP 938762	Local	I233
Thuddungra	Quamby Homestead	11 Quamby Road	Lot 5, DP 625030	Local	I234
Thuddungra	St Luke's Anglican Church	14 Thuddungra Circuit	Lot 63, DP 754603	Local	I235
Wirrimah	Wirrimah Prune Dehydrator (former)	105 Horseferry Road	Lot 457, DP 754605	Local	I237
Wombat	Wombat General Cemetery	Corner Bibaringa Road and Caroon Road	Road Reserve	Local	I238
Wombat	St Matthew's Anglican Church and Hall (former)	27 Hope Street	Lot 1, DP 614460	Local	I239

Wombat	Soldier Memorial Hall	Rose Street	Lot 1, DP 316811	Local	I240
Wombat	Sisters of the Sacred Heart Convent (former)	1 Rose Street	Lot 1, DP 718023	Local	I241
Wombat	Wombat Public School	46 Rose Street	Lots 2 and 3, DP 404697	Local	I242
Wombat	St Colombanus Catholic Church (former)	124 Rose Street	Lot 12, Section 9, DP 759105	Local	I243
Wombat	Wombat Hotel	95 Wombat Road	Lot 2, DP 1040193	Local	I244
Young	City Bank (former)	91 Boorowa Street	Lot 2, DP 607172	State	I245
Young	Bank of NSW (former)	130 Boorowa Street	Lots 1 and 2, DP 860132	Local	I246
Young	Commercial Hotel	167 Boorowa Street	Lot 7, Section 1, DP 759144	Local	I247
Young	Young Town Hall and Civic Offices	189-201 Boorowa Street	Lot 10, DP 1166763	Local	I248
Young	Millard Centre	192 Boorowa Street	Lot 7, DP 657094; Lot 8, DP 657095	Local	I249
Young	Silknit Building (former Small Arms Annex)	212 Boorowa Street	Lot 1, DP 111154	Local	I250
Young	Strand Theatre (former)	241 Boorowa Street	Lot 2, DP 748427	Local	I251
Young	Sarah Musgrave Bridge	Campbell Street	Road Reserve	Local	I252
Young	Public School (former)	2 Campbell Street	Lot 3, DP 40328	Local	I253
Young	Roll Up Banner (moveable item)	2 Campbell Street	Lot 3, DP 40328	Local	I254
Young	Young Courthouse (former)	9 Campbell Street	Lot 1, DP 799901	Local	I255
Young	Young Gaol (former)	20 Caple Street	Lot 1, Section 49, DP 759144	Local	I256
Young	Young Poultry Chilling Works (former)	19 Clarke Street	Lot B, DP 103800	Local	I257

Young	Church of St John The Evangelist	19 Cloete Street	Lots 9 and 10, Section 20, DP 759144	Local	I258
Young	Young General Cemetery	9 Cunich Street	Lot 1, DP 650679; Lot 1, DP 1121582; Lot 7302, DP 1146653	Local	I259
Young	Krebs Lane gold diggings	Krebs Road	Lot 2323, DP 754611	Local	I260
Young	Tennis Club Rooms	5 Lachlan Street	Lots 1, 3 and 4, DP 455259	Local	I261
Young	NSW Government Offices (former AMP building)	27 Lynch Street	Lot 1, DP 966841	Local	I262
Young	Anderson Park War Memorial	Lovell Street	Lot 3, DP 838152	Local	I263
Young	Burrangong Shire Council Chambers (former)	26 Lovell Street	Lot 2, DP 931661; Lot 3, DP 660612	Local	I264
Young	Empire Hotel	74 Lovell Street	Lot 1, DP 1109432	Local	I265
Young	Young Co-op Flour Mill	133 Lovell Street	Lot 1, DP 723903; Lot 1, DP 915844; Lot 2, DP 579936; Lot 2, DP 909310; Lots A and B, DP 909444; Lot 5, DP 907118; Lot 20, DP 136178; Lot 21, DP 136178	Local	I266
Young	Lynch Street Bridge	Lynch Street	Road Reserve	Local	I267
Young	St Paul's Presbyterian Church	26 Lynch Street	Lots 1-3, DP 5354	Local	I268
Young	Young Post Office	66 Lynch Street	Lot 6A, DP 90384	Local	I269
Young	Young Court House	74 Lynch Street	Lot 6, Section 20, DP 759144	Local	I270
Young	Young Uniting Church	82 Lynch Street	Lot 1, DP 903100	Local	I271
Young	Young Hotel	89 Lynch Street	Lot 1, DP 900954	Local	I272
Young	Young Railway Station	Main Street (Demondrille-Blayney Railway)		State	I273

Young	Temperance Hall	93 Main Street	Lot 1, DP 1133090	Local	I274
Young	Southern Cross Hall	96 Main Street	Lot A, DP 385383	Local	I275
Young	Old Courthouse	54 McLerie Street	Lot A, DP 354601	Local	I276
Young	The Bungalow	3551 Moppity Road	Lot 5, DP 622932	Local	I277
Young	Young Showground Art Hall	4570 Murringo Road	Lot 1895, DP 754611	Local	I278
Young	Young Showground Grandstand	4570 Murringo Road	Lot 1895, DP 754611	Local	I279
Young	Young Showground Main Pavilion	4570 Murringo Road	Lot 1895, DP 754611	Local	I280
Young	Young Showground Sheep Pavilion and Cattle Shed	4570 Murringo Road	Lot 1895, DP 754611	Local	I281
Young	Young Showground Stan Lowe Pavilion	4570 Murringo Road	Lot 1895, DP 754611	Local	I282
Young	Verity Prunes	43 Nasmyth Street	Lot L, DP 403257	Local	I283
Young	Young Fruitgrowers' Cool Stores	154 Nasmyth Street	Lot 1, DP 341756; Lot 1, DP 668618	Local	I284
Young	Phil Holmes Packing Shed	455 Olympic Highway North	Lot 2, DP 878117	Local	I285
Young	Woodonga Uniting Church (former)	1123 Olympic Highway North	Lot 1, DP 326274	Local	I286
Young	Chinese Tribute Gardens	59 Pitstone Road	Lots 7008 and 7009, DP 1021369	Local	I287
Young	Carrington Park	Ripon Street	Lot 1, DP 901476	Local	I288
Young	Lambing Flat Riot Site (14 July 1861) and Associated Banner	6 Ripon Street, 20 Caple Street and 9 and 11 Campbell Street	Part Lot 1, Section 49, DP 759144; Part Lot 2547, DP 821629; Lot 1, DP 799901; Lot 3, Section 48, DP 759144; Part Lot 2548, DP 821629; Lot 1, DP 48015; Lot 1, DP 901476; Lot 701, DP 1021359	State	I289
Young	Chapel, St Mary's Church	9 Ripon Street	Lot 1, DP 1195788	Local	I290
Young	St Joseph's School (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I291



Young	St Mary's Catholic Church	9 Ripon Street	Lot 1, DP 1195788	Local	I292
Young	St Mary's Presentation Convent (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I293
Young	St Mary's War Memorial School (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I294
Young	St Patrick's School Hall (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I295
Young	Milkmans Creek Bridge	Temora Road	Road Reserve	Local	I296
Young	Blackguard Gully gold diggings	Whiteman Avenue (Boorowa Road)	46320 (Crown Land Parcel)	State	I297
Young	Burrangong Lodge St John (former)	26 Zouch Street	Lot 5, DP 654488	Local	I298

## Part 2 Heritage conservation areas

Description	Identification on <a href="#">Heritage Map</a>	Significance
Boorowa Heritage Conservation Area (Court and Brial Streets)	C4	Local
Boorowa Heritage Conservation Area (Marsden Street)	C5	Local
Galong Heritage Conservation Area	C3	Local
Harden Heritage Conservation Area (Neill Street)	C2	Local
Murrumburrah Heritage Conservation Area	C1	Local
Young Heritage Conservation Area C6		Local

## Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Frogmore	Frogmore Copper Concentrator site	2802 Little Plains Road	Lot 2, DP 532447	Local	A1
Memagong	Chinese Single Jian house	2454 Milvale Road	Lot 1, DP 931976	Local	A2

Wallah Wallah Wallah Wallah Village site Off River Road Lot 58, DP 754144 Local A3

## 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)

**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.

**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 Hilltops Council.

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

**Note—**

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

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

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle generally feed by grazing on living grasses and other plants on the land and are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note—**

Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note—**

Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

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

**Note—**

Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

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

**Drinking Water Catchment Map** means the [Hilltops Local Environmental Plan 2022 Drinking Water Catchment Map](#).

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note—**

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

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note—**

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note—**

Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note—**

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

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that—

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note—**

See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of—

- (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.

**Environmentally Sensitive Land Map** means the [Hilltops Local Environmental Plan 2022 Environmentally Sensitive Land Map](#).

**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 [Hilltops Local Environmental Plan 2022 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 Vulnerability Map** means the [Hilltops Local Environmental Plan 2022 Groundwater Vulnerability Map](#).

**group home** means a permanent group home or a transitional group home.

**Note—**

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

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional) or transitional group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note—**

Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—**

Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

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

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

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

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note—**

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

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note—**

Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following—

- (a) a hazardous storage establishment,

- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note—**

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

**Height of Buildings Map** means the [Hilltops Local Environmental Plan 2022 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 [Hilltops Local Environmental Plan 2022 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.

**Highly Erodible Soils Map** means the [Hilltops Local Environmental Plan 2022 Highly Erodible Soils Map](#).

**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 [Hilltops Local Environmental Plan 2022 Land Application Map](#).

**Land Reservation Acquisition Map** means the [Hilltops Local Environmental Plan 2022 Land Reservation Acquisition Map](#).

**Land Zoning Map** means the [Hilltops Local Environmental Plan 2022 Land Zoning Map](#).

**landholding** means an area of land—

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

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—**

Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

**Note—**

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

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note—**

Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

**Note—**

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

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

**Lot Size Map** means the [Hilltops Local Environmental Plan 2022 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, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note—**

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—**

See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

Neighbourhood supermarkets are a type of **shop**—see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that—

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

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

**Note—**

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

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

**Note—**

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

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

**Note—**

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

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

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

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

**Note—**

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

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

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

**people who are socially disadvantaged** means—

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

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

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

**Note—**

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

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

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—**

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

**pond-based aquaculture** means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

**Note—**

Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the [Ports and Maritime Administration Act 1995](#)—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**poultry farm** means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

**Note—**

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

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

**Note—**

Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** mean a property vegetation plan approved under Part 4 of the [Native Vegetation Act 2003](#) before the repeal of that Act (as continued in force by the regulations under the [Biodiversity Conservation Act 2016](#)).

**pub** means licensed premises under the [Liquor Act 2007](#) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—**

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

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

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

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

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

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

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

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

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

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

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

**recreation facility (outdoor)** means a building or place (other than a recreation area) used

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

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

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

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

**relic** has the same meaning as in the [Heritage Act 1977](#).

**Note—**

The term is defined as follows—

**relic** means any deposit, artefact, object or material evidence that—

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,

- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note—**

Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note—**

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note—**

Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

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

**Note—**

Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a), (b) (Repealed)
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

**Note—**

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

**Riparian Land and Watercourses Map** means the [Hilltops Local Environmental Plan 2022 Riparian Land and Watercourses Map](#).

**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.

**Salinity Map** means the [Hilltops Local Environmental Plan 2022 Salinity Map](#).

**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—**

Home-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 [Hilltops Local Environmental Plan 2022 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 [Hilltops Local Environmental Plan 2022 Urban Release Area Map](#).

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

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

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

**Note—**

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

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

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

**Note—**

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

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note—**

Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and



distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note—**

Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated—

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note—**

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

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

**Note—**

Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note—**

Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following—

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note—**

Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means—

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

**wharf or boating facilities** means a wharf or any of the following facilities associated with a wharf or boating that are not port facilities—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**wholesale supplies** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the [A New Tax System \(Australian Business Number\) Act 1999](#) of the Commonwealth.