

Blayney Local Environmental Plan 1998

[1998-224]



New South Wales

Status Information

Currency of version

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

Provisions in force

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

Notes—

- **Repeal**

This plan was repealed by cl 1.8 (1) of [Blayney Local Environmental Plan 2012 \(573\)](#) (amended by [Blayney Local Environmental Plan 2012 \(Amendment No 8\) \(2017-11\)](#)) with effect from 27.1.2017.

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 27 January 2017

Blayney Local Environmental Plan 1998



New South Wales

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Blayney Local Environmental Plan 1998



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Blayney Local Environmental Plan 1998*.

2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and other resources within the area of Blayney by protecting, enhancing or conserving:
 - (i) prime crop and pasture land, and
 - (ii) timber, mineral, soil, water and other natural resources, and
 - (iii) areas of significance for nature conservation, and
 - (iv) areas of high scenic or recreational value, and
 - (v) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
 - (vi) the environmental heritage of the area of Blayney, and
- (b) to replace the former planning controls with a single local environmental plan to help facilitate growth and development of the area of Blayney in a manner which is consistent with the objectives specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development of rural land, and
 - (ii) facilitates the efficient and effective delivery of amenities and services, and
 - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
 - (iv) facilitates farm adjustments, and

- (v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and
- (c) to give the Council greater responsibility for environmental planning by creating a broad framework of controls and to create opportunity for more detailed provisions relating to matters of significance only for local environmental planning to be contained in development control plans made by the Council, and
- (d) to speed up the planning process, and
- (e) to maintain the opportunity for public involvement and participation in the environmental planning and assessment process, and
- (f) to reduce the incidence of damage to areas subject to flooding by restricting development in the flood plain and in the floodways.

3 Land to which plan applies

This plan applies to all land within the area of Blayney, as shown on the map, with the boundaries as indicated on the map.

4 Relationship to other environmental planning instruments

Interim Development Order No 1—Shire of Lyndhurst, and such local environmental plans and other deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, are repealed.

5 Definitions

(1) In this plan:

advertising structure means a structure used or to be used principally for the display of an advertisement, but does not include an advertising structure of a temporary nature (such as a real estate sign) or an advertising structure used on land for the purpose only of displaying a commercial sign which relates to the activities carried out on the land or premises situated on the land.

agriculture includes horticulture and the use of land for any purpose or husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables and the like.

alter, in relation to a heritage item or to a building or work within a conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes that result from maintenance of the existing detail, fabric, finish or appearance of the outside

of the heritage item, building or work.

animal boarding or training establishment means a building or place used for the commercial boarding, breeding, keeping or training of animals and includes riding schools and veterinary clinics.

appointed day means the day on which this plan takes effect.

arterial road means any existing road indicated on the map by heavy broken black lines.

caravan park means land used as sites for moveable dwellings (including tents and caravans or other vehicles for temporary or permanent accommodation) and includes any kiosk or other similar facility situated on the land.

Council means the Blayney Shire Council.

demolish a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

designated development means development that, for the land to which this plan applies, is prescribed as designated development by the *Environmental Planning and Assessment Regulation 1994* or any environmental planning instrument, in each case as in force from time to time.

environmentally sensitive land means land:

- (a) that is identified as Rural Land Capability Class VII or VIII on a map prepared by or on behalf of the Commissioner of the Soil Conservation Service, or
- (b) that has a slope or gradient in excess of 1 in 3 and that is identified by the Commissioner of the Soil Conservation Service as “Protected Land” on a map prepared by or on behalf of the Commissioner, or
- (c) that is within, or within 40 metres of, the bed or bank of a river, stream or creek listed in Schedule 1, or
- (d) that is shown horizontally hatched with black lines on the map.

existing holding means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was as at 12 January 1973, or
- (b) where, as at 12 January 1973, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at 12 January 1973.

flood liable land means land shown diagonally hatched with black lines on the map.

heritage conservation area means land shown edged heavy black on any of the maps marked as follows and includes buildings, works, archaeological sites, relics, trees and places situated on or within that land:

Blayney Local Environmental Plan 1998 (Amendment No 3)—Millthorpe Heritage Conservation Area

heritage item means:

- (a) a building, work, archaeological site or place (which may or may not be situated on or within land that is a heritage conservation area) specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 2, or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance.

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

intensive livestock keeping means use of a building or place to hold cattle, sheep, goats, poultry or other livestock for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes use of:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) fish farms (including places used for farming of crustaceans and oysters),

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

irrigated agriculture means agricultural production requiring the application of water to crops by utilisation of a permanent irrigation system and includes the following activities:

orcharding, plant propagation, plant breeding, viticulture, ornamental floriculture, intensive vegetable production and landscape horticulture.

maintenance means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not

include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (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.

plantation forest means private forestry involving the establishment of plantations of more than 5 hectares in area in respect of any one property.

potential archaeological site means a site known to the Council to have archaeological potential.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

prime crop and pasture land means land within an area identified (on a map prepared by or on behalf of the Director-General of the Department of Agriculture, deposited in an office of that Department and a copy of which is deposited in the office of the Council) as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which the Director-General has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:

- (i) a public authority, or
- (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the Blayney area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the Blayney area.

renovation, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

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

the map means the map marked “*Blayney Local Environmental Plan 1998*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps), marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal or publication on the NSW legislation website. Information about the order of gazettal or publication can be determined by referring to the Historical notes at the end of the plan.

Blayney Local Environmental Plan 1998 (Amendment No 5)—Sheets 1 and 2.

Blayney Local Environmental Plan 1998 (Amendment No 11)

tree includes a sapling or a shrub.

vacant means devoid of dwellings.

wetland means land within a heritage conservation area and shown on the map by parallel broken lines.

- (2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (3) In this plan, a reference to the destruction of a tree, is a reference to ringbarking, cutting down, felling, poisoning, topping, lopping, removing or otherwise destroying or injuring the tree.
- (4) Notes in this plan do not form part of this plan.

6 Adoption of Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except for:

- (a) the definitions of **advertising structure**, **arterial road** and **map** in clause 4 (1), and
 - (b) clauses 15 and 29,
- are adopted for the purposes of this plan.

6A What is exempt development?

- (1) Development listed in Schedule 6 that meets the criteria set for it in that Schedule is exempt development, except as provided by subclauses (2) and (3).
- (2) Development is exempt development only if it:
 - (a) does not cause 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 or otherwise, and
 - (b) complies with any deemed-to-satisfy provisions of the *Building Code of Australia* relevant to the development, and
 - (c) does not contravene any condition of a development consent applying to the land, and
 - (d) does not obstruct drainage of the site on which it is carried out, and
 - (e) does not restrict any vehicular or pedestrian access to or from the site, and
 - (f) does not adversely affect stormwater or sewer services, and
 - (g) in the case of development consisting of or involving the erection of a building:
 - (i) the building is constructed with new materials or, if any other materials are specified in relation to the building in Schedule 6, the building is constructed of those materials, and

- (ii) the building is situated at least one metre from any sewer main or easement or, if any other minimum distance from a sewer main or easement is specified in relation to the building in Schedule 6, the building complies with that requirement, and
 - (iii) the building is (unless it is a fence or a flag pole) positioned behind the building line or Schedule 6 provides for the building to be situated before the building line.
- (3) Development is not exempt development if it is carried out on land that is:
- (a) the site of a heritage item or located within a heritage conservation area identified in an environmental planning instrument, or
 - (b) an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (c) reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (d) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (e) land that is critical habitat under the *Threatened Species Conservation Act 1995*, or
 - (f) land that is, or is part of, a wilderness area under the *Wilderness Act 1987*.

6B What is complying development?

- (1) Development listed in Schedule 7 is complying development if:
- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act, except as provided by subclauses (2) and (3).
- (2) Development is complying development only if it:
- (a) complies with the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) will achieve the outcomes listed in Schedule 7 for the development, and
 - (c) is carried out on a site which has been identified as being free from contamination, where the site has been used as a service station, for the storage of fuel or chemicals used in agriculture or commercial quantities, mining or extractive industries, and

- (d) in the case of development consisting of or involving the erection of a prefabricated building or other structure, the structure is erected in accordance with the instructions of the manufacturer of the structure and with any relevant Australian Standards, and
 - (e) in the case of development consisting of or involving the erection of any building, the building:
 - (i) is constructed of new materials or, if any other materials are specified in relation to the building in Schedule 7, the building is constructed of those materials, and
 - (ii) is not situated over a sewer main or within an easement, unless Schedule 7 allows that kind of building to be situated on such land, and
 - (f) does not contravene any condition of a development consent applying to the land, and
 - (g) is consistent with any plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat*, and with any recovery plan or threat abatement plan in force under the *Threatened Species Conservation Act 1995* that apply to the land, and
 - (h) a certificate of compliance has been obtained for the development, if required, from Central Tablelands Water.
- (3) Development is not complying development if it is carried out on land that is:
- (a) the site of a heritage item or within a heritage conservation area, or
 - (b) an Aboriginal place under the *National Parks and Wildlife Act 1974*, or
 - (c) reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
 - (d) an aquatic reserve declared under the *Fisheries Management Act 1994*, or
 - (e) land that is critical habitat under the *Threatened Species Conservation Act 1995*, or
 - (f) land that is, or is part of, a wilderness area under the *Wilderness Act 1987*
- (4) A complying development certificate issued for any such development is to be subject to the relevant conditions for the development specified in Schedule 8.

6C Development that does not require the consent of Council

Despite clause 9, a person may carry out development on any land to which this plan

applies without the consent of the Council if:

- (a) the development is of a type listed in Schedule 9, and
- (b) in the case of development consisting of or involving the erection of a building or other structure, the structure is erected in accordance with the instructions of the manufacturer of the structure and with any relevant Australian Standards, and
- (c) in the case of development consisting of or involving the erection of a building, the building:
 - (i) meets the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (ii) is constructed of new materials, and
 - (iii) is not situated over a sewer main or within an easement.

7 Consent authority

The Council is the consent authority for the purposes of this plan.

Part 2 Zones

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Rural

Zone No 1 (a) (General Rural Zone)—edged heavy black and lettered “1 (a)”

Zone No 1 (c) (Rural Small Holdings Zone)—edged heavy black and lettered “1 (c)”

Zone No 1 (f) (Forestry Zone)—edged heavy black and lettered “1 (f)”

Residential

Zone No 2 (v) (Village or Urban Zone)—edged heavy black and lettered “V”

Environment Protection

Zone No 7 (a) (Environment Protection—Scenic Zone)—edged heavy black and lettered “7 (a)”

Zone No 7 (c) (Environment Protection—Water Catchment Zone)—edged heavy black and lettered “7 (c)”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading

“Objectives of Zone” appearing in the matter relating to the zone.

- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development:
- (a) that may be carried out without development consent, and
 - (b) that may be carried out only with development consent, and
 - (c) that is prohibited,
- is specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.
- (4) Designated development may be carried out only with development consent.

Table

Zone No 1 (a) (General Rural Zone)

1 Objectives of Zone

The objectives of this zone are to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or

- natural wildlife habitat or is likely to control land degradation, and
- (vi) water resources for use in the public interest, and
- (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
- (viii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (b) preventing the unjustified development of prime crop and pasture land otherwise than for the purpose of agriculture, and
- (c) ensuring that any allotment created for intensive agricultural land uses is potentially and physically capable, on its own, of sustaining a range of such uses or other agricultural land uses as a commercial agricultural operation suitable to the locality, and
- (d) facilitating farm adjustments, and
- (e) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services, and
- (f) identifying land suitable for future urban development, for rural-residential development and for other non-agricultural development, in accordance with the need for that development, and
- (g) allowing a range of rural living styles in appropriate locations within the zone, and
- (h) encouraging the establishment of rural and related industries within the zone.

2 Without development consent

Exempt development.

Development for the purpose of:

agriculture (other than intensive livestock keeping); forestry (other than plantation forests).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

motor showrooms; residential flat buildings; shops (other than general stores, wineries or craft shops).

Zone No 1 (c) (Rural Small Holdings Zone)

1 Objectives of Zone

The objectives of this zone are:

- (a) to promote development of land identified as suitable for rural-residential or small holding development, and
- (b) to identify land suitable for future urban development, and for development for other non-agricultural purposes, in accordance with the need for that development, and
- (c) to allow a range of rural living styles in appropriate locations within the zone.

2 Without development consent

Exempt development.

Development for the purpose of:

agriculture (other than intensive livestock keeping).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

hotels; industries (other than rural, light or home industries); motor showrooms; residential flat buildings; shops (other than general stores).

Zone No 1 (f) (Forestry Zone)

1 Objectives of Zone

The objectives of this zone are to identify those areas under the management and control of the Forestry Commission of New South Wales pursuant to the *Forestry Act 1916* and to promote appropriate use of that land.

2 Without development consent

Exempt development.

Development for the purpose of:

forestry; any land use carried out pursuant to the *Forestry Act 1916*.

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

hotels; industries (other than rural, light or home industries); motor showrooms; residential flat buildings; shops (other than general stores).

Zone No 2 (v) (Village or Urban Zone)

1 Objectives of Zone

The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function.

2 Without development consent

Exempt development.

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

extractive industries; intensive livestock keeping.

Zone No 7 (a) (Environment Protection—Scenic Zone)

1 Objectives of Zone

The objectives of this zone are to protect and conserve the scenic quality of the land within the zone, and to promote the proper management and utilisation of agricultural resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation, and
 - (vi) water resources for use in the public interest, and
 - (vii) areas of significance of nature conservation, including areas with rare plants, wetlands and significant habitat, and
 - (viii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (b) preventing the unjustified development of prime crop and pasture land otherwise than for the purpose of agriculture, and
- (c) ensuring that any allotment created for intensive agricultural land uses is potentially and physically capable, on its own, of sustaining a range of such uses or other agricultural land uses as a commercial agricultural operation suitable to the locality, and
- (d) facilitating farm adjustments, and
- (e) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and

- (ii) providing, extending and maintaining public amenities and services, and
- (f) identifying land suitable for future urban development, for rural-residential development and for other non-agricultural development, in accordance with the need for that development, and
- (g) allowing a range of rural living styles in appropriate locations within the zone, and
- (h) encouraging the establishment of rural and related industries within the zone.

2 Without development consent

Exempt development.

Development for the purpose of:

agriculture (other than intensive livestock keeping or new intensive horticulture carried out on an area greater than 20 hectares).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

hotels; industries (other than rural or home industries); intensive livestock keeping; motor showrooms; offensive or hazardous industries; residential flat buildings; sewage treatment plants; shops (other than general stores); stock and sale yards.

Zone No 7 (c) (Environment Protection—Water Catchment Zone)

1 Objectives of Zone

The objectives of this zone are to protect and conserve the catchment of Lake Rowlands and the catchment of Suma Park Reservoir so that water quality is maintained and enhanced in order that the water is fit for human consumption, and to promote the proper management and utilisation of agricultural resources by:

- (a) protecting, enhancing and conserving:

- (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation, and
 - (vi) water resources for use in the public interest, and
 - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
 - (viii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (b) preventing the unjustified development of prime crop and pasture land otherwise than for the purpose of agriculture, and
 - (c) ensuring that any allotment created for intensive agricultural land uses is potentially and physically capable, on its own, of sustaining a range of such uses or other agricultural land uses as a commercial agricultural operation suitable to the locality, and
 - (d) facilitating farm adjustments, and
 - (e) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services, and
 - (f) identifying land suitable for future urban development, for rural-residential development and for other non-agricultural development, in accordance with the need for that development, and

- (g) allowing a range of rural living styles in appropriate locations within the zone, and
- (h) encouraging the establishment of rural and related industries within the zone.

2 Without development consent

Exempt development.

Development for the purpose of:

agriculture (other than intensive livestock keeping or new intensive horticulture carried out on an area greater than 20 hectares).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

caravan parks; commercial premises; hotels; industries (other than rural or home industries); intensive livestock keeping; motels; motor showrooms; refreshment rooms; residential flat buildings; sewage treatment plants; shops (other than general stores); stock and sale yards.

Part 3 Special provisions

10 General considerations for development within rural and environment protection zones

- (1) The Council must, before consenting to the carrying out of development on land within Zone No 1 (a), 1 (c), 7 (a) or 7 (c), make an assessment of the impact of carrying out that development on:
 - (a) the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and
 - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights), and
 - (c) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials, and
 - (d) the protection of areas of significance for nature conservation or of high scenic or

recreational value, and of places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and

(e) the cost of providing, extending and maintaining public amenities and services to the site of the proposed development, and

(f) future expansion of settlements in the locality.

(2) Before granting such a consent, the Council must also take into consideration the effect of the proposed development on adjoining land and other land in the locality.

11 Subdivision of land generally

(1) A person must not subdivide land to which this plan applies except with the consent of the Council.

(2) The Council must not consent to the subdivision of land within Zone No 1 (a), 1 (c), 7 (a) or 7 (c) unless it has obtained all relevant information in relation to, and made an assessment of:

(a) the primary purpose for which each allotment to be created by the subdivision is intended to be used, and

(b) whether any allotment to be created by the subdivision is intended to be used primarily for the purpose of agriculture, and

(c) whether a dwelling is intended to be erected on any allotment to be created by the subdivision and the approximate location of any such dwelling, and

(d) whether any proposed allotment contains an existing dwelling-house and the location of any such dwelling-house.

12 Subdivision for the purpose of agriculture in Zones Nos 1 (a), 7 (a) and 7 (c)

(1) This clause applies to land within Zone No 1 (a), 7 (a) or 7 (c).

(2) Land to which this clause applies must not be subdivided unless each separate allotment to be created has an area of not less than 100 hectares.

(3) Despite subclause (2), the Council may consent to a subdivision that creates lots of less than 100 hectares if the Council is satisfied that:

(a) each such lot will be developed in accordance with a farm management plan prepared for the lot and endorsed by the Director-General of the Department of Agriculture, and

(b) none of the lots will be used for rural-residential purposes, such as hobby farms.

Note—

Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

13 Subdivision for the purpose of dwelling-houses in Zones Nos 1 (a), 7 (a) and 7 (c)

- (1) This clause applies to land within Zone No 1 (a), 7 (a) or 7 (c).
- (2) The Council may consent to the creation of an allotment to be used for the purpose of a dwelling-house from an existing holding comprised of land to which this clause applies, if each allotment to be created by the subdivision has an area of not less than 100 hectares.
- (3) (Repealed)
- (4) In addition to the requirements of subclause (2), the Council may consent to the subdivision of land within Zone No 7 (c) only to create an allotment the Council is satisfied will be used for the purpose of a dwelling-house if a dwelling buffer is provided (being a minimum space of 400 metres between the dwelling-house and any water way) and the impact on ground and surface water of the development is minimal.
- (5) For the purposes of this clause, **existing holding** means:
 - (a) except as provided in paragraph (b), the area of a lot, portion or parcel of land as it was as at 12 January 1973, or
 - (b) where, as at 12 January 1973, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at that date, or
 - (c) a holding which has been reduced in area (on or after 12 January 1973) by an acquisition for public purposes not relating to residential development or as a result of a subdivision for the purpose of agriculture without a dwelling-house, or both.

14 Subdivision for other purposes in Zones Nos 1 (a), 7 (a) and 7 (c)

- (1) The Council must not consent to the subdivision of land within Zone No 1 (a), 7 (a) or 7 (c) if the Council is satisfied that any allotment to be created by the subdivision is to be used primarily otherwise than for the purpose of agriculture or a dwelling-house, unless, in the opinion of the Council:
 - (a) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created, and
 - (b) any allotment so created within Zone No 7 (c) will not adversely affect water quality and landscape values.
- (2) Nothing in subclause (1) prevents the Council from granting consent to the

subdivision of land to create an allotment to be used otherwise than for the purpose of agriculture or a dwelling-house if the Council is satisfied that:

- (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality, and
- (b) no other land in the locality could reasonably be used for that purpose, and
- (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment.

15 Subdivision for the purpose of dwelling-houses in Zone No 1 (c)

- (1) The Council must not consent to the subdivision of land within Zone No 1 (c) unless each allotment intended to be created primarily for the purpose of a dwelling-house has an area of 2 hectares or more.
- (2) The Council must not grant consent to the subdivision of land within Zone No 1 (c) unless it has made an assessment of:
 - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created, and
 - (b) the desirability of providing a range and mixture of allotment sizes, and
 - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and the physical suitability for on-site disposal of wastes, and
 - (d) the capability of the land to accommodate septic disposal of household waste, and
 - (e) the standard and capacity of public roads serving the land relative to the likely volume of traffic to be generated as a consequence of the density of the proposed development, and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated, and
 - (f) the availability of other similar kinds of services and social services relative to the likely demand for those services and costs of their provision, and
 - (g) the purpose for which the land is to be used after subdivision.

Note—

See Schedule 10 for an exception to the clause (certain land fronting Richards Lane and Springvale Road, Millthorpe).

16 Subdivision of land in Zone No 2 (v)

- (1) A person must not subdivide land within Zone No 2 (v) to create an allotment that the Council is satisfied is intended to be used for the purpose of a dwelling-house unless the allotment has an area of 500 square metres or more (for so much of the area of Blayney as is serviced by sewer) or 1 000 square metres or more (for other land).
- (2) The shape and frontage of any such allotment is to be to the satisfaction of the Council, having regard to its future use as a dwelling site.
- (3) In assessing an application for consent to subdivision for the purpose of a dwelling-house on land within Zone No 2 (v), the Council must have regard to:
 - (a) the nature and topography of the land to be subdivided in relation to the density of allotments proposed to be created, and
 - (b) the desirability of providing a range and mixture of allotment sizes, and
 - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services, and
 - (d) the impact of the subdivision on the future development of towns and villages.

17 Dwellings in Zones Nos 1 (a), 7 (a) and 7 (c)

- (1) A person must not erect a dwelling on vacant land within Zone No 1 (a), 7 (a) or 7 (c) unless:
 - (a) the land has an area of 100 hectares or more, or
 - (b) the land comprises:
 - (i) an existing holding, or
 - (ii) an allotment created under this plan otherwise than for the purpose of agriculture, or
 - (iii) an allotment of land created in accordance with a consent that was granted before the appointed day and that has not lapsed, being an allotment on which a dwelling could have been erected immediately before the appointed day, or
 - (iv) an allotment created under the provisions of clause 12 (3) or 13.
- (2) In the case of any proposed allotment having an area of less than 2 hectares, the Council must be satisfied that the allotment contains an adequate area for the on-site disposal of wastes before granting its consent for the erection of a dwelling within Zone No 1 (a), 7 (a) or 7 (c).

17A Dwellings in Zone No 1 (c)

- (1) A person must not erect a dwelling on vacant land within Zone No 1 (c) except with the consent of Council.
- (2) The Council must not grant such a consent unless:
 - (a) the land has an area of 2 hectares or more, or
 - (b) the land comprises:
 - (i) an existing holding, or
 - (ii) an allotment created under this plan otherwise than for the purpose of agriculture, or
 - (iii) an allotment of land created in accordance with a consent that was granted before the appointed day and that has not lapsed, being an allotment on which a dwelling could have been erected immediately before the appointed day, or
 - (iv) an allotment created under the provisions of clause 15 of this plan.
- (3) Before granting its consent for the erection of a dwelling on an allotment within Zone No 1 (c), the Council must be satisfied that the allotment contains an adequate area for the on-site disposal of waste.

17B Dwelling entitlements on existing concessional lots

The amendment of this plan by the [State Environmental Planning Policy \(Rural Lands\) 2008](#) does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

18 Residential development in Zone No 2 (v)

- (1) A person must not erect a dwelling-house, boarding-house or residential flat building within Zone No 2 (v) except with the consent of the Council.
- (2) The Council must not consent to the erection of a dwelling-house within Zone No 2 (v) except on an allotment of land which was created:
 - (a) in accordance with clause 16, or
 - (b) by a subdivision carried out before the appointed day to create an allotment on which a dwelling-house could have been erected before the appointed day (and then only if, in the case of small allotments in areas which are not serviced by

sewer, the Council is satisfied that an adequate area exists within the allotment for the on-site disposal of wastes).

19 Erection of additional dwellings in Zones Nos 1 (a), 1 (c), 2 (v), 7 (a) and 7 (c)

- (1) The Council may consent to the erection of one additional dwelling on land within Zone No 1 (a), 1 (c), 2 (v), 7 (a) or 7 (c) where:
 - (a) a dwelling could be erected on the land in accordance with this plan, and
 - (b) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land, and
 - (c) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land is being used.
- (2) The Council must not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except in accordance with this plan.
- (3) Alteration of an existing dwelling to create 2 dwellings is taken to be the erection of an additional dwelling for the purposes of this clause.

20 Development which must be advertised

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development specified in Schedule 3 in the same way as those provisions apply to and in respect of designated development.

21 Development along arterial roads

- (1) The Council must not consent to the carrying out of development on land which has a frontage to an arterial road unless:
 - (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
 - (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
 - (i) the design of the access to the proposed development, or
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) The Council must not consent to the development of land within Zone No 1 (a), 1 (c), 7 (a) or 7 (c) listed in Schedule 4 if the development will require direct vehicular access to:

- (a) an arterial road, or
- (b) a road connecting an arterial road, and access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

22 Environmentally sensitive land

- (1) A person must not carry out development on environmentally sensitive land for the purposes of:
 - (a) intensive livestock keeping, or
 - (b) junk yards, or
 - (c) liquid fuel depots, or
 - (d) offensive or hazardous industries, or
 - (e) sawmills, or
 - (f) stock and sale yards.
- (2) A person must not, except with the consent of the Council, cause the destruction of trees on:
 - (a) more than 1 hectare of environmentally sensitive land forming the whole or part of an existing holding, or
 - (b) more than 5% of the area of an existing holding, where that 5% comprises environmentally sensitive land,whichever is less.
- (3) The Council must not consent to an application made for the purposes of subclause (2) unless, in the opinion of the Council, the destruction of trees on the land will be carried out in a manner which, in respect of that land and adjacent land, minimises:
 - (a) the risk of soil erosion or other land degradation, and
 - (b) the loss of scenic amenity, and
 - (c) the loss of important vegetation systems and natural wildlife habitats.

23 Flood liable land

- (1) A person must not erect a building or carry out a work for any purpose (otherwise than for the purpose of agriculture) on flood liable land except with the consent of the Council.

- (2) The Council must not grant consent to the erection of a building or the carrying out of a work on flood liable land if, in the opinion of the Council, the carrying out of the development is likely:
- (a) to impede the flow of floodwaters on that land or adjacent land, or
 - (b) to imperil the safety of persons on that land or adjacent land in the event of the land being inundated with floodwaters, or
 - (c) to aggravate the consequences of floodwaters flowing on that land or adjacent land with regard to erosion, siltation or the destruction of vegetation, or
 - (d) to have an adverse effect on the water table of that land or adjacent land.

24 Land subject to bushfire hazards

The Council must not grant consent to the subdivision of land or to the erection of a building on land which is subject to bushfire hazards (by reason of the vegetation on the land or on any adjacent land) unless, in the opinion of the Council:

- (a) adequate provision is made for access for firefighting vehicles, and
- (b) adequate safeguards are adopted in the form of firebreaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for firefighting purposes.

25 Protection of heritage items and heritage conservation areas

- (1) **When is consent required?** The following development may be carried out only with development consent:
- (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,
 - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
 - (c) altering a heritage item by making structural changes to its interior,
 - (d) disturbing or excavating a place of Aboriginal heritage significance or 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,
 - (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located or

which is within a heritage conservation area.

- (2) **What exceptions are there?** Development consent is not required by this clause if:
- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
 - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the proponent in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument, or
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) **What must be included in assessing a development application?** Before granting a consent required by this clause, the consent authority must assess 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.
- (5) **What extra documentation is needed?** The assessment must include consideration of a **heritage impact statement** that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a **conservation management plan**, if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a **heritage item**:
 - (i) the heritage significance of the item as part of the environmental heritage of the Blayney area, and
 - (ii) the impact that the proposed development will have on the heritage

- significance of the item and its setting, including any landscape or horticultural features, and
- (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
- (b) for development that would be carried out in a **heritage conservation area**:
- (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

26 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

26A Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) be satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

27 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.

- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

28 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area, and
- (b) the carrying out of any development allowed by clause 30.

29 (Repealed)

30 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

30A Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.

- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any), and
 - (b) the style, size, proportion and position of the openings for windows or doors (if any), and
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.
- (3) Consent must not be granted to development on a site within a heritage conservation area which will result in a landscaped area of less than 5% of the site area.

31 Access

A person, other than the Council, must not construct a road which has access to a public road, except with the consent of the Council.

32 Advertising structures

- (1) A person must not use or erect an advertising structure on the land to which this plan applies.
- (2) Despite subclause (1), a person may, with the consent of the Council, use or erect an advertising structure on land for the purpose of displaying an advertisement:
 - (a) which relates to the land, or to premises situated on the land, and
 - (b) which specifies one or more of the following:
 - (i) the purpose for which the land or premises is or are used,
 - (ii) particulars that identify a person residing or carrying on an occupation or business on the land or premises,
 - (iii) a description of an occupation or business referred to in subparagraph (ii),
 - (iv) particulars of the goods or services dealt with or provided on the land or premises.
- (3) Despite subclause (1), a person may, with the consent of the Council, erect an advertising structure displaying an advertisement directing the travelling public to places of scientific, cultural, tourist, historical, scenic, agricultural or hospitality interest.
- (4) The Council must not grant consent as referred to in subclause (2) or (3) unless it is satisfied that the advertising structure will not interfere with the amenity of the area and that the safety of the travelling public will not be endangered by the erection of

that structure.

- (5) This clause does not apply to any advertising structures and advertisements erected within information bays erected or approved by the Council.

33 Development near zone boundaries

Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 20 metres of the boundary between that zone and another zone if it is permitted in the other zone either with or without development consent.

34 Classification and reclassification of public land as operational land

The public land described in Schedule 5 is classified or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

35 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 10 for the purpose specified in relation to that land in that Schedule, subject to any conditions specified in that Schedule with respect to that land.
- (2) Subclause (1) does not affect the application to the development of those provisions of this plan that are not inconsistent with that subclause or with a consent granted by the Council in respect of that development.

Schedule 1 Environmentally sensitive land (rivers etc)

(Clause 5 (1))

Belubula River
Cadiangullong Creek
Coombing Rivulet
Cowriga Creek (Browns Creek)
Fell Timber Creek
Flyers Creek
Graingers Creek
Limestone Creek
Mandurama Ponds
Milburn Creek
Panuara Rivulet

Schedule 2 Heritage items

(clause 5 (1))

BLAYNEY

1 Retail Store and Stock & Station Agency (#4)

112-114 Adelaide Street Blayney 2799
Pt Lot 14 Section 3 DP 758121 and Lot B DP 328723
Assessment No 555 & 556

2 Uniting Church (#5)

92 Adelaide Street Blayney 2799
Lot 491 DP 708497, Parish of Lindsay
Assessment No 564-00000-8

3 Uniting Church Hall (#6)

92 Adelaide Street Blayney 2799
Lot 491 DP 708497, Parish of Lindsay
Assessment No 564-00000-8

4 Christ Church Anglican Church (#7)

86 Adelaide Street Blayney 2799
Lots 5-7 Section 6 DP 758121, Parish of Errol.
Assessment No 566-00000-6

5 Christ Church Anglican Church Rectory (#8)

Adelaide Street Blayney 2799
Lots 5-7 Section 6 DP 758121, Parish of Errol.
Assessment No 566-00000-6

6 Christ Church Anglican Church Hall (#9)

Adelaide Street Blayney 2799
Lots 5-7 Section 6 DP 758121, Parish of Errol.
Assessment No 566-00000-6

7 Blayney College of TAFE (#10)

84 Adelaide Street Blayney 2799
Lots 41 and 44 DP546786, Parish of Errol.
Assessment No 566-10000-4

8 Blayney Post Office (#14)

Adelaide Street Blayney 2799
Lot 1 DP773218, Parish of Errol.
Assessment No 574-00000-5

9 Court House (#15)

58 Adelaide Street Blayney 2799
Corner Lot 1 Section 31 DP 758121
Assessment No 575-00000-5

10 Masonic Temple (#17)

52 Adelaide Street Blayney 2799
Lot 1 DP 937149, Parish of Errol.
Assessment No 578-00000-2

11 Residence “The Croft House” (#20)

40 Adelaide Street Blayney 2799
Lot 464 DP 813199
Assessment No 583.11

12 Residence (#27)

97 Adelaide Street Blayney 2799
Lot 25 Sec 14 DP 758121
Assessment No 521

13 Residence (#34)

37 Hill Street Blayney 2799
Lots 8, 9, 18 and 19 DP 984 and Lot 1 DP 455328
Assessment No 850

14 St James Catholic Church Presbytery (#35)

Hill Street Blayney 2799
Part Portion 247 Section A Town of Blayney; Parish of Lindsay.
Assessment No 824-00000-4

15 St Josephs School Library Chapel (#36)

Hill Street Blayney 2799
Lots 3, 4 and 15–21 Part 14 Section 16 and Lot 1 DP45339 Lot 1 and 2 DP82184 Town of Blayney;
Parish of Lindsay
Assessment No 539-00000-0

16 St Josephs Convent (#37)

Hill Street Blayney 2799
Lots 11–14 Section 1 and Lot 2 DP542900, Parish of Lindsay
Assessment No 539-01000-9

17 Cottage (#39)

12 Tucker Street Blayney 2799
Lot 3 Section 17 DP 1450
Assessment No 1242.1

18 Public School (#43)

Lindsay Street Blayney 2799
Lots 1 & 2 DP 722343
Assessment No 4043-00000-1

19 Presbyterian Manse (#46)

Church Street Blayney 2799
Lot 7 DP 505215
Assessment No 514-00000-0

20 Two Storey House and Cottage (#47)

26 & 28 Church Street Blayney 2799
Lots 1 & 2 DP 875801
Assessment No 755 and 756

21 Soldiers Memorial Hall (#50)

37 Church Street Blayney 2799
Lot 21 Section 14 DP 758121
Assessment No 744-00000-1

22 Fire Station (#54)

23 Church Street Blayney 2799
Lots 1 & 2 DP 873113
Assessment No 749-00000-6

23 Surgery and Residence (#59)

79 Adelaide Street Blayney 2799
Lot 1 DP 17374
Assessment No 515

24 Presbyterian Church (#60)

73 Adelaide Street Blayney 2799
Lot 7 DP 505215
Assessment No 514-00000-9

25 CBC Bank Building and Outbuilding (#61)

69 Adelaide Street Blayney 2799
Lots 22 & 19 DP569741
Assessment No 512-00000-1

26 Stables CBC Bank (#62)

69 Adelaide Street Blayney 2799
Lots 22 & 19 DP569741
Assessment No 512-00000-1

27 St Joseph's Primary School (#63)

Hill Street Blayney 2799
Lots 11-14 Section 1 DP 758121 and Lot 2 DP 542900
Assessment No 539-01000-9

28 Blayney Railway Station (#64)

Railway Lane Blayney
Assessment No 2753-00000-5

29 Old Slaughter House (#71)

Barry Road Blayney
Lots 2 and 3 DP 590219 and Lot 11 DP 860863, Parish of Napier
Assessment No 2450.0001

30 Homestead "Athol" (#72)

Newbridge Road Blayney
Lots 2 and 3 DP 590219 and Lot 11 DP 860863, Parish of Napier
Assessment No 2450.0001

31 Anglican Church (#75)

Mid Western Highway Kings Plains Village
Part Portion 76, Parish of Torrens, Village of Kings Plains
Assessment No 3061

32 “Linfern” Homestead (#78)

Mid Western Highway Kings Plains
Lot 2 DP 812944
Assessment No 3034.1111

33 “The Marsden Cottages” (#259)

53 Plumb Street Blayney
Lot 1 DP 361338
Assessment No 1142

57 Plumb Street Blayney
Lot 3 DP 361338
Assessment No 1140

33A Bakery

122 Adelaide Street Blayney 2799
Lot 1 Section 3 DP 713347
Assessment No 549

33B Residence

30 Adelaide Street Blayney 2799
Lot 7 Section 8 DP 758121
Assessment No 589

33C Shop

131 Adelaide Street Blayney 2799
Lot 1 Section 15 DP 314277
Assessment No 535

33D Residence

24 Church Street Blayney 2799
Lots 1 & 2 DP 741147
Assessment No 754

33E Cottage

8 Lane Street Blayney 2799
Lots 14 & 15 Section 2 DP 1450
Assessment No 877

33F Units

53 Adelaide Street Blayney 2799
Lot A Section 12 DP 349106
Assessment No 506

33G Shop

55 Adelaide Street Blayney 2799

Lot B DP 349106
Assessment No 507

33H Residence

43 Osman Street Blayney 2799
Lot 5 Section 21 DP 758121
Assessment No 1099

33I Residence

34 Water Street Blayney 2799
Lot B DP 381285
Assessment No 1252

33J “Wonga Homestead”

87 Hills Lane Blayney 2799
Lot 109 DP 579555
Assessment No 437-2

33K Blayney General Cemetery

Memorial Drive Blayney 2799

33L Marsden Family Vault

101 Plumb Street Blayney 2799
Lot 2 DP 881499
Assessment No 456-32

MILLTHORPE

34 Anglican Church (#86)

Park Street Millthorpe 2798
Lot 1 DP 650739, Village of Millthorpe
Assessment No 1752-80000-1

35 Anglican Church (#87)

Park Street Millthorpe 2798
Lot 1 DP 650739, Village of Millthorpe
Assessment No 1752-80000-1

36 Catholic Church (#88)

Park Street Millthorpe 2798
Lot 1 DP 922879, Village of Millthorpe
Assessment No 1752-00000-8

37 Semi Detached Cottages (#89)

8–10 Blake Street Millthorpe 2798
Pt Lot 9 DP1713, Village of Millthorpe
Assessment No 1633 & 1634

38 School of Arts (#92)

48 Victoria Street Millthorpe 2798
Lot 22 Section F DP3098, Village of Millthorpe

Assessment No 1851-00000-8

39 Uniting Church (#94)

Church Street Millthorpe 2798
Part Portion 89, Parish of Graham
Assessment No 1660-00000-9

40 Residence (#95)

24 Park Street Millthorpe 2798
Lot 3 Section F DP 3098, Village of Millthorpe
Assessment No 1758-00000-2

41 Post Office (#99)

Corner Victoria and Park Streets Millthorpe 2798
Corner Lot 1 Section F DP 3098, Village of Millthorpe
Assessment No 1852-00000-7

42 Public School Residence (#100)

Park Street Millthorpe 2798
Lot 7 DP 750384 Lot 18 DP 7929 & Lot 1 DP 561913, Village of Millthorpe
Assessment No 1754.21

43 Residence "Bank of Commerce" (#100a)

29 Victoria Street Millthorpe
Lot 5 DP 3537, Village of Millthorpe
Assessment No 1834

44 Public School Main Building (#102)

Park Street Millthorpe 2798
Lot 7 DP 750384 Lot 18 DP 7929 & Lot 1 DP 561913, Village of Millthorpe
Assessment No 1754-21

45 Police Station (#103)

Park Street Millthorpe 2798
Lot 236 DP750384, Village of Millthorpe
Assessment No 1754-10000-4

46 Group of Shops (#104)

7 Pym Street Millthorpe
Lot 6 DP 11941
Assessment No 1797

47 Railway Station (#106)

Southern End Pym Street Millthorpe
Village of Millthorpe, Parish of Graham
Assessment No 2732-00000-1

48 Agency and Residence (#107)

20 Pym Street Millthorpe
Lot 12 Section A DP 1713

Assessment No 1804

49 Former Grand Western Lodge Hotel (#109)

Corner Victoria and Park Streets Millthorpe 2798

Lot 3 DP11941, Village of Millthorpe

Assessment No 1833-00000-1

50 Residence (#110)

34 Crowson Street Millthorpe

Lot 235 DP 702956

Assessment No 1685.1

51 Baptist Church (#114)

Crowson Street Millthorpe 2798

Lot 11 DP 861661, Village of Millthorpe

Assessment No 1682.1

52 Masonic Temple (#117)

Corner Pearce and Pilcher Street Millthorpe

Lot 8 Section 2 DP 1112, Village of Millthorpe

Assessment No 1763-40000-7

53 Residence (#118)

22 Victoria Street Millthorpe 2798

Lot 5 Section B DP1713

Assessment No 1860-00000-7

54 Museum (#120)

Park and Church Street Millthorpe 2798

Lot 10 DP 862121, Village of Millthorpe

Assessment No 1748-11

55 Anglican Church (#121)

Village of Rosebery Forest Reefs District

Lot 21, Section 1, Village of Rosebery, Parish of Calvert

Assessment No

56 Uniting Church (#122)

Village of Rosebery Forest Reefs District

Lot 7, Section 2, Village of Rosebery, Parish of Calvert

Assessment No

57 "Robindee" Homestead (#126a)

Hilltop Lane Garland

Lot 304 DP 750392, Parish of Lucan

Assessment No 1986-00000-6

58 Homestead (#128)

Forest Reefs Road Beneree

Lot 2 DP 708616, Parish of Calvert

Assessment No 278.1

59 Former Westpac Bank of NSW and Manager's Residence (#un-numbered & L60)

Corner Victoria and Park Streets Millthorpe 2798

Lots 4A & Pt Lot 5 Section A DP1713 and Lot 1 DP 356275, Village of Millthorpe

Assessment No 1853-00000-6

60 "Grove Farm" (#265)

Forest Reefs Road Millthorpe

Lot 1 DP 546309

Assessment No 1539.101

60A Semi-detached Cottage

16 Park Street Millthorpe 2798

Lot 7 Section F DP 3098

Assessment No 1761

60B Semi-detached Cottage

18 Park Street Millthorpe 2798

Lot 6 Section F DP 3098

Assessment No 1760

60C Cottage

5 Montgomery Street Millthorpe 2798

Lot 12 Section 3 DP 1112

Assessment No 1737

60D Cottage

7 Montgomery Street Millthorpe 2798

Lot 11 Section 3 DP 1112

Assessment No 1736

60E Cottage

17 Pilcher Street Millthorpe 2798

Lot 15 Section 3 DP 983554

Assessment No 1776

60F Residences

14 & 16 Pym Street Millthorpe 2798

Lot 11 Section A DP 1713

Assessment No 1803-1

60G "Garryowen Homestead"

569 Forest Reefs Road Millthorpe 2798

Lot 322 DP 704705

Assessment No 150-33

60H Residence

18-22 George Street Millthorpe 2798

Lots 15-17 Section G DP 3361

Assessment No 1713-312

60I Millthorpe General Store

1 Pym Street Millthorpe 2798

Lot 4 DP 11941

Assessment No 1799

60J Millthorpe General Cemetery

Park Street Millthorpe 2798

NEWBRIDGE

61 Railway Station (#137)

Bathurst Road Newbridge

Village of Newbridge, Parish of Galbraith.

Assessment No 2735-00000-2 & 2758-39000-5

62 Old Catholic Church Building (#138 & 139)

Bathurst Road Newbridge

Portion 100 Village of Newbridge, Parish of Galbraith.

Assessment No 1411-00000-1

63 Old Catholic Presbytery (#140)

Bathurst Road Newbridge

Portion 100, Village of Newbridge, Parish of Galbraith

Assessment No 1411-00000-1

63A Residence

3 Caloola Street Newbridge

Lot 1 DP 219733

Assessment No 1461-1

63B Hotel and Shop

26 Trunkey Street Newbridge

Lot 1 DP 819367

Assessment No 1521-1

63C Cottage

16 Trunkey Street Newbridge

Lot 1 Section 1B DP 1282

Assessment No 1526-1

63D Shops

9 Caloola Street Newbridge

Lot 2 DP 151765

Assessment No 1465

63E Thorneys Cemetery

347 Fitzgerald Valley Road Newbridge

Lot 2 DP 777487

Assessment No 1416

63F Newbridge General Cemetery

Off Wimbledon Road Newbridge

HOBBYS YARDS

64 Uniting Church (#141)

Hobbys Yards 2795

Lot 1 DP 657801, Parish of Three Brothers

Assessment No 2973-00000-9

65 Old School House (#142)

Hobbys Yards 2795

Lot 1 DP 950353, Parish of Three Brothers

Assessment No 2972-10000-8

65A Hobbys Yards General Cemetery

Hobbys Yards Cemetery Road (Off Three Brothers Road) Hobbys Yards

MOORILDA

66 Church (#144)

Moorilda

Portion 135 Rem, Parish of Three Brothers

Assessment No

BARRY

67 Church Building (#146)

Selwyn Street Barry

Section 14, Village of Barry.

Assessment No

68 Old Catholic Church (#148)

Goulburn Road Moorilda

Part Portion 140, Parish of Three Brothers

Assessment No 2966-00000-8

69 Presbyterian Church (#149)

Goulburn Road Moorilda

Portion 142 Rem, Parish of Three Brothers

Assessment No

NEVILLE

70 Anglican Church (#150)

Crouch Street Neville

Lot B, DP305804, Village of Neville

Assessment No 2936-00000

71 Uniting Church (#151)

Macquarie Street Neville

Lots 15 and 16 Section 13 DP 758767, Village of Neville

Assessment No 2642-00000

72 Public School (#156)

Crouch Street Neville
Lot 3, Section 7, Village of Neville, Parish of Neville
Assessment No 2615-10000-1

73 Presbyterian Church (#157)

Corner Carcoar & Crouch Street Neville
Lot 9, DP402145, Village of Neville, Parish of Neville.
Assessment No 2617-00000-1

73A Shop and Residence

52-54 Carcoar Street Neville
Lots 1 & 3 Section 18 DP 758767
Assessment No 2661

73B Neville Hotel

24 Crouch Street Neville
Lot 2 Section 9 DP 758767
Assessment No 2623

73C Cottage

4 Teasdale Road Neville
Lot 12 Section 21 DP 758767
Assessment No 2669

73D Neville General Cemetery

Kentucky Road Neville

MANDURAMA

74 Catholic Church (#168)

Mid Western Highway Mandurama
Lots 4-6 Section 23, Village of Mandurama
Assessment No 2371-00000-7

75 National Bank (#170)

Corner Mid Western Highway & Gold Street Mandurama
Corner Lots 1 & 12 Section 11 DP 978887, Village of Mandurama
Assessment No 2342-00000-3

76 Anglican Church (#173)

Peach Street Mandurama
Corner Lots 1, 2 and 12 Section 8 DP 978887, Village of Mandurama
Assessment No 2413-00000-7

77 Presbyterian Church (#175)

Loquat Street Mandurama
Lot 33 DP568467, Village of Mandurama
Assessment No 2292-20000-9

78 Shops (#191)

Mid Western Highway Mandurama
Lot A Section 10 DP 159997
Assessment No 2356

79 Cottage (#192)

Mid Western Highway Mandurama
Lot 1 & 2 DP 194874
Assessment No 2360

80 Mandurama Memorial Hall

Gold Street Mandurama
Lot 15 Section 3 DP978887
Assessment No 2258

81 “Millamolong” Homestead (original) (#193-198)

Mandurama—Canowindra Road Mandurama
Lots 21, 22, 23, 31 & 32 DP 750386 Parish of Hampton
Assessment No 1873-00000-2

82 Workman’s Cottage—“Millamolong” (#199)

Mandurama—Canowindra Road
Lots 21, 22, 23, 31 & 32 DP 750386 Parish of Hampton
Assessment No 1873-00000-2

83 Stables—Millamolong (#200)

Mandurama—Canowindra Road
Lots 21, 22, 23, 31 & 32 DP 750386 Parish of Hampton
Assessment No 1873-00000-2

84 “Millamolong” Homestead (#202)

Mandurama—Canowindra Road
Lots 21, 22, 23, 31 & 32 DP 750386 Parish of Hampton
Assessment No 1873-00000-2

84A Cottage

24 Loquat Street Mandurama
Lot 1 DP 743627
Assessment No 2308

84B Cliefden Homestead & Rothery Private Cemetery

1521 Belubula Way Mandurama
Lot 11 DP 566218
Assessment No 1866-1

84C “Sydenham Homestead”

192 Mandurama Road Mandurama
Lot 4 DP 750393
Assessment No 2016-1

84D Cottage

27 Gold Street Mandurama
Lot 1 DP 1003790
Assessment No 2271

LYNDHURST

85 Community Hall/Picture Theatre (#184)

Hill Street Lyndhurst
Lot 7 Section 5, Village of Lyndhurst
Assessment No 2169-00000-3

86 Pair Brick Shops (#187)

McDonald Road Lyndhurst
Assessment No 2031

87 Lyndhurst Memorial Hall (#188)

Russart Street Lyndhurst
Lot 5 Section 4, Village of Lyndhurst
Assessment No 2200-00000-4

87A Lyndhurst General Cemetery

Cemetery Lane Lyndhurst

CARCOAR

88 Carcoar Village

All building and works situated within that part of the State within the local government area of Blayney, known as the Village of Carcoar, as shown edged green on the plan catalogued H.C.65 in the office of the Heritage Council of New South Wales.

89 St Paul's Anglican Church (#204)

Belubula & Collins Street Carcoar
Lots 8-10 Section 18, Village of Carcoar
Assessment No 1287-00000-2

90 Old CBC Bank (#209)

5 Belubula Street Carcoar
Lot 1 DP 737938
Assessment No 1295

91 Carcoar Post Office (#210)

Belubula Street Carcoar
Lot 1 Section 18, Village of Carcoar
Assessment No 1296-00000-1

92 Former Court House (#211)

Corner Belubula and Icely Street Carcoar
Section 18 Part Reserve for Court House, Village of Carcoar
Assessment No 1324-00000-7

93 Old Anglican Church Rectory (#212 & 213)

Belubula Street Carcoar
Lots 8-10 Section 18, Village of Carcoar
Assessment No 1287-00000-2

94 Residence (#215)

10 Belubula Street Carcoar
Lot 305 DP 630011
Assessment No 1282

95 Residence (#216)

8 Belubula Street Carcoar
Lots 4 & 5 Section 17, Village of Carcoar
Assessment No 1281

96 Old Catholic Presbytery (#220)

Coombing and Rodd Streets Carcoar
Lots 1-4 Section 11, Village of Carcoar
Assessment No 1302-00000-3

97 Residence (#221)

14 Collins Street Carcoar
Lot 8 Section 16, Village of Carcoar
Assessment No 1301

98 Shalom House of Prayer (#224 & 225)

Carcoar 2791
Lots 17-20 Section 10, Village of Carcoar
Assessment No 1306-00000-9

99 Shalom House of Prayer Former Hall (#226)

Coombing Street Carcoar
Lots 17-20 Section 10, Village of Carcoar
Assessment No 1306-00000-9

100 Catholic Church (#227)

Collins and Coombing Street Carcoar
Lots 1-4 Section 11, Village of Carcoar
Assessment No 1302-00000-3

101 Cottage (#228)

Stoke Lane Carcoar
Lot 31 DP 853751
Assessment No 2821.2

102 Stoke Stable (#230)

Naylor Street and Stoke Lane Carcoar
Lot 1 DP 525920
Assessment No

103 Shop (#238)

25 Naylor Street Carcoar
Lots 1 & 2 DP 798228
Assessment No 2803.1

104 Houses (#239)

Naylor Street Carcoar
Lots 1 & 2 DP 798228
Assessment No 2803.1

105 Old Bakery (#241)

Naylor Street Carcoar
Lot 10 DP 628908
Assessment No 2807.22

106 Carcoar Hospital (#243)

Eulamore Street Carcoar
Lot 1 DP817698, Village of Carcoar
Assessment No 4075-00000-2

107 Public School (#244)

Icely Street Carcoar
Part Lots 14-16 Section 9 DP 758225, Village of Carcoar
Assessment No 1338-00000-1

108 Saddlery (#245)

Icely Street Carcoar
Lot 1, Section 19 DP 758225 and Lot 1, DP704726, Village of Carcoar,
Assessment No 1339

109 School of Arts (#247)

Icely Street Carcoar
Part Lot 2 Section 19 DP 758225, Village of Carcoar
Assessment No 1342-00000-5

110 Post Office Wall and Old CBC Bank Stables (#248)

Carcoar
Lot 1 DP737938, Village of Carcoar
Assessment No 1295-0000-0

111 Police Station (#249)

Icely Street Carcoar
Reserve for Police Lock Up, Section 18, Village of Carcoar
Assessment No 1308-30000-1

112 Presbyterian Church (#251)

Icely Street Carcoar
Lots 2-4 Section 10 Village of Carcoar
Assessment No 1326-00000-5

113 Carcoar Railway Station (#253)

Carcoar
Carcoar Railway Station SRA Ref: 149450, Village of Carcoar
Assessment No 2758-36

114 Carcoar Railway Cottage (#5.3)

Naylor Street Carcoar
Former Railway Residence No 91, Village of South Carcoar
Assessment No 2812-10000-2

115 Blenheim Hall (#252, 268, 269, 270, 2.2 & D5)

Icely Street Carcoar
Lots 5-16 Section 10 & Lot 10 Section 11, Village of Carcoar
Assessment No 1327-00000-4

116 "Coombing Park" Homestead and Outbuildings (#254-258, 2.3, 2.12, G1 & G5)

Coombing Park Carcoar
Lot B DP 160649 Parish of Shaw and Somers
Assessment No 2857-00000-0

116A Cottage

13 Belubula Street Carcoar
Lot 7 Section 18 DP 758225
Assessment No 1288

116B Old Commercial Hotel

9 Belubula Street Carcoar
Lot 1 Section 18 DP 996351
Assessment No 1290

116C Shops and Residence

7 Belubula Street Carcoar
Lot 1 DP 731723 & Lot 4 Section 18 DP 758225
Assessment No 1292

116D Shop

2 Belubula Street Carcoar
Lot 2 Section 17 DP 70599
Assessment No 1277

116E Cottage

8 Icely Street Carcoar
Lot 1 Section 10 DP 758225
Assessment No 1325

116F Stammers House

40 Icely Street Carcoar
Lot 7 Section 7 DP 758225
Assessment No 1331

116G Old Bakery

18 Naylor Street Carcoar
Lot 1 DP 662024
Assessment No 2818

116H Stoke Hotel

12 Naylor Street Carcoar
Lot 442 DP 706264
Assessment No 2817

116I Carcoar General Cemetery

Carcoar Road Carcoar

RURAL

117 Belubula Dam, including Main Service Pipeline & Mine Area (#L73 & 6.9)

Junction Reefs
Parish Belubula; Part Reserve No 81412 for Public Recreation (Notified Gazette 20.02.59)
Assessment No Non Rateable

118 “Thurystone” (#261)

Hills Lane Blayney
Lot 1 DP865064, Parish of Errol
Assessment No 438.2

119 Old Errowanbang Homestead (#263)

Errowanbang
Lot 51 DP 39600, Parish of Blake
Assessment No 265-00000-0

120 “Errowanbang” Homestead (#264)

Errowanbang
Lot 22 DP 241473, Parish of Beaufort
Assessment No 19.3

KINGS PLAINS

121 “Iralee Homestead”

3011 Mid Western Highway Kings Plains
Lot 5 DP 1040434
Assessment No 3034

122 Cottage

2937 Mid Western Highway Kings Plains
Lot 77 DP 750413
Assessment No 3029-1

CADIA

123 Cadia General Cemetery

Cadia

SHAW

124 Shaw General Cemetery

934 Mount Macquarie Road Shaw
Lots 1 & 2 DP 724418
Assessment No 2788

BENEREE

125 “Old School House”

455 Tallwood Road Beneree
Lots 333, 372 DP 750367
Assessment No 343-1

FOREST REEFS

126 Forest Reefs Cemetery

Convent Lane Forest Reefs
Lot 1 DP 668339

Schedule 3 Development which must be advertised

(Clause 20)

Development for the purpose of:

- boarding-houses
- bulk stores
- caravan parks
- car repair stations
- commercial premises
- drive-in takeaway food shops
- generating works
- hotels
- industries (other than rural industries in Zone No 1 (a) or 1 (c))
- intensive livestock keeping
- junk yards
- light industries
- liquid fuel depots
- motels

motor showrooms
residential flat buildings
road transport terminals
sawmills
service stations
stock and sale yards
tourist facilities
transport terminals
units for the aged
utility installations
warehouses

Schedule 4 Development along arterial roads

(Clause 21 (2))

Development for the purpose of:

bulk stores
caravan parks
car repair stations
clubs
commercial premises
educational establishments
hospitals
hotels
industries (other than home or rural industries)
institutions
junk yards
liquid fuel depots
mines
motels

places of assembly
places of public worship
recreation establishments
recreation facilities
refreshment rooms
retail plant nurseries
roadside stalls
sawmills
service stations
stock and sale yards
transport terminals
warehouses

Schedule 5 Classification and reclassification of public land as operational

(Clause 34)

Land being Lot 1, DP241681, Evans Crescent, Blayney, Parish of Lindsay, County of Bathurst.

Schedule 6 Exempt development

(Clause 6A)

What can be erected and used, or carried out, on any land	Exemption criteria
Access Ramps for disabled	Maximum height: 1 metre above finished ground level. Maximum grade: 1:14, and otherwise in compliance with AS 1428.1-1998.
Aerials/Antennae/Microwave Antennae (not including satellite dishes—dealt with as separate provision below)	For domestic use only. Maximum height 10 metres above natural ground level. Roof or wall mounted.
Air Conditioning Units for dwellings (attached to external wall or ground mounted)	Noise level should not exceed 5dBA above ambient noise level measured at property boundary. Building work must not reduce the structural integrity of the building. Any opening created is to be adequately weatherproofed.
Awnings on Dwellings	Maximum area: 10 square metres. Located wholly within property boundaries. Location: rear of building.

Balconies, decks and patios (unroofed and attached to dwellings)	<p>Maximum area: 10 square metres per dwelling. Maximum width: 1.5 metres. Finished surface level not greater than 1 metre above existing ground level. Required boundary setbacks to be maintained.</p>
Barbeques	<p>Maximum area: 10 square metres. Maximum chimney height 2.5 metres. Location: rear of building and wholly within site boundary.</p>
Bird Aviaries	<p>Maximum floor area: 10 square metres. Maximum height: 2.4 metres. Location: to the rear of the building and not over stormwater access pits. Limit of one aviary per property.</p>
Clothes Line/Hoists	<p>Location: rear of building. Installed to manufacturers specifications.</p>
Cubby Houses & Playground Equipment	<p>Maximum height: 2.1 metres. Maximum area: 10 square metres. Location: rear of building. Structurally sound.</p>
Flagpoles	<p>Maximum 6 metres above ground level. Must be structurally adequate. Located wholly within the property. If flagpoles are to project over a public road they must comply with the following:</p> <ul style="list-style-type: none">(a) the poles are to be at least 3.6 metres above the pathway level of the road, and(b) they must not project over the carriage way of the road, and(c) they must not interfere with public services.
Garden Sheds (free standing and pre-fabricated)	<p>Maximum floor area: 10 square metres. Maximum height: 2.1 metres. Location: to the rear of the building. Materials—zincalume, colourbond or painted. Maybe located over sewer mains only if the building can be easily relocated, and does not restrict access to sewer or stormwater pits or boundary shafts.</p>
Hoardings	<p>Location: within the boundaries of the land. Erected in accordance with Workcover Authority guidelines.</p>
Letter Boxes	<p>Maximum height: 1.2 metres Consistent with streetscape and character.</p>

	<p>Non-structural work only such as:</p> <ul style="list-style-type: none">• replacement of doors, walls, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or• renovations of bathrooms or kitchens, including built-in fixtures such as vanities, cupboards and wardrobes.
Minor alterations to domestic single dwellings	<p>Applies only to alterations or renovations to previously completed buildings.</p> <p>Work not to include changes to the configuration of rooms whether by removal of existing wall partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosures of open areas.</p> <p>The alterations should not affect the structural strength or stability of the building. (eg external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls contributing to overall strength and stability may result in the failure of external walls). Examples of minor alterations include—new doors, kitchen and bathroom renovations etc.</p> <p>Any work involving asbestos cement should comply with the Workcover Authority's "<i>Guidelines for Practice Involving Asbestos Cement in Buildings</i>". Any work involving lead paint removal must not cause lead contamination of ground or air.</p>
Paving (associated with dwellings)	<p>Must include adequate provision for the collection and disposal of stormwater.</p> <p>At least 50% of the area between the street frontage and building must be retained for lawn and gardens.</p>
Pergola (open)	<p>Maximum area: 20 square metres.</p> <p>Maximum height 2.4 metres.</p> <p>Maintain required boundary setbacks.</p>
Re-cladding of roofs or walls	<p>Replace existing materials with similar materials.</p> <p>Re-cladding not to involve structural alterations.</p> <p>Any work involving asbestos cement should comply with the Workcover Authority's "<i>Guidelines for Practices Involving Asbestos Cement in Buildings</i>".</p> <p>Any work involving lead paint removal must not cause lead contamination of ground or air.</p>
Satellite Dishes	<p>Maximum diameter: 2 metres.</p> <p>Maximum height: 2 metres.</p> <p>Location: behind the building.</p> <p>For domestic use only.</p>
Skylight roof windows (including solartube or a similar installation)	<p>Maximum area: 1 square metre.</p> <p>Location: not less than 900mm from a boundary and not less than 900mm from a wall separating attached dwellings.</p> <p>Building work must not reduce the integrity of the building or involve structural alterations.</p> <p>Any openings must be waterproofed.</p> <p>Installation to manufacturer's instructions.</p>

<p>Temporary Buildings (such as site sheds or temporary accommodation on the land while approved work is being carried out on a permanent building)</p>	<p>To be removed upon occupation of the replacement permanent structure. Location: not to affect approved landscape, car parking or loading areas.</p>
<p>Water Heaters</p>	<p>Installed to manufacturer's specifications and requirements by a licensed person. The building work does not reduce the structural integrity of the building or involve structural alterations. Does not alter the facade or prominent features of a heritage item. For solar systems any openings should be adequately waterproofed.</p>
<p>Water Tanks at or above ground level</p>	<p>Maximum diameter: 3 metres. Maximum height: 2.5 metres. Location: behind the building. Not on land that requires excavation.</p>
<p>Windows, Glazed Areas and External Doors</p>	<p>Exemption does not apply to a window in a building to which an order under the Heritage Act 1977 applies. Replacement in residential premises with materials that comply with: <i>AS1288-1994—Glass in buildings—selection and installation;</i> <i>AS/NZS 2208:1996—Safety glazing materials in buildings (Human Impact Considerations).</i></p> <p>There should be no reduction in the area provided for light or ventilation and structural support members cannot be removed.</p>
<p>Fences, etc</p>	
<p>Fences—General Urban</p>	<p>All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage. Fences in urban areas must not be constructed of, or include, barbed wire or corrugated iron. Not fences required by the Swimming Pools Act 1992.</p>
<p>Front Boundary Fences (between the building line and street or any other public place)</p>	<p>Maximum height: 1 metre if constructed of timber, metal or light weight materials. Front fences must be constructed of materials consistent with streetscape character. In heritage conservation areas fences must be in keeping with the period style of the buildings in the area.</p>
<p>Side or rear boundary fences (between the building line and the rear boundary)</p>	<p>Maximum height: 1.8 metres if constructed of timber, sheet metal or light weight materials. (Sheet metal must be colourbond type material).</p>
<p>Masonry or Brick Fences</p>	<p>Maximum height: 600mm Complies with: <i>AS3700-1998—Masonry structures</i> <i>AS3600-1994—Concrete structures</i></p>

Retaining Walls	<p>Maximum height: 600mm Masonry walls to comply with: <i>AS3700-1998—Masonry structures</i> <i>AS3600-1994—Concrete structures</i> <i>AS1170.1-1989—SAA Loading Code—Dead and live loads and load combination</i></p> <p>Timber Walls to comply with: <i>AS1720.1-1997—Timber structures—Design methods</i> <i>AS1170.1-1989—SAA Loading Code—Dead and live loads and load combination.</i></p> <p>All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.</p>
Security fences for public utility undertakings	Chain wire type fences and gates around public utility undertakings.
Security fences for industrial and business uses	In Blayney Industrial Estate only. Security fences and gates on the boundary of the property.
Security Screens in business areas	Surface finish to match shop front/window decor. Screen must be open weave construction. For external installation the screen must be in an open position between 9:00am and 5:00pm Monday to Friday inclusive and 9:00am till 12:00noon Saturdays.
Security Roller/ Shutter Doors	Installed other than on or near street frontages or on or near the boundary of a public place.
In Rural Zones	
Alterations to Outbuildings	Internal partitioning of farm buildings not involving the removal or relocation of load bearing walls.
Grain Silos	Maximum height: 6 metres. Location: in close proximity to associated farm buildings or obscured from public view in the locality.
Hail Netting	Used in association with orchards. Colour to blend in with landscape in Zone No 7 (a)
Rural Fencing/Gates (includes front and side/rear fences in rural residential subdivisions)	Materials must be consistent with materials found on rural properties, predominantly post and wire fences. Gates set back a minimum of 15 metres from the formed edge of the carriageway of the adjacent road, in a location approved by Council.
Wind generators	Maximum diameter: 2 metres. Maximum height: 6 metres. Location: Below a ridgeline when viewed from adjacent public places.

On Recreation or Public Land

Advertisements near sports fields	On or adjacent to sporting fields. If identifying event sponsors, orientated toward spectator areas. Removable signs or fixed to fence enclosures, spectator stands or scoreboards.
Ancillary sporting structures on sporting or playing fields for use in events eg: goal posts, sight screens.	Location: public parks or recreation areas. Construction by or for Council and installed in accordance with any relevant SAA standards. Excludes grandstands, dressing sheds and similar structures.
Park and Street furniture, seats, bins, picnic tables, minor shelters and bus stop shelters.	Constructed by or for Council and designed, fabricated and installed in accordance with any relevant SAA standards. Located on land under Council control.
Playground Equipment on Community land	Constructed by or for Council and designed, fabricated and installed in accordance with AS 1924.1-1981, AS 1924.2-1981, AS/NZS 4422:1996 and AS/NZS 4486.1:1997.

Advertisements

Business identification signs in rural areas	Advertising signs must describe premises on the land and be located on private land, not in the road reserve. Maximum of one sign only on land held in the same ownership. Maximum height: 2.5 metres. Maximum area: 2 square metres. Made of non-reflective material. Must be free standing. Must be set back at least 3 metres if located on a corner or intersection of a road. Not illuminated.
Business identification signs in Industrial Area (as identified in DCP No 1—North Blayney)	One pole or pylon sign (including directory boards for multiple occupancies) not exceeding 5 square metres in area and 5 metres height. Does not obscure entry/exit sight distance from the premises. For multiple occupancies, one additional company identification sign not exceeding 2 metres by 0.6 metres at the entrance to each occupied unit. For single occupancies, one additional identification sign affixed to the building with an area that does not exceed 20% of the area of the front elevation of the building.
Public Information Sign (a public notice for public information displayed by the Council giving directions or information about the area and community service provided).	

Real Estate Signs (advertising premises/land for sale or rent)	<p>If on residential land: Only one sign per agent Size: not to exceed 2.5 square metres</p> <p>If on industrial/commercial land: One sign per premises Size: not to exceed 3.5 square metres.</p>
Temporary Signs	<p>Announcing local event approved by Council on land, but must not include advertising of a commercial nature, other than the name of the event's sponsors. Is not to be displayed earlier than 28 days prior to the event and is to be removed within 7 days after the event.</p>
Traffic Signs on or adjacent to public roads	<p>Only if street name signs, directional or traffic control signs in accordance with AS1742.1-1991 <i>Manual of uniform traffic control devices—General introduction and index of signs</i>, being:</p> <ul style="list-style-type: none">- guide signs- warning signs- temporary warning signs- regulatory signs- parking signs- hazardous markers- service symbols
Window signs	<p>Where the sign covers no more than 30% of the glazed area of the window</p>

Use of Existing Buildings

Schools or clubs (use of schools or clubs by community groups or organisations).

- the building is lawfully used or has been lawfully constructed to be used for a purpose as listed below, and
 - the building is not to be used for an unlawful purpose, and
 - the use does not include the display, exhibition or sale of restricted publications, and
 - the use does not involve a business concerned with the display or exhibition of any article primarily concerned with sexual behaviour, and
 - the curtilage of the building is not used for storage or display purposes, and
- Changed Use—General Requirements
- where any existing conditions of consent relating to hours of operation, landscaping, parking of vehicles, loading or unloading of vehicles apply, those conditions are observed, and
 - at least 5 working days written notice is given to Council of the proposed change of use by the owner or occupier with the owner's consent, and that notice contains a description of the building sufficient to identify the building and a statement of the particular purpose for which the building will be used after the notice has been given, and
 - if the change of use comprises a change of building use as defined under the Act, prior to occupation a final fire safety certificate has been provided to the Council for the purpose of the new use.
 - Complies with general requirements concerning change of use (see last item)
- Changed Use: Shops
- The building is lawfully used or has been lawfully constructed for use for the purpose of a shop of another kind.
 - Complies with general requirements concerning change of use (see above)
- Changed Use: Business premises, offices or warehouse in the industrial estate as identified in DCP No 1—North Blayney
- The building is lawfully used or has been lawfully constructed for use for the purpose of business premises or an office or warehouse, of another kind.
 - The gross floor area of a building which is proposed to be used as a warehouse does not exceed 1,000 square metres.
 - Complies with general requirements concerning change of use (see above)
- Changed Use: Light Industry or warehouse in the industrial estate as identified in DCP No 1—North Blayney
- The building is lawfully used or has been lawfully constructed for use for the purpose of an industry.
 - The building is lawfully used or has been lawfully constructed for use for the purpose of a light industry or warehouse of a different kind.

- Complies with general requirements concerning change of use (see above)
 - The building is lawfully used or has been lawfully constructed for use for the purpose of a restaurant or food shop of another kind.
 - Excludes fast food outlets or restaurants with drive through facilities.
 - Complies with the *Food Act 1989* and Regulations
 - Carried out in a dwelling house
 - Does not involve a brothel or a shop
- Changed Use: Restaurants & Food Shops
- Does not create interference with the amenity of the locality
 - Excludes a home business for the purpose of bed and breakfast or home child care.
- Home Business
- Complies with general requirements concerning change of use (see above)
- Use of Assembly Buildings (Use of a building which is lawfully used or has been lawfully constructed for use as a Class 9B building (Assembly building) for public meetings)
- Complies with general requirements concerning change of use (see above)
- Use of Public Buildings (Use of a building which is lawfully used or has been lawfully constructed for use as a public building temporarily for a place of public entertainment)
- Complies with general requirements concerning change of use (see above)
 - The use does not exceed 7 days on any particular occasion

Schedule 7 Complying Development

(Clause 6B)

What can be carried out

Outcomes

Bed and Breakfast Accommodation (provision of accommodation to paying guests in an existing dwelling-house)

- up to three bedrooms are provided for guests in existing dwelling house.
- adequate toilet and bathroom facilities provided for guests.
- fire extinguisher and fire blanket provided in the kitchen.
- fire alarms provided in guest bedrooms.

Swimming pools (works for the purpose of swimming pools)	<p>General</p> <ul style="list-style-type: none">• ancillary to a dwelling house.• not designed for public use.• on lots over 550 square metres. <p>Streetscape</p> <ul style="list-style-type: none">• located behind the front building line of the dwelling house. <p>Bulk and Scale</p> <ul style="list-style-type: none">• coping and decking around the pool is no more than 1.2m above natural ground level.• the pool is at least 900mm from the side and rear boundaries. <p>Privacy</p> <ul style="list-style-type: none">• the noise level of any filtration equipment and pumps does not exceed 5dBA above ambient background level measured at the property boundary.
Commercial Development	
Shop Fitout (internal only)	<ul style="list-style-type: none">• does not increase the gross floor area of the building.• development complies with fire safety requirements.
Change of building use to restaurant	<ul style="list-style-type: none">• the building is lawfully used, or constructed to be used, for a shop, business premises, or office. <p>Complies with the <i>National Code for the Construction and Fitout of Food Premises</i>.</p>
Minor Subdivisions	
Boundary Adjustment	<ul style="list-style-type: none">• the adjustment does not create an additional lot.• any allotment complies with the appropriate minimum lot size for the zone.• buildings contained on the affected land will comply with the fire safety and setback requirements under the <i>Building Code of Australia</i> after subdivision.
Rectifying an encroachment	<ul style="list-style-type: none">• any allotment complies with the appropriate minimum lot size for the zone.

- lot boundaries conform to external and partition walls of buildings and fence lines as determined in a development consent, or complying development certificate, where relevant.
- the required number of car parking spaces for each lot are allocated the same lot number as the lot, other than visitor parking spaces which must be within common property.
- external walls, doors, windows and roofs are complete.
- internal floors, walls and ceilings are complete.
- driveways, landscaping, garbage and mail facilities are complete.
- fencing of boundaries and any private yards is complete.
- all reticulated water, sewerage, drainage, electricity, and telecommunications services are connected.
- the building complies with the *Building Code of Australia*.

Strata Subdivision

Schedule 8 Complying development conditions

(Clause 6B)

Before you begin work

(1) Two days before any site works, building or demolition begins, the applicant must:

- forward *Notice of Commencement of Work and Appointment of Principal Certifying Authority* (Form 7 of the *Environmental Planning and Assessment Regulation 1994*) to the Council, and
- notify the adjoining owners that work will commence.

(2) Before any site works or building begin, the applicant must:

- notify the Council of the name, address, phone number and licence number of the builder, and
- erect a sign at the front of the property with the builder's name, licence number, site address and consent number, and
- provide a temporary on-site toilet, and
- protect and support any neighbouring buildings, and
- protect any public place from obstruction or inconvenience due to the carrying out of the development, and
- prevent any substance from falling onto a public place, and

- follow any other conditions prescribed by the *Environmental Planning and Assessment Regulation 1994*.

This item does not impose a requirement on the applicant if it is complied with by the builder.

Site management

- (3)** Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- divert uncontaminated run-off around cleared or disturbed areas, and
 - erect a silt fence to prevent debris escaping into drainage systems or waterways where necessary, and
 - prevent tracking of sediment by vehicles onto roadways, and
 - stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

Drainage

- (4)** Stormwater drainage shall be collected and drained to an approved Council drainage system.

Inspections during construction

- (5)** The applicant must notify the Principal Certifying Authority in advance (a least 48 hours in writing or 24 hours by phone) to inspect the following:
- erosion controls, site works and site set out, before building starts, and
 - placement of piers or foundation before placing footings, and
 - steel reinforcing before placing concrete, and
 - framework of structure before lining or cladding is fixed, and
 - stormwater drainage and on-site detention before backfilling, and
 - wet areas treated before lining or tiling, and
 - internal and external drainage, and
 - final inspection before issue of Occupation Certificate.

Hours of work

- (6)** Any building work must be carried out between 7:00am and 6:00pm.

Safety

(7) Fire safety measures must be included.

Schedule 9 Development that does not require the consent of Council

(clause 6C)

(1) Development by public authorities

Development by or on behalf of a public authority comprising:

- (a) use of existing buildings of the Crown, or
- (b) works for the purpose of:
 - minor extensions to utility undertakings for the provision of water, sewerage, drainage, electricity or gas service, or
 - railways on railway land including buildings for any purpose within the environs of an existing railway station, but excluding buildings for purposes other than railway purposes with access to a public place, or
 - roads by roads authorities on public roads or land reserved for the purpose of public roads, or
 - improving and maintaining travelling stock, camping and water reserves by a Rural Lands Protection Board but excluding the erection of buildings, or
 - soil conservation works, afforestation, flood mitigation, water conservation or river improvement by, or authorised by, the Department of Land and Water Conservation, or
 - cemetery undertakings by, or on behalf of, the Council on cemetery land.

(2) Subdivision

Subdivision of land for the purpose of:

- widening a public road by a roads authority, or
- excising from an allotment land which is, or intended to be, used for public purposes, including drainage purposes, bushfire or other rescue service purposes or public conveniences.

(3) Bushfire hazard reduction

Development for the purpose of bushfire hazard reduction carried out in accordance with a plan of operations approved by the rural fires authority for the area.

(4) Use of Crown reserves

Use of Crown Land or Crown Reserves for the purpose for which the land is so dedicated

or reserved but excluding the erection of buildings or the creation of access to a public road.

Schedule 10 Additional uses of land

(Clause 35)

Lot 2 DP 614384, Vittoria Road, Millthorpe—separate dwelling on such of that land as is within Zone No 1 (a).

Lots 1, 3 and 4, Section 33, DP 758767, Carcoar and Egbert Streets, Neville—erection of only one dwelling-house on each of the 3 lots, but only if the Council is satisfied that each lot:

- (a) will have an adequate area, and be suitable, for the on-site disposal of effluent (having regard to sustainable natural resource management principles), as set out in a geotechnical or water balance report prepared (in the opinion of the Council) by a suitably qualified person, and
- (b) will be provided with an adequate water supply for domestic and firefighting purposes, and
- (c) will have adequate access to the adjoining public road, and
- (d) will have access to electricity and telecommunications services.

Lots 4 and 36 and part of Lots 70, 71 and 142, DP 750384, Lot 350, DP 1073010 and Lot 909, DP 819252, fronting Richards Lane and Springvale Road, Millthorpe, as shown edged heavy black on the map marked "*Blayney Local Environmental Plan 1998 (Amendment No 10)*"—subdivision of the land to create lots each having an area of not less than 4,000 m², but only if the Council is satisfied that each lot so created:

- (a) will be used for the purpose of the erection of a dwelling-house, and
- (b) will be connected to a reticulated water supply and sewerage system, and
- (c) will have access to electricity and telecommunications services.