

# Nundle Local Environmental Plan 2000

[2000-648]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 20 January 2011 (accessed 18 July 2024 at 9:39)

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**

The plan was repealed by cl 1.8 (1) of [Tamworth Regional Local Environmental Plan 2011 \(2011-27\)](#) (LW 21.1.2011) with effect from 21.1.2011.

### 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 21 January 2011

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New South Wales

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# Nundle Local Environmental Plan 2000



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Nundle Local Environmental Plan 2000*.

### 2 Aims of plan

The aims of this plan are:

- (a) to ensure a balanced approach to development which is ecologically sustainable and sensitive to both the economic and conservation needs of the community,
- (b) to protect and improve the economic, natural, social and cultural resources within the Council's area,
- (c) to recognise, protect and improve the inherent natural and cultural character of the Council's area,
- (d) to encourage the efficient and effective delivery of services and facilities, and
- (e) to encourage a range of economic opportunities and living environments.

### 3 Land to which this plan applies

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

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Nundle Local Environmental Plan 1988*, and
- (b) all other local environmental plans and deemed environmental planning instruments to the extent (if any) to which, immediately before the day on which this plan takes effect, they applied to the land to which this plan applies.

## 5 Definitions and interpretation

- (1) Expressions used in this plan (or in a particular provision of this plan) that are defined in the dictionary in Schedule 1 have the meanings set out in the dictionary.
- (2) In this plan a reference to:
  - (a) a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, or
  - (b) land which is in a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land in the zone so specified, or
  - (c) a map is a reference to a map kept at the office of the Council.
- (3) Notes in this plan do not form part of this plan.

## 6 Adoption of Model Provisions

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

- (a) the definitions in clause 4 (1), and
- (b) clauses 15, 16 (2), 17, 19, 23, 24, 29, 33 and 34.

## 7 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

## Part 2 General restrictions on development of land

### 8 Zones indicated on the map

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

Zone No 1 (a) (Rural "A" Zone)—edged with heavy black and lettered 1 (a).

Zone No 1 (b) (Rural "B" (Rural Residential) Zone)—edged with heavy black and lettered 1 (b).

Zone No 1 (c) (Rural "C" (Small Lot Rural Residential) Zone)—edged with heavy black and lettered 1 (c).

Zone No 1 (f) (Rural "F" (Forestry) Zone)—edged with heavy black and lettered 1 (f).

Zone No 2 (v) (Village "V" Zone)—edged with heavy black and lettered 2 (v).

Zone No 8 (a) (National Parks and Nature Reserves “A” Zone)—edged with heavy black and lettered 8 (a).

## **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, the development:
  - (a) that may be carried out without development consent,
  - (b) that may be carried out only with development consent, and
  - (c) that is prohibited,is specified in the Table to this clause under the headings “Without consent”, “Only with consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Consent must not be granted to an application to carry out development on land within a zone specified in the Table to this clause unless the consent authority has taken into consideration the extent to which the development is consistent with the aims of this plan and the objectives of the zone.

Table

### **Zone No 1 (a) (Rural “A” Zone)**

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

The objectives of this zone are:

- (a) to protect and promote the efficient and sustainable use of agricultural land,
- (b) to permit non-agricultural uses of land which will not adversely affect the long-term agricultural productivity of that land,
- (c) to prevent the fragmentation of land with prime crop and pasture potential,
- (d) to protect and conserve natural and scenic resources, and
- (e) to encourage the efficient and sustainable use and management of:
  - (i) land containing valuable deposits of minerals, coal and extractive materials,

- (ii) forests of commercial value for timber production, and
- (iii) water resources.

## **2 Without consent**

Development for the purpose of:

agriculture; bushfire hazard reduction; family day care centres; home-based child care; maintenance dredging; utility installations.

## **3 Only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

boarding houses; brothels; bulky goods salesrooms or showrooms; hazardous industries; hazardous storage establishments; manufactured home estates; motor showrooms; multiple dwellings; offensive industries; offensive storage establishments; shops.

### **Zone No 1 (b) (Rural “B” (Rural Residential) Zone)**

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

The objectives of this zone are:

- (a) to allow for rural residential lifestyle opportunities in appropriate locations,
- (b) to control development that could:
  - (i) create unreasonable or uneconomic demands for the provision or extension of public amenities and services,
  - (ii) adversely impact on agricultural productivity, or
  - (iii) adversely impact on the natural and cultural environment and the scenic and rural character of the locality, and
- (c) to discourage development that is not compatible with the predominantly residential character of this zone.



## **2 Without consent**

Development for the purpose of:

agriculture; bushfire hazard reduction; family day care centres; home-based child care; maintenance dredging; utility installations.

## **3 Only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

abattoirs; boarding houses; bulky goods salesrooms or showrooms; commercial premises; hazardous industries; hazardous storage establishments; highway service centres; institutions; manufactured home estates; motor showrooms; multiple dwellings; offensive industries; offensive storage establishments; passenger transport terminals; sawmills; shops.

### **Zone No 1 (c) (Rural "C" (Small Lot Rural Residential) Zone)**

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

The objectives of this zone are:

- (a) to provide for a range of rural residential lifestyle opportunities in appropriate locations,
- (b) to provide for small lot rural residential development with a level of services similar to those required for residential development in the adjoining village of Nundle, and
- (c) to provide a transitional area between the village of Nundle and large lot rural residential development in the locality.

#### **2 Without consent**

Development for the purpose of:

bushfire hazard reduction; family day care centres; home-based child care; maintenance dredging; utility installations.

### **3 Only with consent**

Any development not included in Item 2 or 4.

### **4 Prohibited**

abattoirs; bulky goods salesrooms or showrooms; generating works; hazardous industries; hazardous storage establishments; heliports; institutions; intensive livestock agriculture; multiple dwellings; offensive industries; offensive storage establishments; rural workers' dwellings; sawmills; stock and saleyards.

## **Zone No 1 (f) (Rural "F" (Forestry) Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land that will be utilised and sustainably managed for forestry purposes, and
- (b) to allow development for purposes associated or compatible with forestry activities, including tourist facilities fulfilling ecologically sustainable and educational functions.

### **2 Without consent**

Development for the purpose of:

agriculture; any land use authorised by the [Forestry Act 1916](#) and any land use incidental or ancillary to such a use; maintenance dredging; utility installations.

### **3 Only with consent**

Development for the purpose of:

ancillary dwellings; extractive industries; generating works; institutions; intensive plant agriculture; landfill; mining; retail plant nurseries; sawmills; telecommunications facilities; tourist facilities.

### **4 Prohibited**

Any development not included in Item 2 or 3.

## **Zone No 2 (v) (Village "V" Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to allow for a range of development to meet the economic, social and cultural needs of the village community,
- (b) to control development that could adversely affect the present or future amenity of residential areas, and
- (c) to encourage development that protects and enhances the character or identity of each village within the Council's area.

## **2 Without consent**

Development for the purpose of:

bushfire hazard reduction; family day care centres; home-based child care; maintenance dredging; utility installations.

## **3 Only with consent**

Any development not included in Item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

abattoirs; aquaculture; depots; extractive industries; hazardous industries; hazardous storage establishments; helicopter landing sites; heliports; institutions; intensive livestock agriculture; intensive plant agriculture; landfill; mining; offensive industries; offensive storage establishments; road transport terminals; rural industries; rural workers' dwellings; sawmills; stock and saleyards.

## **Zone No 8 (a) (National Parks and Nature Reserves "A" Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land which is reserved or dedicated under the [National Parks and Wildlife Act 1974](#) as a national park, nature reserve, historic site, Aboriginal place or state game reserve, and
- (b) to allow for the management and appropriate use of that land as provided for in the [National Parks and Wildlife Act 1974](#).

## **2 Without consent**

Any development authorised by or under the *National Parks and Wildlife Act 1974* and any other development incidental or ancillary to such development.

## **3 Only with consent**

Nil.

## **4 Prohibited**

Any development not included in Item 2.

# **Part 3 Special provisions**

## **Division 1 Subdivision generally**

### **10 Subdivision of land**

- (1) A person must not subdivide land to which this plan applies without development consent.
- (2) Subclause (1) does not apply to a subdivision of land for the purpose of:
  - (a) widening a public road,
  - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional allotment,
  - (c) rectifying an encroachment on an allotment,
  - (d) creating a public reserve,
  - (e) consolidating allotments, or
  - (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences.
- (3) Subclause (2) does not apply:
  - (a) to land comprising, or on which is situated, a heritage item, or
  - (b) to land that, in the opinion of the Council, is a potential historical archaeological site.

## **Division 2 Provisions relating to rural land**

### **11 Subdivision of rural land**

- (1) Consent must not be granted to the subdivision of land within Zone No 1 (a), 1 (b) or 1 (c) unless the consent authority has taken into consideration:
  - (a) the present and potential use of the land for the purposes of agriculture,
  - (b) vegetation, timber production, soil resources and soil stability and water resources (including the quality of water resources, the stability of water courses and ground water storage and riparian rights),
  - (c) the future recovery, from known or prospective areas, of deposits of minerals, coal, petroleum resources, sand, gravel or other extractive materials,
  - (d) the protection of areas of ecological significance or of high scenic or recreational value, and
  - (e) future expansion of settlements in the vicinity.
- (2) In assessing the effects referred to in subclause (1), the consent authority shall have regard to not only the land the subject of the application but also to land in the vicinity.
- (3) Subclause (1) does not apply to:
  - (a) an alteration or addition to a building or work, or
  - (b) the erection of a dwelling house on an allotment of land created in accordance with this plan for the purpose of a dwelling.

### **12 Subdivision for the purpose of agriculture in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Subject to subclause (3), consent may be granted to the creation of an allotment of any area for the purposes of agriculture.
- (3) Consent must not be granted to the creation of an allotment for the purposes of agriculture if the allotment has an area of less than 200 hectares and there is a dwelling on that allotment.
- (4) Notwithstanding subclause (3), consent may be granted to the excision of one but not more than one allotment on which a dwelling stands from a holding if the consent authority is satisfied the allotment will be used for the purpose of agriculture and that dwelling was lawfully erected on that land on or before the appointed day.

**Note—**

Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

**13 Subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent must not be granted to an application to subdivide land if the consent authority is satisfied that any allotment to be created is to be used primarily for the purposes of intensive livestock agriculture or intensive plant agriculture unless:
  - (a) each allotment to be created has an area of 20 hectares or more, and
  - (b) the consent authority is satisfied by evidence that:
    - (i) each allotment to be created is capable of sustaining a range of intensive agricultural pursuits and that it will be used for one or more of them, and
    - (ii) an adequate water supply is available to service the full range of intensive agricultural pursuits which will be carried out on the allotments.

**14 Subdivision for the purpose of a dwelling in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent may be granted to the subdivision of land to create an allotment of land to be used for the purpose of a dwelling house where the area of the allotment or holding, whichever is the greater, on which the dwelling house is to be erected is not less than 200 hectares.
- (3), (4) (Repealed)

**15 Subdivision for other purposes in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Subject to subclause (3), consent must not be granted to an application to subdivide land if the consent authority is satisfied that any allotment to be created is to be used primarily for purposes other than agriculture, intensive livestock agriculture, intensive plant agriculture or a dwelling unless:
  - (a) in the opinion of the consent authority, the land is not prime crop and pasture land, and
  - (b) in the opinion of the consent authority, the area of each allotment to be created is appropriate having regard to the purpose for which it is being created.
- (3) Nothing in subclause (2) shall prevent consent from being granted to an application to subdivide land to create an allotment to be used for a purpose other than agriculture,

intensive livestock agriculture, intensive plant agriculture or a dwelling if the consent authority 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) the level of demand for the goods or services which are to be supplied and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment.

#### **16 Erection of dwellings in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent may be granted to development for the purpose of a dwelling house on land within Zone No 1 (a) only if:
  - (a) the land on which the dwelling house is to be erected contains no other dwelling house, and
  - (b) the land:
    - (i) has an area of at least 200 hectares,
    - (ii) comprises a holding,
    - (iii) is an allotment created by a subdivision for which consent was granted and on which erection of a dwelling was permissible with consent before the appointed day,
    - (iv) is an allotment created in accordance with clause 14,
    - (v) is an allotment created for the purpose of agriculture and intensive livestock agriculture or intensive plant agriculture in accordance with clause 13 and the dwelling is an ancillary dwelling, or
    - (vi) is an allotment created in accordance with clause 15 and the dwelling is an ancillary dwelling.

#### **16A 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.

**17 Dual occupancy in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent may be granted to an application for the creation of an attached dual occupancy on land within Zone No 1 (a) but only if:
  - (a) a dwelling could be erected on that land in accordance with clause 16 if that land were vacant,
  - (b) no additional access to a public road is made to that land,
  - (c) in the opinion of the consent authority, the provision of services is satisfactory, and
  - (d) in the opinion of the consent authority, the proposed dwelling or dwellings will not interfere substantially with the primary purpose for which the land is being used.
- (3) Consent must not be granted to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except in accordance with this plan.

**18 Rural workers' dwellings in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) Consent may be granted for the erection of one or more rural workers' dwellings on land, if the consent authority is satisfied that:
  - (a) the needs of existing agriculture genuinely require that rural workers reside on the land,
  - (b) the rural workers' dwellings are in a location where they will not impair the suitability of the land for agriculture, and
  - (c) such rural workers' dwellings are to be used by persons substantially engaged in agricultural employment on that land or nearby land in the same ownership.

**19 Subdivision for the purpose of a dwelling in Zone No 1 (b) and 1 (c)**

- (1) Consent must not be granted to an application to subdivide land for the purpose of a dwelling within Zone No 1 (b) shown with vertical hatching on the map unless the area of each allotment created by the subdivision is not less than 2 hectares and the average area of allotments created by the subdivision is not less than 4 hectares.
- (2) Consent must not be granted to an application to subdivide land for the purpose of a dwelling within Zone No 1 (b) shown without hatching on the map unless the area of each allotment created by the subdivision is not less than 10 hectares and the average area of allotments created by the subdivision is not less than 20 hectares.



- (3) Consent must not be granted to an application to subdivide land for the purpose of a dwelling within Zone No 1 (c) unless:
  - (a) the area of each allotment created by the subdivision is not less than 0.5 hectare and the average area of allotments created by the subdivision is not less than 1 hectare, and
  - (b) the consent authority is satisfied that the land can be connected to an adequate reticulated water supply.
- (4) Consent must not be granted to the subdivision of land to which this clause applies unless the consent authority has made an assessment of:
  - (a) the nature and topography of that land having regard to the shape and density of the allotments proposed to be created and the provision of satisfactory access to a public road,
  - (b) whether the design of each allotment to be created is satisfactory for the economic provision of services, and
  - (c) any possible land use conflict between the development and nearby agricultural activities.
- (5) Consent must not be granted for a subdivision if that consent would permit the creation, in any 5-year period, of a total number of allotments of land to which subclause (1), (2) or (3) applies in excess of the number specified for the purposes of the relevant subclause by the Council.

## **20 Erection of dwellings in Zones Nos 1 (b) and 1 (c)**

- (1) Consent must not be granted to the erection of a dwelling on vacant land within Zone No 1 (b) or 1 (c) unless:
  - (a) in the case of land within Zone No 1 (b) shown with vertical hatching on the map, it has an area of not less than 2 hectares, or
  - (b) in the case of other land within Zone No 1 (b), it has an area of not less than 10 hectares, or
  - (c) in the case of land within Zone No 1 (c):
    - (i) it has an area of not less than 0.5 hectare, and
    - (ii) the consent authority is satisfied that the dwelling can be connected to an adequate reticulated water supply, or
  - (d) in the case of land described in clause 48 (Development for certain additional purposes), the consent is granted in accordance with that clause.

- (2) Notwithstanding subclause (1), a dwelling may be erected on vacant land which comprises:
  - (a) an allotment created by a subdivision for which consent was granted and for which the erection of a dwelling on the land was permissible with consent before the appointed day, or
  - (b) the whole of a holding.

## **21 Dual occupancy in Zones Nos 1 (b) and 1 (c)**

- (1) Consent must not be granted to an application for an attached or detached dual occupancy on land within Zone No 1 (b) or 1 (c) unless:
  - (a) in the case of land within:
    - (i) Zone No 1 (b) shown with vertical hatching on the map, it has an area of not less than 2 hectares, or
    - (ii) Zone No 1 (b) shown without hatching on the map, it has an area of not less than 10 hectares,
  - (b) in the case of land within Zone No 1 (c) located adjacent to Nundle village:
    - (i) it has an area of not less than 0.5 hectare, and
    - (ii) the consent authority is satisfied that the dwellings can be connected to an adequate reticulated water supply,
  - (c) no additional access to a public road is made to that land, and
  - (d) in the opinion of the consent authority, a satisfactory level of services can be provided.
- (2) Notwithstanding subclause (1) (a) and (b), development for the purpose of a dual occupancy may be carried out on land which comprises:
  - (a) an allotment created by a subdivision for which development consent was granted and on which the erection of a dwelling was permissible with consent before the appointed day, or
  - (b) the whole of a holding.
- (3) Consent must not be granted to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except in accordance with this plan.

## **Division 3 Provisions relating to village land**

### **22 Subdivision for the purpose of a dwelling in Zone No 2 (v)**

- (1) This clause applies to land within Zone No 2 (v).
- (2) Consent must not be granted to the subdivision of land within Zone No 2 (v) for the purpose of a dwelling house unless the area of each allotment created by the subdivision is not less than 2,000 square metres.

### **23 Erection of dwellings in Zone No 2 (v)**

- (1) This clause applies to land within Zone No 2 (v).
- (2) Consent must not be granted to the erection of a dwelling on vacant land within Zone No 2 (v) unless the land:
  - (a) has an area of not less than 2,000 square metres,
  - (b) comprises an allotment created by a subdivision for which development consent was granted and on which the erection of a dwelling was permissible with consent before the appointed day, or
  - (c) comprises the whole of a holding.

## **Division 4 Heritage provisions**

### **24 Aims in relation to heritage**

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the local government area of Nundle,
- (b) to integrate heritage conservation into the planning and development control processes,
- (c) to provide for public involvement in the conservation of environmental heritage, and
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items and their settings.

### **25 Protection of heritage items and relics**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing, defacing, damaging or moving a heritage item,
  - (b) altering a heritage item by making structural changes to its exterior,
  - (c) altering a heritage item by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any

maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,

(d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or

(e) erecting a building on, or subdividing, land on which a heritage item is located.

(2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item.

(3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

## **26 Notice of certain heritage development applications**

Demolishing, defacing or damaging a heritage item, and the use of a building or land referred to in clause 30 for a purpose which (but for that clause) would be prohibited by this plan, are identified as advertised development for the purposes of the Act.

## **27 (Repealed)**

## **28 Development of known or potential archaeological sites**

(1) The consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and

(b) except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and

(c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

- (2) The consent authority may grant consent to the carrying out of development on a site the Council considers to be an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
  - (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
  - (b) (Repealed)
  - (c) it is satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.

### **29 Development in the vicinity of heritage items, archaeological sites or potential archaeological sites**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, or a site the Council considers to be an archaeological site or a potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

### **30 Conservation incentives**

- (1) 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 the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item, and
  - (b) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a building that is a heritage item is located, the consent authority may, for the purpose of determining:
  - (a) the floor space ratio, and
  - (b) the number of parking spaces to be provided on the site,

exclude the floor space of the heritage item from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the heritage item depends on it making the exclusion.

## **Division 5 Outdoor advertising**

### **31 Outdoor advertising generally**

Consent must not be granted to development on any land for the purpose of outdoor advertising unless the consent authority has made an assessment of:

- (a) the extent to which the advertiser's messages and images will complement and conform to both the building on which it is to be displayed and the character of the locality, and
- (b) whether the outdoor advertising will adversely affect the locality in terms of appearance, size, illumination or overshadowing or in any other way, and
- (c) whether the outdoor advertising will lead to visual clutter through the proliferation of signs.

### **32 Development for the purpose of advertisements**

- (1) Development for the purpose of an advertisement described in Schedule 3 may be carried out without development consent, but only in accordance with the conditions (if any) imposed in that Schedule.
- (2) Development for the purpose of an advertisement may be carried out only with consent if it is not allowed without consent and is not prohibited by this clause.
- (3) Despite any other provision of this plan, development may be carried out with consent on any land for the purpose of an advertisement that directs the travelling public to a specific tourist facility or place of scientific, historic or scenic interest, if the consent authority is satisfied that:
  - (a) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
  - (b) the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.
- (4) Development for the purpose of an advertisement on land within Zone No 1 (a) or 8 (a) is prohibited if it is not allowed without consent by subclause (1) or with consent by subclause (3).

## **Division 6 Miscellaneous provisions**

### **33 State protected land**

- (1) A person must not carry out development on State protected land for the purpose of:
  - (a) intensive livestock agriculture,

- (b) materials recycling yards,
  - (c) sawmills, or
  - (d) stock and saleyards.
- (2) Consent must not be granted to the carrying out of development on State protected land unless the consent authority has:
- (a) assessed the effect of the development on:
    - (i) the potential for soil erosion or other land degradation,
    - (ii) the diversity of fauna and flora,
    - (iii) the preservation of habitat, wildlife corridors and refuges,
    - (iv) the scenic quality of the locality,
    - (v) riparian habitat, the stability of banks and water quality, and
    - (vi) the scientific significance of any natural attributes, and
  - (b) considered the cumulative impacts of the development on the environmental significance of land in the locality.

#### **34 Consultation before development of land in Nundle**

- (1) Consent must not be granted to an application to develop land unless the consent authority has notified all adjoining landholders and given them 21 days, from the date of notification, to comment on the application, or until concurrence from all adjoining landholders is received within that 21 days.
- (2) The consent authority must not grant consent to development on land located within the Hanging Rock Reserve if it is of the opinion that the proposed development is not consistent with the provisions contained in the *Guidelines for developments adjoining Department of Environment and Climate Change land* (as in force on the day on which this subclause, as substituted by [State Environmental Planning Policy \(Repeal of Concurrence and Referral Provisions\) 2008](#), commenced).

#### **35 Development in Zone No 1 (c)**

Consent must not be granted for development on any parcel of land within Zone No 1 (c) unless an assessment has been made by the consent authority of the effect of the proposed development on threatened fauna and flora species within one kilometre of all land within Zone No 1 (c) that includes that parcel.

#### **36 Development of land within the Chaffey Dam Catchment**

Consent must not be granted to the carrying out of development on land within the

Chaffey Dam Catchment unless the consent authority has considered the effect of the development on water quality and whether the carrying out of the development is consistent with catchment strategies, plans and guidelines adopted by the Chaffey Dam Catchment Management Advisory Committee.

### **37 On-site disposal of effluent**

Consent must not be granted to the carrying out of development on land in any zone unless it can be shown that a sewage treatment process can be provided which is capable of achieving standards of treatment and effluent discharge quality consistent with the performance objectives set out in the document titled “Environment and Health Protection Guidelines—On-site Sewage Management for Single Households” available from the office of the Council.

### **38 Domestic water supply**

Consent must not be granted to the carrying out of development for the purpose of a residential building unless the building can be connected to a reticulated water supply or, where a reticulated water supply is not available:

- (a) it can be shown that the water supply will be protected from contamination by surrounding land uses, if roofwater is to be collected and used as the domestic supply for the building, or
- (b) a hydrogeological study shows that the groundwater source is suitable for domestic purposes, if groundwater is to be used as the domestic water supply for the building.

### **39 Flood liable land**

- (1) A person shall not subdivide or build or carry out a work on, flood liable land or land within a floodway, except with development consent.
- (2) Consent must not be granted to the subdivision of, or to the erection of a building or the carrying out of a work on, flood liable land or land within a floodway if, in the opinion of the consent authority, the subdivision, building or work would be likely:
  - (a) to impede the flow of flood waters on that land or land within its immediate vicinity,
  - (b) to imperil the safety of persons or to cause damage to property on that land or land within its immediate vicinity in the event of those lands being inundated by floodwaters,
  - (c) to aggravate the consequences of floodwaters flowing on to that land or land within its vicinity with regard to erosion, siltation or the destruction of vegetation,
  - (d) to have an adverse effect on the water table of that land or of land within its immediate vicinity, or



(e) to cause pollution or contamination of floodwaters or land as a result of inundation by floodwaters.

(3) Consent must not be granted to development on flood liable land or land within a floodway unless the consent authority has taken into consideration the cumulative impact of development on flooding within the area.

(4) In this clause, ***flood liable land*** means land liable to be flood inundated at or below the probable maximum flood event or land determined by geomorphological or hydrological methods to be subject to a probable maximum flood.

#### **40 Development downstream from Sheba Dams**

Consent must not be granted to the erection of a dwelling on land that lies less than 10 metres measured vertically above the bed of the Burrows Creek between Sheba Dams and its confluence with the Peel River.

#### **41 Land subject to bushfire hazard**

Consent must not be granted to the subdivision of land or the erection of a building on land which is, in the opinion of the consent authority, subject to bushfire hazards unless it is satisfied that:

(a) adequate provision will be made for access for fire fighting vehicles,

(b) adequate safeguards will be adopted in the form of fire breaks, reserves and fire radiation zones, and

(c) adequate water supplies will be available for fire fighting purposes as recommended by the Council's bushfire committee.

#### **42 Contaminated land**

(1) Consent must not be granted to the subdivision of land or the erection of a building on land unless an assessment has been made of:

(a) any contamination of the land resulting from previous use of the land, and

(b) any measures to mitigate against any adverse impacts arising from the contamination of the land.

(2) This clause does not affect any requirement made by [\*State Environmental Planning Policy No 55—Remediation of Land\*](#).

#### **43 Development along arterial and sub-arterial roads**

(1) Consent must not be granted to an application to develop land which has a frontage to the arterial road unless, in the opinion of the consent authority:

(a) wherever practicable, vehicular access to that land is provided by a road other

than the arterial or a sub-arterial road, and

(b) the safety and efficiency of the arterial road will not be adversely affected by the proposed development as a result of:

(i) the design of the access to the land,

(ii) the emission of smoke or dust from the land,

(iii) the nature, volume or frequency of vehicles turning into and from the arterial road to gain access to that land.

(2) Consent must not be granted to the development of land within Zone No 1 (a), 1 (b) or 1 (c) for the purpose of a building, work, place or land use referred to in Schedule 4 if that land will have direct vehicular access on to the arterial or a sub-arterial road, or to a road which connects with the arterial or a sub-arterial road where the vehicular access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial or sub-arterial road.

#### **44 Community use of educational establishments**

Nothing in this plan prevents the granting of consent to:

(a) the community use of the facilities and sites of educational establishments,

(b) the commercial operation of those facilities and sites, and

(c) the carrying out of development for community purposes on land used for the purpose of educational establishments,

whether or not the development is ancillary to any educational use.

#### **45 Temporary use of land**

(1) Notwithstanding any other provision of this plan, consent may be granted to the temporary use of any land for any purpose (not being designated development or development prohibited by the provisions of any other environmental planning instrument applying to the land) for a maximum period of 28 days (whether or not the days are consecutive) in any one year.

(2) Consent must not be granted to development referred to in subclause (1) unless the consent authority has made an assessment of:

(a) the protection of the environment and the amenity of the locality during and immediately after the carrying out of the proposed use, and

(b) whether appropriate arrangements will be made for the provision of utility services, vehicular and pedestrian access, parking and restoration of the site to the condition prevailing immediately before the carrying out of the proposed use.

#### 46 Suspension of certain covenants and agreements

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force when the development is carried out) or with a consent granted under the Act in relation to development within any zone, the operation of any covenant, agreement or similar instrument imposing restrictions on development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Pursuant to section 28 of the Act, the Governor approved of subclause (1) before it was made.

#### 47 Development near zone boundaries

- (1) This clause applies to land which is within 100 metres of a boundary between zones.
- (2) A person may, with development consent, carry out development on land to which this clause applies for any purpose for which development may be carried out in the zone on the other side of that boundary.
- (3) Consent must not be granted as referred to in subclause (2) unless the development is necessary, in the opinion of the consent authority, due to design, ownership, servicing or similar requirements relating to the development of land to which this plan applies.
- (4) The consent authority may decline to grant such a consent unless an area of land, sufficient and suitable in the opinion of the consent authority, is provided in the adjoining zone that it is satisfied will be used for one or more of the purposes for which the land the subject of the development application is zoned.

#### 48 Development for certain additional purposes

Nothing in this plan prevents a person, with development consent, from carrying out on land described in Column 1, development described in Column 2.

Column 1	Column 2
<b>Land</b>	<b>Development</b>
Lot 15, DP 717578 Parish of Woolomin, County of Parry	Development for the purpose of a dwelling

### Dictionary

(Clause 5 (1))

**abattoir** means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed at or from the building or place, and includes a knackery.

**advertisement** means a display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display involves the erection of a structure or the carrying out of a work.

**agriculture** means:

- (a) the cultivation of crops, including cereals, fruit, nuts, vegetables or flower crops, or
- (b) irrigation and dry land farming practices, or
- (c) the keeping or breeding of livestock, bees, worms, poultry or other birds,

for commercial purposes, but does not include intensive livestock agriculture or intensive plant agriculture.

**ancillary dwelling** means a dwelling that is fundamental, but subordinate, to the operation of a non-residential use, but does not include a rural worker's dwelling.

**animal boarding or training establishment** means a place used primarily for the commercial boarding, breeding, keeping or training of animals and includes dog kennels, catteries, riding schools and the like.

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

**aquaculture** means cultivating (including propagation and rearing) of the living resources of the sea, or estuarine or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.

**area** of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or
- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one third of the total surface area of the sign.

**arterial road** means State Highway No 9.

**bed and breakfast** means a dwelling that:

- (a) provides temporary overnight accommodation for travellers, and
- (b) offers at least breakfast for guests, and
- (c) is not used for the permanent or long-term accommodation of any persons other than those, and the family of those, who operate and manage the facility and who would normally reside on the land.

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

- (a) where accommodation, meals and laundry facilities in return for payment are provided to a

resident other than the owner or lessee, and

(b) which is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#).

**brothel** means a building or place used for prostitution.

**building** includes part of a building and any structure or part of a structure, but does not include a moveable dwelling or associated structure or part of a moveable dwelling or associated structure.

**bulky goods salesroom or showroom** means a building or place used for the sale by retail or auction of goods or materials which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs or clothing.

**bushfire committee** means the Bush Fire Management Committee for the local government area of Nundle constituted pursuant to the [Rural Fires Act 1997](#).

**bushfire hazard reduction** means the reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bushfire hazard.

**caravan park** means land (including a camping ground) on which caravans or other moveable dwellings are, or are to be, placed or erected.

**carparking station** means a building or place, whether operated for gain or not, used for parking vehicles not specifically for use in relation to another use, and includes any manoeuvring space and access from or to the building or place.

**Chaffey Dam Catchment** is land as shown on the map of the Chaffey Dam Catchment which is held in the offices of Nundle Shire Council.

**child care centre** means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or registered non-government school, within the meaning of the [Education Act 1990](#),
- (b) the children (other than those related to the owner or operator) do not reside at the building or place (other than at exempt premises under the [Children \(Care and Protection\) Act 1987](#)).

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this dictionary or a building or place used for a land use elsewhere specifically defined in this dictionary.

**community facility** means a building or place owned or controlled by a public authority or community organisation which may provide for the physical, social, cultural or intellectual

development or welfare of the local community, but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this dictionary.

**convenience store** means a shop selling a variety of small consumer goods (whether or not other goods are available for hire at the shop).

**Council** means Nundle Shire Council.

**demolish**, in relation to a heritage item, means to wholly or partly destroy or dismantle the heritage item.

**depot** means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the Table to clause 9) does not include a building or place elsewhere specifically defined in this dictionary.

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

**dredging** means the removal of material from the bed of a river or waterway.

**dual occupancy** means 2 dwellings (whether attached or detached) on a single allotment of land.

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

**dwelling house** means a dwelling which is the only dwelling erected on an allotment of land.

**educational establishment** means a building or place used for education and includes:

- (a) a government or non-government school within the meaning of the [Education Act 1990](#), and
- (b) a tertiary institution, including a university and TAFE establishment, providing formal education and which is constituted by or under an Act, and
- (c) an art gallery or museum, not used to sell the items displayed therein,

whether or not accommodation for staff or students is provided and whether or not used for the purposes of gain.

**entertainment facility** means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events, and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like, and
- (c) entertainment centres, convention centres, exhibition centres and the like, and
- (d) zoos and animal parks.

**exhibition home** means a dwelling house used for display purposes.

**extractive industry** means:

- (a) the winning of extractive material, and

- (b) an undertaking, not being mining, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling, sawing or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone, sandstone or similar substances.

**family day care centre** means a room or a number of rooms forming part of, attached to, or within curtilage of a dwelling where a family day care service (within the meaning of the [Family Day Care and Home Based Child Care Services Regulation 1996](#)) is provided and organised or arranged by a sponsoring body and which caters for up to 7 children under 12 years of age (including the care giver's children), but with a maximum of 5 children under 6 years of age.

**forestry** includes arboriculture, silviculture and the harvesting of trees and shrubs for the purpose of:

- (a) afforestation, forest protection, and the cutting, dressing and preparation (otherwise than in a sawmill), of wood and other forest products, or
- (b) establishing roads necessary for the removal of wood and forest products and for forest protection.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**hazardous industry** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

**health consulting rooms** means a room, or a number of rooms, within a building used by not more than three persons, providing professional health care services to members of the public, but (in the Table to clause 9) does not include a hospital or a medical centre.

**helicopter landing site** means a place not open to the public regularly used for the taking off and landing of helicopters.

**heliport** means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or

(b) facilities for the parking, storage or repair of helicopters.

**heritage item** means a building, work, relic, tree or place described in Schedule 2.

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

**highway service centre** means a vehicle service centre which has direct access to a freeway or restricted access highway and contains petrol and diesel fuel outlets, toilets, restaurant facilities (for either sit-down or take-away meals, or both), parking for cars, buses and trucks, and emergency repair facilities.

**holding** means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was as at 14 November 1982, or
- (b) where, as at 14 November 1982, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the area of those lots, portions or parcels as they were at that date.

**home-based child care** means a child care service that is provided at the premises where the person providing the service resides, for the purpose of educating, minding or caring for one or more children (disregarding any children who are related to the person providing the service), but only if the following conditions are satisfied:

- (a) the children (other than those related to the person providing the service) do not reside at the premises,
- (b) the person providing the service holds a licence within the meaning of the *Family Day Care and Home Based Child Care Services Regulation 1996*.

**home business** means a home occupation undertaken by the permanent residents of a dwelling, where no more than 3 others are also employed.

**home occupation** means an occupation carried on in a dwelling by the permanent residents of the dwelling which does not involve:

- (a) the registration of the building under the *Factories, Shops and Industries Act 1962*, or the licensing of the premises under the *Dangerous Goods Act 1975*, or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice or advertisement (other than a notice or advertisement exhibited on that dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail.



**hospital** means a building or place (other than an institution) used for providing professional health care services to people whether or not they are admitted as in-patients and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use,

and includes a building or place that is used exclusively as a day surgery or day procedure centre, but (in the Table to clause 9) does not include health consulting rooms or a medical centre.

**hotel** means premises for the lawful operation of which a hotelier's licence is required under the [Liquor Act 1982](#).

**industry** means the manufacturing, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, dismantling, transforming, cleaning, processing or adapting of any goods or articles for commercial purposes, but (in the Table to clause 9) does not include a home business, extractive industry, hazardous industry, light industry, offensive industry, potentially hazardous industry or potentially offensive industry, or the use of a vehicle body repair workshop or vehicle repair station.

**institution** means a penal or criminal reformatory establishment.

**intensive livestock agriculture** means agriculture involving the keeping or breeding of livestock, poultry, or other birds, which are fed wholly or substantially on prepared or manufactured feed, and includes cattle feed lots, piggeries, poultry farms and worm farms, but does not include the use of facilities:

- (a) for temporary agistment or housing, or
- (b) during or immediately following a drought or similar emergency, or
- (c) for weaning, dipping or similar husbandry purposes, but only if the facilities are feed lots.

**intensive plant agriculture** means market gardening, mushroom growing, fruit growing, flower growing, wholesale plant nurseries or similar activities.

**landfill** means the filling of land with materials such as earth, soil, excavated earth material, demolition material, building material or other non-putrescible matter.

**light industry** means an industry in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood.

**manufactured home** means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities) being a dwelling:

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from a

manufactured home estate and transported to such an estate for installation on the estate, and

(b) that is not capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*.

**manufactured home estate** means land on which manufactured homes are, or are to be, erected.

**market** means an open air area or building used for the selling, exposing or offering for sale by retail of goods, merchandise or materials, and includes temporary structures and existing permanent structures used for that purpose.

**materials recycling yard** means a building or place used for collecting, dismantling, storing or recycling of second-hand or scrap materials for the purpose of resale, reuse or transfer.

**medical centre** means a building or place used for providing professional health services to out-patients only, but (in the Table to clause 9) does not include a hospital or health consulting rooms.

**mineral** means any substance prescribed as a mineral for the purposes of the *Mining Act 1992* and includes coal and oil shales, but does not include uranium or petroleum.

**mining** means the obtaining (by methods including excavating, quarrying, dredging, tunnelling or drilling) or removal of minerals, petroleum or natural gas and includes the storage and processing of the material obtained.

**mortuary** means premises that are used, or intended to be used, for the preparation and storage of corpses pending their interment or cremation. The premises may contain rooms for the conducting of funeral services and may consist of or include a funeral parlour.

**motel** means premises used for the temporary or short-term accommodation of travellers, but does not include a hotel or bed and breakfast.

**motor showroom** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories are also sold or displayed at the building or place.

**multiple dwellings** means 3 or more dwellings (whether or not attached) on one allotment of land, but does not include multiple occupancy.

**multiple occupancy** means 3 or more detached dwellings on a consolidated allotment of land where the land comprises the principal place of residence for the occupants who occupy the land on a communal basis.

**offensive industry** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land.

**offensive storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future

development on other land.

**passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any facilities required for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

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

**potentially hazardous industry** means an industry which, when in operation without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact on the locality or on existing or likely future development on other land, would pose a significant risk in relation to the locality:

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

**potentially offensive industry** means an industry which, when in operation without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact on the locality or on existing or likely future development on other land, would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land.

**prime crop or pasture land** means land:

- (a) which is identified as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses on a map prepared by or on behalf of the Director-General of the Department of Agriculture before the appointed day and which is deposited in an office of the Department of Agriculture, or
- (b) which is identified as Class 1, Class 2, or Class 3 or as land for special agricultural uses on a map prepared after the appointed day by or on behalf of that Director-General marked "*Agricultural Land Classification Map*" and deposited in an office of the Department of Agriculture, or
- (c) which that Director-General has certified in writing to the Council to be prime crop or 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 by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for that purpose,

but does not include racecourses and showgrounds.

**recreation facility** means a building or place used for indoor or outdoor sporting activities, recreation

or leisure activities, whether or not operated for the purpose of gain, but (in the Table to clause 9) does not include a building or place elsewhere defined in this dictionary.

**registered club** means a building or place which is used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes and which is, or is intended to be, registered under the [Registered Clubs Act 1976](#).

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use or settlement of the local government area of Nundle, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the local government area of Nundle whether before or after its occupation by persons of European extraction.

**restaurant** means a building or place, the principal purpose of which is the provision of food to paying customers for consumption on the premises.

**retail plant nursery** means a building or place used for growing plants and selling plants by retail, whether or not landscape supplies (including earth products) or other landscape and horticultural products are also sold at the building or place.

**road** means a public thoroughfare used for the passage of people, vehicles or animals.

**roadside stall** means a place or temporary structure used for selling by retail agricultural produce or hand-crafted goods from the property of which the place forms part or on which the structure is located.

**road transport terminal** means a building or place used for the bulk handling of goods for transport by motor vehicle and includes a place used for the loading and unloading of containers.

**rural industry** means a business activity involving:

- (a) the handling, treating, processing or packing of primary products, or
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or for a purpose referred to in paragraph (a).

**rural worker's dwelling** means a dwelling located on land on which a dwelling house is or is intended to be situated, and used as the principal place of residence by persons employed for the purpose of agriculture, aquaculture or a rural industry on that land.

**sawmill** means a mill (including a mobile mill) used for handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the hiring of trailers,

- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles (not involving body building, panel beating or spray painting),
- (e) the retail selling or hiring of small consumer goods.

**shop** means a building or place used for the purpose of display or sale, whether by retail or by auction, of items (whether goods or materials).

**State protected land** means land shown horizontally hatched on the maps marked “Nundle Shire Council—State Protected Land” held at the Nundle Shire Council offices and which represents:

- (a) State protected land as defined under the [Native Vegetation Conservation Act 1997](#), and
- (b) Hanging Rock Reserve.

**stock and saleyard** means a building or place used for the primary purpose of offering livestock or poultry for sale.

**sub-arterial road** means Main Road 105, Main Road 106 and Main Road 7718.

**telecommunications facility** means a building, structure, work or place (including a radio mast, tower, earth station, cable, satellite dish or the like) used specifically for transmitting, receiving or passing on signals, but does not include domestic structures.

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

**the map** means the map marked “Nundle Local Environmental Plan 2000”, as amended by the maps (or sheets of the maps) marked as follows:

**Editorial note—**

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

**tourist facility** means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, farmstay, holiday cabins, hotel, houseboat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any tourist activities.

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

**utility installation** means a building or work used for any of the following undertakings, services or facilities carried on by or under the authority of any Government Department, or in pursuance of any Commonwealth or State Act:

- (a) railway, road, water or air transport, or wharf or river undertakings,
- (b) sewerage or drainage services,

(c) the supply of energy.

**vacant** means devoid of any dwelling.

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

**vehicle repair station** means a building or place used for the purpose of carrying out repairs (other than repairs involving body building, panel beating or spray painting), or the selling and fitting of accessories, to vehicles or agricultural machinery.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purposes of treatment and may include laboratory facilities.

**warehouse or distribution centre** means a building or place used mainly for storing, handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than for retail sale to the public from the building or place.

## Schedule 2 Heritage items

(Dictionary)

- 1 Former Courthouse and Police Station, corner Durbin, Jenkins and Gill Streets, Nundle.
- 2 Primitive Methodist Church, Jenkins Street, Nundle (opposite Nundle Central School).
- 3 Upper Dungowan Uniting Church.

## Schedule 3 Advertisements allowed without consent

(Clause 32)

Description of advertisement	Conditions to be met
<b>Advertisement within a site</b> being an advertisement which is not visible from outside the site on which it is displayed.	Such an advertisement must not be displayed on a heritage item.
<b>Advertisement on a motor vehicle used principally for conveying goods or passengers</b>	None.

**Business identification sign**

being an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- (a) the identity or a description of the place or premises,
- (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

When displayed within Zone No 1 (a), 1 (b), 1 (c) or 2 (v), such a sign:

- (a) must not be displayed on a heritage item, and
- (b) must not exceed 0.75 square metre in area.

When displayed within Zone No 2 (v), such a sign must not be displayed on a heritage item and:

- (a) if there is no awning on the premises, there may be one or more such signs, but none is to extend more than 4.6 metres above ground level or above the level of the bottom of the first floor window (whichever is lower) and not more than 50% of the area of a shopfront is to be covered by such signs, or
- (b) if there is an awning attached to the premises, there may be:
  - one or more such signs below the level of the awning, and
  - not more than one such sign on an awning, and
  - not more than one suspended under-awning sign or projecting wall sign for each 3 metres of the length of shopfront, each of which must not exceed 2.5 metres in length or 0.5 metre in height and no part of which is to be less than 2.6 metres above ground level.

When displayed on land which is used for the purpose of industrial development, such a sign is not to exceed 10 square metres in area.

Such a sign must not be displayed without consent on any other land.

**Advertisement displaying a message changed from that displayed by a previously lawful advertisement**

Such an advertisement may be displayed within any zone except on land within Zone No 1 (a) or 8 (a).

**Public notice**

being a notice for public information displayed by a public authority giving information or directions about services provided.

Such a notice may be displayed within any zone.

**Real estate sign**

being an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with the particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

Such a sign may be displayed within any zone.

Such a sign relating to the letting or the sale by private treaty or auction of residential or rural premises:

- (a) must not exceed 2.5 square metres in area, and
- (b) must not have any returns exceeding 180 millimetres.

Such a sign relating to commercial or industrial premises must not exceed 4.5 square metres in area.

**Sign behind the glass line of a shop window** Such a sign may be displayed within any zone.

**Temporary sign**

being an advertisement of a temporary nature that:

(a) announces any local level event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and

Such a sign may be displayed within any zone.

Such a sign:

(a) must not be displayed earlier than 28 days before the event to which it relates is to take place, and

(b) does not include advertising of a commercial nature.

(b) must be removed within 14 days after that event.

Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable objects and similar things.

## **Schedule 4 Development prohibited along arterial and sub-arterial roads**

(Clause 43 (2))

bulky goods salesrooms or showrooms  
caravan parks  
commercial premises  
depots  
educational establishments  
entertainment facilities  
hospitals  
hotels  
industries (other than home or rural industries)  
institutions  
materials recycling yards  
mining

motels  
places of worship  
recreation areas  
recreation facilities  
registered clubs  
restaurants  
retail plant nurseries  
roadside stalls  
road transport terminals  
sawmills  
service stations  
stock and saleyards  
warehouses or distribution centres