



New South Wales

Palerang Local Environmental Plan 2014

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

CAROLYN McNALLY

As delegate for the Minister for Planning

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Part 1 Preliminary

1.1 Name of Plan

This Plan is *Palerang Local Environmental Plan 2014*.

1.1AA Commencement

This Plan commences 6 weeks after the day on which it is published on the NSW legislation website.

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Palerang in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,
 - (b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,
 - (c) to retain, protect and encourage sustainable primary industry and commerce,
 - (d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,
 - (e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,
 - (f) to identify, protect and provide areas used for community health and recreational activities,
 - (g) to ensure that innovative environmental design is encouraged in residential development.

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

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

1.5 Notes

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

1.6 Consent authority

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

1.7 Maps

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

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

1.8 Repeal of planning instruments applying to land

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

Note. The following local environmental plans are repealed under this provision:

Cooma-Monaro Local Environmental Plan 1999—(Rural)

Gunning Local Environmental Plan 1997

Mulwaree Local Environmental Plan 1995

Tallaganda Local Environmental Plan 1991

Yarrowlumla Local Environmental Plan 2002

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

1.8A Savings provision relating to development applications

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

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

1.9 Application of SEPPs

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:
State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Schedule 6)

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU1 Primary Production

RU3 Forestry

RU5 Village

Residential Zones

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

Business Zones

B2 Local Centre

B4 Mixed Use

Industrial Zones

IN2 Light Industrial

Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E2 Environmental Conservation

E3 Environmental Management

E4 Environmental Living

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table

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

- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent,in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
 - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Building identification signs; Business identification signs; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Garden centres; Helipads; Home-based child care; Home industries; Hotel or motel accommodation; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Neighbourhood shops; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Service stations; Sewage treatment plants; Truck depots; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RU3 Forestry

1 Objectives of zone

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

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 2012*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage design and development that enhances the streetscape and village character.
- To ensure that development has regard to the character and amenity of the locality.
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Attached dwellings; Car parks; Caravan parks; Cemeteries; Child care centres; Commercial premises; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Electricity generating works; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Function centres; Group homes; Home-based child care; Home industries; Industrial training facilities; Information and education facilities; Light industries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Schools; Secondary dwellings; Self-storage units; Semi-detached dwellings; Service stations; Sewage treatment plants; Shop top housing; Signage; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Serviced apartments; Waste disposal facilities; Any other development not specified in item 2 or 3

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development has regard for the character and amenity of the locality.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business

identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that new development complements the scale, density and form of existing development.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home industries; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage treatment plants; Shop top housing; Water supply systems

4 Prohibited

Water treatment facilities; Any other development not specified in item 2 or 3

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the impact of any development on the natural environment.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Group homes; Home-based child care; Home industries; Horticulture; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Viticulture; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To strengthen the viability of Palerang's existing business centres as places for investment, employment and cultural activity.
- To support business development by providing parking and other civic facilities.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home industries; Home occupations (sex services); Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Water recycling facilities; Water reticulation systems

4 Prohibited

Any development not specified in item 2 or 3

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new development has regard to the character and amenity of the locality.
- To strengthen the viability of Palerang's existing business centres as places for investment, employment and cultural activity.
- To support business development by providing parking and other civic facilities.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home industries; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Water recycling facilities; Water reticulation systems

4 Prohibited

Dual occupancies; Hostels; Residential flat buildings; Rural workers' dwellings; Any other development not specified in item 2 or 3

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To ensure that new development has regard to the character and amenity of the locality.

2 Permitted without consent

Home occupations

3 Permitted with consent

Agricultural produce industries; Aquaculture; Boat building and repair facilities; Bulky goods premises; Car parks; Community facilities; Depots; Emergency services facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; Hardware and building supplies; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Medical centres; Mortuaries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Research stations; Resource recovery facilities; Restricted premises; Roads; Rural supplies; Sawmill or log processing works; Self-storage units; Service stations; Sex services premises; Signage; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sale or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Waste disposal facilities; Any other development not specified in item 2 or 3

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Community facilities; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the environment generally and to ensure that areas of high ecological, scientific, cultural or aesthetic values are protected, managed and restored.

2 Permitted without consent

Extensive agriculture

3 Permitted with consent

Building identification signs; Business identification signs; Caravan parks; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Waste or resource transfer stations; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance the scenic and environmental resources of the land.
- To ensure that the scale and character of private recreational development is compatible with the established land uses of the locality.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Caravan parks; Community facilities; Entertainment facilities; Environmental facilities;

Environmental protection works; Flood mitigation works; Function centres; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Shops; Take away food and drink premises; Roads; Water recycling facilities

4 Prohibited

Neighbourhood shops; Any other development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To minimise the impact of any development on the natural environment.
- To encourage rehabilitation and regeneration of ecosystems.
- To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Environmental protection works; Farm stay accommodation; Home-based child care; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted

premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage the retention of the remaining evidence of significant historical and social values expressed in existing landscape and land use patterns.
- To encourage development that is visually compatible with the landscape.
- To promote ecologically sustainable development.
- To minimise the impact of any development on the natural environment.

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home industries; Research stations; Roads; Rural workers' dwellings; Secondary dwellings; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities

4 Prohibited

Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartments; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To encourage development that is visually compatible with the landscape.
- To minimise the impact of any development on the natural environment.
- To ensure that development does not unreasonably increase the demand for public services or facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home businesses; Home occupations

3 Permitted with consent

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Farm buildings; Flood mitigation works; Function centres; Home-based child care; Home industries; Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Restaurants or cafes; Roads; Roadside stalls; Secondary dwellings; Waste or resource transfer stations; Water recycling facilities; Water storage facilities

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
 - (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development

- (1) The objective of this clause is to identify development as complying development.
- (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and

(b) the requirements of this Part,
is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
- (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:
environmentally sensitive area for exempt or complying development means any of the following:
- (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
 - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
 - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
 - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
 - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
 - (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
 - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*,
 - (ja) land in Zone E2 Environmental Conservation,
 - (jb) land identified as “Flood planning area” on the Flood Planning Map,
 - (jc) land within 40 metres of the bank of a waterway.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
 - (b) to ensure that lot sizes and dimensions are appropriate having regard to the objectives of this Plan and the relevant zone and the likely future use of the land,
 - (c) to ensure that lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU5 Village,
 - (c) Zone R2 Low Density Residential,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E3 Environmental Management.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

4.1A Lot averaging subdivision of certain land in Zone RU1 and Zone E3

- (1) The objectives of this clause are as follows:
 - (a) to prevent the fragmentation of certain land in Zone RU1 Primary Production and Zone E3 Environmental Management,
 - (b) to enable appropriate subdivision design of that land having regard to topographical constraints, agricultural productivity, biodiversity values and environmental impacts.
- (2) This clause applies to land within Zone RU1 Primary Production or Zone E3 Environmental Management that is identified as “Y” or “C-M” on the Lot Averaging Map.

- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies if:
 - (a) the average size of all of the lots created by the subdivision will not be less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (b) each lot created by the subdivision will be at least 8 hectares, and
 - (c) the total number of lots created by the subdivision having an area less than the minimum size shown on the Lot Size Map in relation to that land will not be more than 5.
- (4) Development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation.
- (5) In this clause:

resulting lot means a lot able to be used for residential accommodation that:

 - (a) was created by a subdivision under this clause (other than for a public purpose), or
 - (b) in the case of land identified as “Y” on the Lot Averaging Map—was created under clause 12 of *Yarrowlumla Local Environmental Plan 1993* or clause 19 of *Yarrowlumla Local Environmental Plan 2002* by a subdivision that created at least one lot of less than 80 hectares for the purpose of residential accommodation, or
 - (c) in the case of land identified as “C-M” on the Lot Averaging Map—was created by a subdivision under clause 14 (2A) of *Cooma-Monaro Local Environmental Plan 1999—Rural*,and includes a lot that would have been a resulting lot had it not been affected by:
 - (d) a minor realignment of its boundaries that did not create an additional lot, or
 - (e) a consolidation with adjoining land, or
 - (f) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (g) a consolidation with an adjoining public road or public reserve or for another public purpose.

4.1B Lot averaging subdivision of land in Zone E4

- (1) The objective of this clause is to ensure that the subdivision of land to which this clause applies has regard to the topographical constraints, agricultural productivity and biodiversity values of, and environmental impacts on, the land.
- (2) This clause applies to land in Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies, other than under the *Community Land Development Act 1989*, if:
 - (a) the average size of all the lots created by the subdivision will not be less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (b) none of the lots created by the subdivision will be less than 2 hectares.
- (4) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies, under the *Community Land Development Act 1989*, if:
 - (a) the average size of all the lots created by the subdivision will not be less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (b) none of the lots created by the subdivision will be less than 1 hectare, and

- (c) the lot comprising the association property (within the meaning of that Act) will include land identified as having significant ecological, agricultural or cultural values.
- (5) Development consent must not be granted for the subdivision of a resulting lot for the purposes of residential accommodation.
- (6) In this clause:
resulting lot means a lot able to be used for residential accommodation, being:
 - (a) a lot that was created by a subdivision under this clause (other than for a public purpose), or
 - (b) a lot that was created by a subdivision under any of the following provisions (other than a lot the area of which was excluded under the provision from the calculation of the average area of the lots to be created by the subdivision):
 - (i) clause 20 of *Yarrowlumla Local Environmental Plan 2002*,
 - (ii) clause 13 (4) or 13A of *Yarrowlumla Local Environmental Plan 1993*,
 - (iii) clause 14 (4) of *Yarrowlumla Local Environmental Plan 1986*,
 - (iv) clause 11B (3) or 11C of *Interim Development Order No 1—Shire of Yarrowlumla*,
 - (v) clause 16 (3) of *Tallaganda Local Environmental Plan 1991*,and includes a lot that would have been a resulting lot had it not been affected by:
 - (c) a minor realignment of its boundaries that did not create an additional lot, or
 - (d) a consolidation with adjoining land, or
 - (e) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (f) a consolidation with an adjoining public road or public reserve or for another public purpose.

4.1C Exceptions to minimum subdivision lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in Zone R1 General Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
 - (a) the subdivision of land into 3 or more lots,
 - (b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350 square metres.

4.1D Minimum lot sizes for dual occupancies

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

Column 1	Column 2	Column 3
Dual occupancy (connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential, Zone R2 Low Density Residential, Zone R5 Large Lot Residential or Zone RU5 Village	1,500 square metres
Dual occupancy (not connected to a reticulated sewerage system owned and operated by the Council)	Zone R2 Low Density Residential, Zone R5 Large Lot Residential or Zone RU5 Village	8,000 square metres
Dual occupancy (not connected to a reticulated sewerage system owned and operated by the Council)	Zone RU1 Primary Production, Zone E3 Environmental Management or Zone E4 Environmental Living	2 hectares

4.2 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone RU6 Transition.

Note. When this Plan was made it did not include all of these zones.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

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

4.2A Erection of dwelling houses on land in certain rural, residential and environment protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural, residential and environment protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU5 Village,
 - (c) Zone R1 General Residential,
 - (d) Zone R2 Low Density Residential,
 - (e) Zone R5 Large Lot Residential,

- (f) Zone B4 Mixed Use,
 - (g) Zone E3 Environmental Management,
 - (h) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land:
- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot created under clause 4.1, 4.1AA, 4.1A or 4.1B, or
 - (c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) is an existing holding, or
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

Note. A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
- (a) no dwelling house has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
 - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.
- (6) In this clause:
- existing holding** means land that:
- (a) was a holding on the relevant date, and
 - (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

relevant date means:

- (a) in relation to land to which *Cooma-Monaro Local Environmental Plan 1999—(Rural)* applied immediately before the commencement of this Plan—3 March 1997, or
- (b) in relation to land to which *Goulburn Mulwaree Local Environmental Plan 2009* or *Mulwaree Local Environmental Plan 1995* applied immediately before the commencement of this Plan—15 May 1970, or
- (c) in relation to land to which *Gunning Local Environmental Plan 1997* applied immediately before the commencement of this Plan—15 July 1966, or
- (d) in relation to land to which *Tallaganda Local Environmental Plan 1991* applied immediately before the commencement of this Plan—14 June 1974, or
- (e) in relation to land to which *Yarrowlumla Local Environmental Plan 2002* applied immediately before the commencement of this Plan—13 October 1995.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

4.2B Replacement of lawfully erected dwelling houses on land in Zone B2 and Zone IN2

Despite any other provision of this Plan, development consent may be granted for the erection of a dwelling house on land in Zone B2 Local Centre or Zone IN2 Light Industrial if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

4.2C Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation:
 - (a) Zone RU1 Primary Production,
 - (b) Zone R5 Large Lot Residential,
 - (c) Zone E3 Environmental Management,
 - (d) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

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

4.2D Erection of rural workers' dwellings on land in Zone RU1 and Zone E3

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production and Zone E3 Environmental Management.

- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:
 - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - (b) the development will not impair the use of the land for agricultural or rural industries, and
 - (c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and
 - (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land, and
 - (e) the size of the lot is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (f) no more than one such dwelling will be erected for each area of the lot that is equal to the minimum size shown on the Lot Size Map in relation to that land, and
 - (g) no more than three such dwellings will be erected on any such lot.

4.3 Height of buildings

- (1) The objectives of this clause are as follows:
 - (a) to enhance the natural character and landscape of Palerang,
 - (b) to protect residential amenity and solar access,
 - (c) to manage the visual impact of development,
 - (d) to reflect the predominantly low-rise character of development in Palerang.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.4 Floor space ratio

[Not adopted]

4.5 Calculation of floor space ratio and site area

[Not adopted]

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request

from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note.** When this Plan was made it did not include all of these zones.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

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

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

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone SP2 Infrastructure and marked "Public car park"	Council
Zone SP2 Infrastructure and marked "Waste or resource management facility and depot"	Council
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

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

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

5.2 Classification and reclassification of public land

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

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

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (aa) land in Zone RU1 Primary Production, Zone RU5 Village, Zone R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, Zone IN2 Light Industrial, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone RE2 Private Recreation or Zone E4 Environmental Living, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.

Note. When this Plan was made it did not include all of these zones.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and

- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 67% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 150 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 10 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone

[Not applicable]

5.6 Architectural roof features

[Not adopted]

5.7 Development below mean high water mark

[Not applicable]

5.8 Conversion of fire alarms

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

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,
- unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- Note.** Permissibility may be a matter that is determined by or under any of these Acts.

- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

5.9AA Trees or vegetation not prescribed by development control plan

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation

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

(1) **Objectives**

The objectives of this clause are as follows:

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

(2) **Requirement for consent**

Development consent is required for any of the following:

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

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State

Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

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

(10) Conservation incentives

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

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

5.11 Bush fire hazard reduction

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

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

5.12 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities

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

- (ii) the maintenance (or regeneration where necessary) of habitats,
- (iii) efficient and minimal energy and water use and waste output,
- (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
- (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Part 6 Additional local provisions

6.1 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless:
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note. The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects.

6.2 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land identified as "Flood planning area" on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

- (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.
- (5) In this clause:
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

6.3 Terrestrial biodiversity

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

6.4 Drinking water catchments

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

6.5 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:
 - (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following:
 - (a) land identified as “Riparian land” on the Riparian Lands and Watercourses Map,
 - (b) land identified as “Watercourse” on that map,
 - (c) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
 - (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.6 Salinity

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land identified as “Salinity” on the Landscape Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
 - (a) whether the development is likely to have any adverse impact on salinity processes on the land,
 - (b) whether salinity is likely to have an impact on the development,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.7 Highly erodible soils

- (1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.
- (2) This clause applies to land identified as “Erodible Lands” on the Landscape Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
 - (a) whether the development is likely to have an impact on soil erosion processes,
 - (b) whether soil erosion processes are likely to have an impact on the development,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.7 Slopes over 18 degrees

- (1) The objective of this clause is to provide for the appropriate management of land that has a slope of over 18 degrees.
- (2) This clause applies to land identified as “Slopes over 18 degrees” on the Landscape Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:
 - (a) whether the development is likely to have an impact on surrounding vegetation, the movement of water and soil erosion, and
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

6.8 Airspace operations

- (1) The objectives of this clause are as follows:
 - (a) to provide for the effective and ongoing operation of the Canberra Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
 - (b) to protect the community from undue risk from that operation.

- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:
 - (a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or
 - (b) the development will not penetrate the Limitation or Operations Surface.
- (4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.
- (5) In this clause:

Limitation or Operations Surface means the Obstacle Limitation Surface or the Procedures for Air Navigation Services Operations Surface as shown on the Obstacle Limitation Surface Map or the Procedures for Air Navigation Services Operations Surface Map for the Canberra Airport.

relevant Commonwealth body means the body, under Commonwealth legislation, that is responsible for development approvals for development that penetrates the Limitation or Operations Surface for the Canberra Airport.

6.9 Development in areas subject to aircraft noise

- (1) The objectives of this clause are as follows:
 - (a) to prevent certain noise sensitive developments from being located near the Canberra Airport and its flight paths,
 - (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,
 - (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.
- (2) This clause applies to development that:
 - (a) is on land that:
 - (i) is near the Canberra Airport, and
 - (ii) is in an ANEF contour of 20 or greater, and
 - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- (3) In deciding whether to grant development consent to development to which this clause applies, the consent authority:
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
 - (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and
 - (c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.

- (4) In this clause:

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

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

6.10 Development in areas near national parks and nature reserves

- (1) The objective of this clause is to protect the aesthetic, conservation, recreational and scientific values of national parks and nature reserves.
- (2) This clause applies to land adjoining a national park or nature reserve.
- (3) In determining whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following:
 - (a) whether the development is compatible with and does not detract from the values of the national park or nature reserve,
 - (b) any management plans applicable to nearby areas within the national park or nature reserve,
 - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.

6.11 Essential services

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

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

6.12 Short-term rental accommodation

- (1) The objective of this clause is to ensure that residential accommodation may be used as tourist and visitor accommodation for a short term without requiring development consent.
- (2) Despite any other provision of this Plan, development consent is not required for the use of residential accommodation for the purposes of tourist and visitor accommodation (except backpackers' accommodation or bed and breakfast accommodation) if the use is only short-term and does not interfere generally with the amenity of the neighbourhood in any way, including by noise or traffic generation.
- (3) In this clause, **short-term** means for a maximum period of 45 consecutive days in any 12 month period.

6.13 Location of sex services premises

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.

- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - (i) that adjoins the development, or
 - (ii) that can be viewed from the development, or
 - (iii) from which a person can view the development.

Schedule 1 Additional permitted uses

(Clause 2.5)

(When this Plan was made this Schedule was blank)

Schedule 2 Exempt development

(Clause 3.1)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.

Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Farm dams in Zone RU1

- (1) Must have a means of managing water overflow.
- (2) Must be a minimum of 50m from each property boundary.
- (3) Must not involve works within 40m of the bank of a named watercourse.
- (4) Must not contain a spillway more than 1m in height.
- (5) Must comply with the *Water Management Act 2000*.

Schedule 3 Complying development

(Clause 3.2)

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

Part 1 Types of development

(When this Plan was made this Part was blank)

Part 2 Complying development certificate conditions

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

General conditions

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

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

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

Column 1	Column 2
Locality	Description
Nil	

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

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Booth Road, Royalla	Part of Lot 29, DP 1015516 as identified by heavy red edging on the Reclassification Map	Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
Nil	

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item	Address	Property description	Significance	Item No
Araluen	Court House (former), including garden and Bunya pine	5894 Araluen Road	Lot 21, DP 1141849	Local	I1
Araluen	War Memorial (1914–18)	6086 Araluen Road	Lot B, DP 410512	Local	I2
Araluen	Roman Catholic Cemetery	Catholic Cemetery Road	Lot 1, DP 1119030	Local	I3
Araluen	Anglican Cemetery	Church of England Cemetery Road	Lot 7009, DP 92828	Local	I4
Back Creek	Bentley's Point mining site	Back Creek Road	Lots 26, 100 and 191, DP 755949	Local	I5
Ballalaba	Nithsdale Homestead, barn, outbuildings and garden	1081 Wallaces Gap Road	Lot 11, DP 852907	Local	I6
Bombay	Jinglemoney Homestead and weatherboard cottage	619 Farrington Road	Lot 1, DP 1118818	Local	I8
Bombay	Eucalyptus still	Little Bombay Road	Lot 1, DP 830602	Local	I7
Bombay	Bombay pipeclay sites and races	Tally Ho Road	Lot 1, DP 830602	Local	I9
Braidwood	House	9 Bowler Street	Lot 27, Section 14, DP 758152	Local	I10
Braidwood	House	17 Coghill Street	Lot 2, DP 809425	Local	I11
Braidwood	Cottage	33 Coghill Street	Lot 17, Section 14, DP 758152	Local	I12
Braidwood	House, including verandah and garden	1 Coronation Avenue	Lots 6–10, DP 2100	Local	I13
Braidwood	House, including verandah	48 Coronation Avenue	Lot 7, Section B, DP 2726	Local	I14

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	Braidwood Cemetery	Cowper Street	Lot 1, DP 194644; Lots 7301 and 7302, DP 1160871; Lot 1 DP 345157; Lot 1 DP 947748; Lot 13, Section 12, DP 758152; Lot 14, Section 12, DP 758152; Lot 15, Section 12, DP 758152; Lot 16, Section 12, DP 758152; Lot 17 Section 12, DP 758152; Lot 18, Section 12, DP 758152; Lot 19, Section 12, DP 758152	Local	I15
Braidwood	House, including stone quoins	51 Cowper Street	Lots 4–5, Section 17, DP 758152	Local	I16
Braidwood	Athol and outbuilding, including verandah and iron picket fence	59 Cowper Street	Lot 11, DP 1008982	Local	I17
Braidwood	House	74 Cowper Street	Lot 7, Section 14, DP 758152	Local	I18
Braidwood	Cottage, including verandah and timber fretwork	50 Duncan Street	Lot 2, DP 529841	Local	I19
Braidwood	Cottage	58 Duncan Street	Lot B, DP 160139	Local	I20
Braidwood	Cottage, including door panelling	65 Duncan Street	Lot B, DP 154340	Local	I21
Braidwood	The Villa	80 Duncan Street	Lot 3, DP 596527	Local	I22
Braidwood	Former Wesleyan Chapel, including gothic arches, windows and doors	82 Duncan Street	Lot 1, DP 829063	Local	I23
Braidwood	Semi-detached cottage	87 Duncan Street	Lot 2, DP 813921	Local	I24
Braidwood	Semi-detached cottage	89 Duncan Street	Lot 1, DP 813921	Local	I25
Braidwood	Cottage	91 Duncan Street	Lot 8, DP 1115123	Local	I26
Braidwood	Alf Thorley Automotive Engineering, including pressed metal walling	95 Duncan Street	Lot 2, DP 850984	Local	I27
Braidwood	Cottages	96 Duncan Street	Lot 4, DP 847717	Local	I28

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	House and cottage	97–99 Duncan Street	Lot 1, DP 850984	Local	I29
Braidwood	House	110 Duncan Street	Lot B, DP 158059	Local	I30
Braidwood	Myona	116 Duncan Street	Lot 12, DP 829963	Local	I31
Braidwood	Cottage	23 Elrington Street	Lot 1, DP 1094114	Local	I32
Braidwood	The Patch, including box hedges, garden and detailed verandah posts	24 Elrington Street	Lot 3, DP 65952	Local	I33
Braidwood	Cottage, including dormer window and cast iron verandah	25 Elrington Street	Lot 16, Section 10, DP 758152	Local	I34
Braidwood	House	29 Elrington Street	Lot 14, Section 10, DP 758152	Local	I35
Braidwood	House, including verandah with timber fretwork	31 Elrington Street	Lot B, DP 323905	Local	I36
Braidwood	House	33 Elrington Street	Lot A, DP 323905	Local	I37
Braidwood	House, including verandah and picket fence	35 Elrington Street	Lot 1, DP 840605	Local	I38
Braidwood	House	37 Elrington Street	Lot 1, DP 986731	Local	I39
Braidwood	Amarsham	38 Elrington Street	Lot 10, DP 557240	Local	I40
Braidwood	Cottage	39 Elrington Street	Lot 18, DP 1154315	Local	I41
Braidwood	House	45 Elrington Street	Lot 2, DP 869933	Local	I42
Braidwood	St Andrew's Anglican Church, including leadlight windows and belltower gargoyles	47 Elrington Street	Lot 1, DP 869933	Local	I43
Braidwood	Badgery's Cottage	48 Elrington Street	Lot B, DP 153324	Local	I44
Braidwood	Masonic Hall	51 Elrington Street	Lot 1 DP 599468	Local	I45
Braidwood	Cottage, including chimneys	63 Elrington Street	Lot 1, DP 568393	Local	I46
Braidwood	House	64 Elrington Street	Lot 7, Section 3, DP 758152	Local	I47
Braidwood	Cottage	6 Keder Street	Lot 25, Section 34, DP 758152	Local	I48
Braidwood	Cottage, including 12 pane windows	8 Keder Street	Lot 26, Section 34, DP 758152	Local	I49
Braidwood	Cottage	16 Keder Street	Lot 25, Section 15, DP 758152	Local	I50
Braidwood	Commemorative Poplar avenue	Kings Highway		Local	I51

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	Braidwood Racecourse, including grandstand and track fencing	6185 Kings Highway	Lot 290, DP 727632	Local	I52
Braidwood	Braidwood Showground, including pavilion, ticket box, canteen, wood-chopping arena, sheep pavilion and arena fencing	6247 Kings Highway	Lot 12, DP 755954	Local	I53
Braidwood	Berridale, including 12 pane windows	42 Lascelles Street	Lot D, DP 158857	Local	I54
Braidwood	Cottage, including 12 pane windows	47 Lascelles Street	Lot 1, DP 38747	Local	I55
Braidwood	Cottage, including 12 pane windows	49 Lascelles Street	Lot 2, DP 38747	Local	I56
Braidwood	Hillington, including 12 pane windows	50 Lascelles Street	Lot 1, DP 794118	Local	I57
Braidwood	Cottage	51 Lascelles Street	Lot 3, DP 38747	Local	I58
Braidwood	Cottage	53 Lascelles Street	Lot 4, DP 38747	Local	I59
Braidwood	Cottages	58–60 Lascelles Street	Lot A, DP 157611	Local	I60
Braidwood	House, including fretwork bargeboard and verandah detailing	59 Lascelles Street	Lot 1, DP 742058	Local	I61
Braidwood	Cottage	61 Lascelles Street	Lot 1, DP 197933	Local	I62
Braidwood	Cottage, including 12 pane windows and finials	62 Lascelles Street	Lot B, DP 157611	Local	I63
Braidwood	Cottage, including 12 pane windows	64 Lascelles Street	Lot C, DP 157611	Local	I64
Braidwood	Cottage	77 Lascelles Street	Lots 1 and 2, DP 797286	Local	I65
Braidwood	Rose Cottage	112 Lascelles Street	Lot 12, DP 576767	Local	I66
Braidwood	Ardstrath House and remnant garden plantings	203 Little River Road	Lot 2, DP 705593	Local	I67
Braidwood	Cottage	1 McKellar Street	Lot 21, DP 826283	Local	I68
Braidwood	Cottage	12 McKellar Street	Lot 1, DP 65782	Local	I69
Braidwood	The Gables, including gables and verandah	18 McKellar Street	Lot 2, DP 852560	Local	I70

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	The Mill	19 McKellar Street	Lot 1, DP 846907	Local	I71
Braidwood	Cottage	33 McKellar Street	Lot 4, DP 1097166	Local	I72
Braidwood	Bedervale Homestead, outbuildings and burial ground	Monkittee Street	Lot 3, DP 543076	State	I73
Braidwood	Gatekeeper's Cottage	1 Monkittee Street	Lot 1, DP 799533	Local	I74
Braidwood	Cottage	15 Monkittee Street	Lot 7, Section 32, DP 758152	Local	I75
Braidwood	Yately	25 Monkittee Street	Lots 1 and 2, Section 32, DP 758152	Local	I76
Braidwood	Cottage	35 Monkittee Street	Lot 5, Section 31, DP 758152	Local	I77
Braidwood	Cottage, including verandah with timber detailing	51 Monkittee Street	Lot 6, Section 30, DP 758152	Local	I78
Braidwood	Cottages	52 Monkittee Street	Lot 22, DP 1023674	Local	I79
Braidwood	House, including verandah with decorative trim	59 Monkittee Street	Lot 3, Section 30, DP 758152	Local	I80
Braidwood	House	61 Monkittee Street	Lots 1 and 2, DP 797362	Local	I81
Braidwood	Cottage	63 Monkittee Street	Lot 1, Section 30, DP 758152	Local	I82
Braidwood	St Andrew's Uniting Church, including gothic joinery to timber windows and timber finials	68 Monkittee Street	Lot 8, Section 10, DP 758152	Local	I83
Braidwood	Cottage	72 Monkittee Street	Lot 1, DP 194131	Local	I84
Braidwood	House, including leadlight windows, oak profiles and cedar trims	76 Monkittee Street	Lot 1, DP 719449	Local	I85
Braidwood	Cottage, including verandah detailing	90 Monkittee Street	Lot 2, DP 563161	Local	I86
Braidwood	Cottage	94 Monkittee Street	Lot 1, DP 1048843	Local	I87

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	St Omer Homestead, including main fireplace and chimney, plaster ceiling centre rose, 12 pane windows and pressed metal soffit	10586 Nerriga Road	Lot 4, DP 790531	Local	I88
Braidwood	Bunn Cottage, including external features of building	11210 Nerriga Road	Lot 41, DP 755954	Local	I89
Braidwood	Doncaster	1 Park Lane	Lots 1 and 2, DP 219650	Local	I90
Braidwood	Bee-hive stores (former)	3 Park Lane	Lot 11, DP 630272	Local	I91
Braidwood	Cottage, including verandah and remnant iron lacework	5 Park Lane	Lot 10, DP 630272	Local	I92
Braidwood	Hawthorn Hollow, including verandah	7 Park Lane	Lot 1, DP 255840	Local	I93
Braidwood	Calderwood	18 Park Lane	Lot 2, DP 1029125	Local	I94
Braidwood	Cottage	45 Ryrie Street	Lot 1, DP 817348	Local	I95
Braidwood	Tidmarsh, including dormers and verandah with timber valance	50 Ryrie Street	Lot 1, DP 209874; Lot 10, DP 1102342	Local	I96
Braidwood	Arcona	60 Ryrie Street	Lot 1, DP 712453	Local	I97
Braidwood	Mount Gillamatong	Sandholes Road	Lots 11 and 12, DP 1037053; Lot 487, DP 823488	Local	I98
Braidwood	House and 2 slab outbuildings	3 Solus Street	Lot 2, DP 1029102	Local	I99
Braidwood	Cottage	5 Solus Street	Lot 1, DP 795425	Local	I100
Braidwood	House	14 Solus Street	Lots 7, 8, 9 and 10, Section 6, DP 758152	Local	I101
Braidwood	Ryrie Park Pavilion, including finial	Wallace Street (Ryrie Park)	Lot 7300, DP 1153930	Local	I151
Braidwood	Rock outcrops	Wallace Street (southern end)	Lot 1, DP 1129342; Lot 11, DP 605235; Lot 2, DP 625654; Lot 1, Section 12, DP 758152; Lots 8 and 9, Section 13, DP 758152	Local	I153
Braidwood	Cottage, including well	14 Wallace Street	Lot 3, Section 12, DP 758152	Local	I102

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	Cottage	16 Wallace Street	Lots 4 and 5, Section 12, DP 758152	Local	I103
Braidwood	Cottage	21 Wallace Street	Lot 1, DP 732815	Local	I104
Braidwood	Cottage	22 Wallace Street	Lot 7, Section 12, DP 758152	Local	I105
Braidwood	Cottage	25 Wallace Street	Lot 16, Section 13, DP 758152	Local	I106
Braidwood	Shop (former)	27 Wallace Street	Lot 17, Section 13, DP 758152	Local	I107
Braidwood	Hotel (former)	30 Wallace Street	Lot 11, DP 1109798	Local	I108
Braidwood	Store (former)	35 Wallace Street	Lot 14, Section 34, DP 758152	Local	I109
Braidwood	Chez Nous	39 Wallace Street	Lot 2, DP 1149369	Local	I110
Braidwood	Stone building	42 Wallace Street	Lot 6, Section 11, DP 758152	Local	I111
Braidwood	Shop-ezy bottle shop and associated buildings	50 Wallace Street	Lot 8, DP 1138990	Local	I112
Braidwood	Criterion Gallery	56 Wallace Street	Lot 1, DP 70806	Local	I113
Braidwood	Shops and residences	68–70 Wallace Street	Lot 1, DP 780651	Local	I114
Braidwood	Weiby's Shop (former)	72 Wallace Street	Lot 1, DP 784306	Local	I115
Braidwood	Avonhurst Gallery, including decorative parapet	78 Wallace Street	Lot 1, DP 744550	Local	I116
Braidwood	Nomchong shops	80 Wallace Street	Lot B, DP 151504	Local	I117
Braidwood	St Bede's Catholic Church and Presbytery, including bell tower, grave and cast iron picket fence	83 Wallace Street	Lots 6, 7 and 8, DP 113033	Local	I118
Braidwood	Hannah Fyre Gallery and residence	84 Wallace Street	Lot 1, DP 711583	Local	I119
Braidwood	Shop and residence, including rear outbuildings	91 Wallace Street	Lot 14, DP 75439	Local	I120
Braidwood	National Theatre, including facade and entry	100 Wallace Street	Lot 2, DP 212019	Local	I121
Braidwood	Braidwood Bakery	101 Wallace Street	Lot 1, DP 1141292	Local	I122

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	The Altenburg, including rear outbuildings and gardens	102 Wallace Street	Lot 1, DP 797181	Local	I123
Braidwood	Corner shop	112 Wallace Street	Lot 25, DP 1102366	Local	I124
Braidwood	Tallaganda Pottery (former)	116 Wallace Street	Lot 5, DP 38769	Local	I125
Braidwood	The Albion and outbuildings	119 Wallace Street	Lot 1, DP 598830	State	I126
Braidwood	Dalgety building	121 Wallace Street	Lot 1, DP 995410	Local	I127
Braidwood	Bakery and restaurant (former)	123 Wallace Street	Lot 1, DP 784958	Local	I128
Braidwood	Len Mutton and Co	124 Wallace Street	Lot 9, DP 629625	Local	I129
Braidwood	Commercial premises	125 Wallace Street	Lot 1, DP 713618	Local	I130
Braidwood	2-storey shop	130 Wallace Street	Lot 1, DP 198353	Local	I131
Braidwood	Top supermarket	132 Wallace Street	Lot 1, DP 736314	Local	I132
Braidwood	Hotel (former), including verandah and cast iron lacework	133 Wallace Street	Lot 6, DP 51945	Local	I133
Braidwood	Westpac Bank	138 Wallace Street	Lot 2, DP 790199	Local	I134
Braidwood	Commercial shops, including verandah and cast iron lacework	139 Wallace Street	Lot 1, DP 799427	Local	I135
Braidwood	2-storey Victorian shop (South)	141 Wallace Street	Lot 1, DP 1016978	Local	I136
Braidwood	2-storey Victorian shop (North), including verandah, cast iron lacework and leadlight windows	143 Wallace Street	Lot A, DP 152313	Local	I137
Braidwood	Council Chambers Literary Institute	144 Wallace Street	Lots 32 and 34, Section 5, DP 758152	Local	I138
Braidwood	Royal Mail Hotel	145 Wallace Street	Lot 1, DP 1014250	Local	I139
Braidwood	Post Office, residence and outbuilding	154 Wallace Street	Lot 12, DP 1017257	Local	I140
Braidwood	Court House	170 Wallace Street	Lot 7004, DP 1020633	Local	I141
Braidwood	Police residences	174 Wallace Street	Lots 1 and 2, DP 1153688	Local	I142

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	Braidwood Hotel, including verandah and cast iron lacework	180 Wallace Street	Lot 1, DP 711400	Local	I143
Braidwood	Australian Joint Stock Bank (former)	185 Wallace Street	Lot 1, DP 1039618	Local	I144
Braidwood	Braidwood District Historical Society Museum	186 Wallace Street	Lot 1, DP 86338	State	I145
Braidwood	The Mill Centre	200 Wallace Street	Lot 2, DP 846907	State	I146
Braidwood	Torpy's, including corner entrance	202 Wallace Street	Lot 1, DP 852560	Local	I147
Braidwood	House	222 Wallace Street	Lot 1, DP 195098	Local	I148
Braidwood	Cottage	224 Wallace Street	Lot 1, DP 1028900	Local	I149
Braidwood	Cottage	226 Wallace Street	Lot 1, DP 770283	Local	I150
Braidwood	War Memorial	Intersection of Wilson and Wallace Streets	Road reserve	Local	I152
Braidwood	School buildings—1878 headmaster's residence, 1854 classroom, including timber fretwork brackets and picket fence	9 Wilson Street	Lots 18, 19 and 20, Section 5, DP 758152	Local	I154
Braidwood	House	33 Wilson Street	Lot 1, DP 325274	Local	I155
Braidwood	Cottage	35 Wilson Street	Lot 2, DP 325274	Local	I156
Braidwood	Cottage	37 Wilson Street	Lot 4, Section A, DP 2726	Local	I157
Braidwood	House, including outbuilding, fretwork bargeboards and round head windows	47 Wilson Street	Lot 1, DP 1144110	Local	I158
Braidwood	House, including verandah with timber detailing	53 Wilson Street	Lot 1, DP 609431	Local	I159
Braidwood	House, including double story verandah with ornate fretwork	58 Wilson Street	Lot 3, DP 1114513	Local	I160
Braidwood	Cottage	60 Wilson Street	Lot 1, DP 783434	Local	I161
Braidwood	Church of England Rectory (former), including garden	62 Wilson Street	Lot 2, DP 706093	Local	I162

Suburb	Item	Address	Property description	Significance	Item No
Braidwood	Church of England Hall, including pressed metal cladding	68 Wilson Street	Lot 4, DP 582379	Local	I163
Braidwood	Cottage	70 Wilson Street	Lot 1, DP 714762	Local	I164
Braidwood	Cottage	73 Wilson Street	Lots 2 and 3, DP 741184	Local	I165
Braidwood	Cottage	74 Wilson Street	Lot 1, DP 799844	Local	I166
Braidwood	House, including decorative fretwork bargeboard	75 Wilson Street	Lot 1, DP 633530	Local	I167
Bungendore	Cottage	9 Butmaroo Street	Lot 202, DP 530664	Local	I168
Bungendore	St Philip's Anglican Church, including stained glass windows and 4 gargoyles	19-23 Butmaroo Street	Lot 3, Section 10, DP 758183	Local	I169
Bungendore	Church hall, including decorative treatments	29 Butmaroo Street	Lot 1, Section 10, DP 758183	Local	I170
Bungendore	St Johns Uniting Church (former)	48 Butmaroo Street	Lot 1, DP 1172336	Local	I171
Bungendore	Weatherboard cottage	54 Butmaroo Street	Lot 6, Section 22, DP 758183	Local	I172
Bungendore	Rendered cottage, including iron columns on verandah	65 Butmaroo Street	Lot 2, DP 717190	Local	I173
Bungendore	P.J.B. Osborne Memorial Fountain	Corner of Butmaroo and Gibraltar Streets	Road reserve adjacent to Lot 701, DP 1027107	Local	I174
Bungendore	Currandooley, including stables and garden	Currandooley Road	Lot 11, DP 237079	Local	I175
Bungendore	Corner shop	42 Ellendon Street	Lot 1, DP 788661	Local	I176
Bungendore	Dwelling	62 Ellendon Street	Lot 1, DP 612225	Local	I177
Bungendore	Stone dwelling	64 Ellendon Street	Lot 2, DP 612225	Local	I178
Bungendore	St Michael	71 Ellendon Street	Lot 2, Section 1, DP 976608	Local	I179
Bungendore	Weatherboard cottage	78 Ellendon Street	Lot 10, Section 2, DP 976608	Local	I180
Bungendore	Thornleigh	21 Forster Street	Lot 1, DP 709437	Local	I181
Bungendore	Weatherboard cottage	38 Forster Street	Lot 15, Section 2, DP 976608	Local	I182

Suburb	Item	Address	Property description	Significance	Item No
Bungendore	Weatherboard cottage	40 Forster Street	Lots 16 and 17, Section 2, DP 976608	Local	I183
Bungendore	Bungendore Soldiers Memorial	Gibraltar Street	Lot 701, DP 1027107	Local	I199
Bungendore	Former stone barn	5 Gibraltar Street	Lot 22, DP 584107	Local	I184
Bungendore	Duart, including windows and door	10 Gibraltar Street	Lot 14, Section 1, DP 758183	Local	I185
Bungendore	Brick dwelling	11 Gibraltar Street	Lot 4, Section 11, DP 758183	Local	I186
Bungendore	Single-storey shop	12 Gibraltar Street	Lot 1, DP 827246	Local	I187
Bungendore	Strathmore, including iron columns, balustrade and frieze	13 Gibraltar Street	Lot 1, DP 817205	Local	I188
Bungendore	2-storey stone shop	18 Gibraltar Street	Lot 22, DP 800525	Local	I189
Bungendore	Royal Hotel, including iron lacework	34 Gibraltar Street	Lot 14, DP 774930	Local	I190
Bungendore	CWA building	40 Gibraltar Street	Lot 17, Section 2, DP 758183	Local	I191
Bungendore	Stone stables	42 Gibraltar Street	Lot 20, DP 852614	Local	I192
Bungendore	Courthouse	45 Gibraltar Street	Lot 1, Section 9, DP 758183	Local	I193
Bungendore	Police residence, including windows and arched lintels	45–49 Gibraltar Street	Lot 7303, DP 1153763	Local	I194
Bungendore	Post Office and shop	55 Gibraltar Street	Lot 16, DP 608516	Local	I195
Bungendore	School of Arts	57 Gibraltar Street	Lot 4, Section 9, DP 758183	Local	I196
Bungendore	Public school—original buildings	59–65 Gibraltar Street	Lot 2, Section 9, DP 758183	Local	I197
Bungendore	Stone barn (former)	82 Gibraltar Street	Lot 13, DP 629788	Local	I198
Bungendore	Woodlands, including cast iron verandahs, finials and bargeboard	660 Hoskinstown Road	Lot 118, DP 754893	Local	I200
Bungendore	Bungendore Stationmaster's Cottage	16 Majara Street	Lot 1, DP 814518	Local	I201
Bungendore	Railway station and yard, including station building, signal box, trolley shed, goods shed and metal crane	20 Majara Street	Lot 2, DP 814518 and railway land to the south along Majara Street to Rutledge Street	State	I202

Suburb	Item	Address	Property description	Significance	Item No
Bungendore	Karingal, including decorative verandah trim and weatherboard cladding	6 Malbon Street	Lot 4, DP 1062845	Local	I204
Bungendore	Dwelling, including verandah	9 Malbon Street	Lot 11, DP 840692	Local	I205
Bungendore	House	10 Malbon Street	Lot 1, DP 1062845	Local	I206
Bungendore	Dwelling, including bargeboards and fireplaces	12 Malbon Street	Lot 2, DP 1062845	Local	I207
Bungendore	Cottage	14 Malbon Street	Lot 3, DP 1062845	Local	I208
Bungendore	Carrington Inn, including brickwork	21 Malbon Street	Lot 11, Section 24, DP 758183	Local	I209
Bungendore	Weatherboard cottage	29 Malbon Street	Lot 1, DP 199874	Local	I210
Bungendore	Inter-war weatherboard cottage	36 Malbon Street	Lot 15, Section 10, DP 758183	Local	I211
Bungendore	Weatherboard cottage	53 Malbon Street	Lot 4, DP 949519	Local	I212
Bungendore	Weatherboard Federation cottage, including verandahs, chimneys and windows	68 Malbon Street	Lot 1, DP 714417	Local	I213
Bungendore	Village Square, including complex of buildings	Corner of Malbon and Ellendon Streets	Lot 1, DP 1074821	Local	I222
Bungendore	Auverne	119 Millpost Lane	Lots 180 and 205, DP 754893	Local	I214
Bungendore	Millpost, including dairy/meathouse	312 Millpost Lane	Lots 14 and 121, DP 754893	Local	I215
Bungendore	Cottage, including bush pole posts and roof structure	15 Modbury Street	Lot 19, Section 4, DP 758183	Local	I216
Bungendore	Deniston, including verandah	16 Molonglo Street	Lot 2, DP 807552	Local	I217
Bungendore	Beehive Hotel (former), including chimneys and french doors	22 Molonglo Street	Lot 42, DP 587972; Lot 1, DP 731702	Local	I218
Bungendore	Commercial Bank (former)	23 Molonglo Street	Lot 9, Section 12, DP 758183	Local	I219
Bungendore	Elms Villa	41 Molonglo Street	Lot 2, Section 12, DP 758183	Local	I220

Suburb	Item	Address	Property description	Significance	Item No
Bungendore	Brick semi-detached cottages	45 Molonglo Street	Lots A and B, DP 150816	Local	I221
Bungendore	House	3 Rutledge Street	Lot 1, DP 884309	Local	I223
Bungendore	Doctor's house (former), including leadlight windows	21 Rutledge Street	Lot 3, DP 1061391	Local	I224
Bungendore	Cottage	32 Rutledge Street	Lot 1, DP 1050568	Local	I225
Bungendore	Weatherboard cottage, including internal pressed tin panelling	35 Rutledge Street	Lot 5, DP 809730	Local	I226
Bungendore	The Atelier, including verandah and frieze	47 Rutledge Street	Lot 13, DP 236634	Local	I227
Bungendore	Cottage	55 Rutledge Street	Lot 7, Section 3, DP 976608	Local	I228
Bungendore	Johnstons Battery	21 Schofield Road	Lot 1, DP 252132	Local	I229
Bungendore	Elmslea, including leadlighting and art deco glazing	80 Tarago Road	Lot 21, DP 1176100	Local	I230
Bungendore	Ashby, including outbuildings	175 Tarago Road	Lot 1, DP 794724	Local	I231
Bungendore	Minarry	307 Tarago Road	Lot 2, DP 880087	Local	I232
Bungendore	Werriwa, including gardens and outbuildings	866 Tarago Road		Local	I233
Bungendore	Railway stock yards	Trucking Yard Lane	Lot 2, DP 814518	Local	I203
Bungendore	Catholic Presbytery	26 Turallo Terrace	Lot 7, Section 15, DP 758183	Local	I234
Bungendore	Weatherboard cottage	29 Turallo Terrace	Lot 6, Section 2, DP 758183	Local	I235
Bungendore	St Mary's Catholic Church	30 Turallo Terrace	Lot 8, Section 15, DP 758183	Local	I236
Bungendore	Roman Catholic Church Hall	32 Turallo Terrace	Lot 9, Section 15, DP 758183	Local	I237
Bungendore	Old Royal Inn	33 Turallo Terrace	Lot 4, Section 2, DP 758183	Local	I238
Bungendore	Birchfield	34 Turallo Terrace	Lot 1, DP 882770	Local	I239
Bungendore	St Joseph's Convent (former)	52 Turallo Terrace	Lot 3, DP 1007969	Local	I240
Bungendore	Railway signalman's cottage	63 Turallo Terrace	Lot 1, DP 814520	Local	I241
Bungendore	Preschool	64 Turallo Terrace	Lots 8 and 9, Section 16, DP 758183	Local	I242

Suburb	Item	Address	Property description	Significance	Item No
Bungendore	Bungendore Common	Off Turallo Terrace	Lot 701, DP 96238; Lot 701, DP 96239; Lot 701, DP 96240; Lot 1, DP 46300	Local	I243
Burbong	Burbong Railway Bridge	Off Kings Highway	Adjacent to Lot 7007, DP 1052362	Local	I244
Burra	Old Burra Schoolhouse	1196 Burra Road	Lot 167, DP 727590	Local	I245
Burra	Burra Station boundary marker	114 Keewong Lane	Lot 11, DP 700016	Local	I246
Bywong	Bywong Gold Mining Town, including numerous corrugated iron, timber and pise buildings, several battery stampers, a poppet head, stone lined well and a horse whim	Bywong Town Road	Lots 2, 3 and 4, DP 726680; Lots 268 and 269, DP 726679; Lot 1, DP 754873; Lots 118 and 119, DP 754873; Lots 1-7, Section 1, DP 758209; Lots 1-7, Section 2, DP 758209; Lots 1-8, Section 3, DP 758209; Lots 1-11, Section 4, DP 758209	Local	I247
Captains Flat	Captains Flat Hospital	1 Blatchford Street	Lot 165, DP 754866	Local	I248
Captains Flat	Railway station (former)	Captains Flat Road	Lot 1, DP 189797 and adjacent land	Local	I249
Captains Flat	Captains Flat Cemetery	Captains Flat Road	Lots 7013-7016, DP 1126795; Lots 7301 and 7302, DP 1143521	Local	I250
Captains Flat	Station Masters residence (former)	2 Copper Creek Road	Lot 1, DP 572636	Local	I251
Captains Flat	Roscommon	8 Copper Creek Road	Lot 2, DP 369062; Lot 192, DP 754870	Local	I252
Captains Flat	Bills' Trough, including granite plaque and dog water bowl	Foxlow Street	Road reserve adjacent to Lot C, DP 321861	Local	I253
Captains Flat	The Bollard House	2 Foxlow Street	Lot 254, DP 754870	Local	I254
Captains Flat	Captains Flat Hotel, including bar	49 Foxlow Street	Lots 71 and 117, DP 754870	Local	I255
Captains Flat	Captains Flat Community Centre	53 Foxlow Street	Lot 78, DP 754870	Local	I256
Captains Flat	Captains Flat Post Office (former)	55 Foxlow Street	Lot 2, DP 585090	Local	I257

Suburb	Item	Address	Property description	Significance	Item No
Captains Flat	Captains Flat Miners Memorial, including 4 dioramas and a jenny wheel	65 Foxlow Street	Lot C, DP 321861	Local	I258
Captains Flat	Shop	70 Foxlow Street	Lot 3, DP 786505	Local	I259
Captains Flat	The Outsider	86 Foxlow Street	Lot B, DP 396566	Local	I260
Captains Flat	Captains Flat Police Station	198 Foxlow Street	Lot 3, DP 667593	Local	I262
Captains Flat	RSL Club (former)	212 Foxlow Street	Lots 6 and 7, Section 6, DP 758223	Local	I261
Captains Flat	Captains Flat railway goods shed, weighbridge, gantry and turntable	Miners Road	Railway land adjacent to Lots 155, 194 and 319, DP 754870; Lot 1, DP 189797; Lot 1, DP 36902	Local	I266
Captains Flat	Captains Flat Public School—original buildings	Montgomery Street	Lots 12 and 14, Section 1, DP 758223	Local	I263
Captains Flat	Miners Cottage	1 Mulga Street	Lot 56, DP 216396	Local	I264
Captains Flat	Miners Cottage	11 Mulga Street	Lot 7, Section 2, DP 185452	Local	I265
Captains Flat	Lake George Mine, including smelter site, mine processing sites, railway precinct, Fosters Gulley and Keatings Collapse	Old Mines Road	Lot 2, DP229690; Lot 1, DP222274; Lot C, DP172630; Lot 319, DP 754870; Lot 2, DP 1033184 and adjacent Crown land	Local	I267
Carwoola	Carwoola Homestead, including outbuildings	1071 Captains Flat Road	Lot 30, DP 596573	State	I268
Collector	Winderadeen homestead, outbuildings and garden	5178 Federal Highway	Lot 5, DP 717984	Local	I269
Currawang	Cooper's Vault	1235 Collector Road	Lot 131, DP 750056; Lot 11, DP 754919	Local	I270
Currawang	Willeroo, including outbuildings	1235 Collector Road	Lot 11, DP 754919	Local	I271
Currawang	St Matthias' Anglican Church	Currawang Road	Lot 81, DP 1140664	Local	I272
Currawang	Telegraph Hill, including windows	2407 Currawang Road	Lot 81, DP 1140664	Local	I273

Suburb	Item	Address	Property description	Significance	Item No
Currawang	Currawang House, including doors and pigsty	2508 Currawang Road	Lot 3, DP 874516	Local	I274
Currawang	Currawang Mine	2574 Currawang Road	Lot 11, DP 800267	Local	I275
Currawang	Baxter's House	2667 Currawang Road	Lot 1, DP 775837	Local	I276
Currawang	Ivanhoe	189 Telegraph Hill Road	Lot 169, DP 750013	Local	I277
Durrans Durra	Wattle Park homestead	9618 Nerriga Road	Lot 144, DP 755932	Local	I278
Farrington	Mt Elrington homestead, outbuildings and garden, including doors and verandahs	312 Mt Elrington Road	Lot 31, DP 1055709	Local	I279
Farrington	Lowden Forest Park	Lowden		State	I280
Harolds Cross	Ballalaba Barn	6271 Captains Flat Road	Lot 41, DP 883226	Local	I281
Hoskinstown	The Briars Cemetery	137 Briars Sharrow Road	Lot 1, DP 814804	Local	I282
Hoskinstown	The Briars, including 2 houses and glassed doors	187 Briars Sharrow Road	Lot 2, DP 814804	Local	I283
Hoskinstown	St Mark's Anglican Church, including 10 pews and cemetery	73 Forbes Creek Road	Lot 88, DP 754895	Local	I284
Hoskinstown	Molonglo Observatory Synthesis Telescope	Hoskinstown Road	Lots 1, 2 and 5, DP 216202	Local	I285
Hoskinstown	Hoskins Place	1692 Hoskinstown Road	Lot 48, DP 231519	Local	I286
Hoskinstown	Hoskinstown Memorial Hall	1697 Hoskinstown Road	Lot 2, DP 190698	Local	I287
Hoskinstown	Post Office (former)	1712 Hoskinstown Road	Lot 1, DP 864389	Local	I288
Hoskinstown	Victoria Hotel	1753 Hoskinstown Road	Lot 1, DP 904441	Local	I289
Hoskinstown	St Peter and St Paul's Catholic Church, including cemetery	1786 Hoskinstown Road	Lot 41, DP 664584	Local	I290
Jembaicumbene	Chinese Cemetery	Majors Creek Road	Lot 2, DP755911	Local	I291

Suburb	Item	Address	Property description	Significance	Item No
Jembaicumbene	Lower Jembaicumbene Dredge sites, including 2 dredge pontoons	Majors Creek Road	Lots 1 and 2, DP 1134457	Local	I292
Jembaicumbene	Exeter Farm Homestead and outbuildings, including kitchen and servants quarters	662 Majors Creek Road	Lot 106, DP 755934	Local	I293
Jembaicumbene	Durham Hall homestead and garden, including outbuildings	666 Majors Creek Road	Lot 106, DP 755934	Local	I294
Larbert	Durran Durra Ruin	Euradux Road	Lot 2, DP 755932	Local	I295
Larbert	Khama-lea Homestead and outbuildings	212 Larbert Road	Lots 10 and 11, DP 806191	Local	I297
Larbert	La Vista, including doors and outbuildings	212 Larbert Road	Lot 67, DP 755915	Local	I296
Larbert	Arnprior Homestead, including cemetery, church footings and outbuildings	Mayfield Road	Lot 1, DP745022; Lot 7, Section 12, DP 758602; Lots G and H, DP 393436; Lot 158, DP 754892	State	I310
Majors Creek	Cemetery, including monuments	Berlang Forest Road	Lot 1, DP 1105069; Lot 1, DP 1105070; Lot 1, DP 105071; Lot 1, DP 1105072; Lot 7303, DP 1148082 and adjoining Crown land	Local	I298
Majors Creek	St Stephen's Anglican Church, including leadlight windows, pews and pulpit	16 Hill Street	Lot 7, DP 758636	Local	I299
Majors Creek	Majors Creek Road Bridge	Majors Creek Road		Local	I301
Majors Creek	Chlorination works, including remains of various buildings and structures	Majors Creek Road	Lot 102, DP 1170553	Local	I302
Majors Creek	Steam flour mill, (former), including stables and shearing shed	664 Majors Creek Road	Lot 7, DP 758636	Local	I300

Suburb	Item	Address	Property description	Significance	Item No
Majors Creek	Elrington Hotel	2 Seymour Street	Lot 4, Section 18, DP 758636	Local	I303
Manar	Manar House, outbuildings and garden	Kings Highway	Lot 1170, DP 1138111	Local	I304
Manar	Flour mill (former)	Kings Highway	Lot 1090, DP 1138078	Local	I305
Marlowe	Charleyong Bridge over Mongarlowe River	Nerriga Road		Local	I306
Marlowe	Marlow Village and cemetery, including remains of several buildings	Nerriga Road	Lot 2, DP 832458	Local	I307
Mayfield	Limekilns, Limekilns 1-4 mining sites and race system, including remains of buildings	Mayfield Road	Lot 2, DP 868299	Local	I308
Mayfield	Limekilns, Limekilns 1-4 mining sites and race system, including remains of buildings and Limekilns homestead and outbuildings	Mayfield Road	Lot 1, DP 868299	Local	I309
Mayfield	Mayfield	Mayfield Road	Lots 6, 12, 35, 36, 43, 49, 63-65, 101, 102, 117, 118 and 120, DP 754892; Lot 13, DP 709322	State	I311
Mayfield	Virginia	495 Stewarts Crossing Road	Lot 1, DP 743169; Lot 133, DP 754892	State	I312
Mongarlowe	Tantulean Creek workings and races	Back Creek Road	Lot 200, DP 755918	Local	I315
Mongarlowe	Ah Hak's Diggings, including tailings mounds	Half Moon Road	Lot 217, DP 720152; Lot 7307, DP 1147845	Local	I316
Mongarlowe	Feagan's Creek settlements	Half Moon Road	Lots 218 and 219, DP 720153; Lot 52, DP 755949	Local	I317
Mongarlowe	Half Moon Farm House, including outbuildings	Half Moon Road	Lot 1, DP 1010279	State	I318

Suburb	Item	Address	Property description	Significance	Item No
Mongarlowe	Half Moon Mining sites	Half Moon Road	Lots 1, 2, 20, 21 and 53, DP 755949; Lot 7302, DP 1148198; Lot 216, DP 720152	Local	I319
Mongarlowe	Chinese Cemetery	Little River Road	Lot 134, DP 755918	Local	I320
Mongarlowe	Chinese Joss House site	Little River Road	Lot 1, DP 875181	Local	I321
Mongarlowe	The Huts	Little River Road	Lot 231, DP 755918	Local	I314
Mongarlowe	Mongarlowe River Bridge	Little River Road		Local	I313
Mulloon	Palerang Homestead, Palerang Cottage, including garden and outbuildings	Hazeldell Road	Lot 2, DP 1046553	Local	I322
Mulloon	Currency Lass Hotel and outbuildings	Hazeldell Road	Lot 1, DP 1046553	Local	I323
Mulloon	Hyland's Cemetery, including headstones adjacent to vault	Hazeldell Road	Lot 1, DP 1046553	Local	I324
Mulloon	Cold store (former)	Hazeldell Road	Lot 1, DP 1046553	Local	I325
Mulloon	Mulloon Copper Mines and Smelter, including hut sites	3585 Kings Highway	Lot 10 and 11, DP 1081634	Local	I327
Mulloon	Scott Family Cemetery	3585 Kings Highway	Lot 119, DP 754897	Local	I326
Nerriga	Commercial Hotel	Nerriga Road	Lot 5, DP 1109042	Local	I329
Nerriga	Foot bridge	Nerriga Road	Road reserve adjacent to Lot 149, DP 726675	Local	I330
Nerriga	Roman Catholic Cemetery	6221 Nerriga Road	Lot 99, DP 755944	Local	I331
Nerriga	Timberlight Mines	Old Timberlight Road	Lot 7304, DP 1148363; Lot 55, DP 755944	Local	I333
Nerriga	Timberlight Village, including remains of huts	Old Timberlight Road	Lot 7305, DP 1148363; Lots 53 and 55, DP 755944	Local	I334
Nerriga	Phoenix Mines, including remains of buildings	332 Old Timberlight Road	Lot 133, DP 755944	Local	I332
Nerriga	Anglican Cemetery	Willow Forest Road	Lot 7007, DP 1031116	Local	I328

Suburb	Item	Address	Property description	Significance	Item No
Oallen	Corang Water Race	Oallen Road, Welcome Reef Road	Lots 331 and 332, DP 1016930; Lots 111 and 112, DP 1055010; Lots 4, 24 and 37, DP 755940; Lot 161, DP 874279	Local	I335
Oallen	Jerricknorra Creek inverted siphon	Nerriga Road	Lot 4, DP 755940	Local	I336
Primrose Valley	St Thomas Anglican Church, including cemetery	1909 Captains Flat Road	Lot 1, DP 955120	Local	I337
Primrose Valley	Foxlow Bridge	Hoskinstown Road	Road reserve adjacent to Lot 162, DP 754910	Local	I338
Reidsdale	Bells Paddock Dredge site, including remains of equipment and 3 dredges	Araluen Road	Lot 1, DP 125724	Local	I348
Reidsdale	Jembaicumbene Creek Bridges	Araluen Road		Local	I339
Reidsdale	Upper Jembaicumbene Dredge site, including remains of dredging machinery	Araluen Road	Lot 1, DP 1104271	Local	I349
Reidsdale	Fox Hill Homestead, including 2 outbuildings	6748 Araluen Road	Lot 31, DP 755901	Local	I340
Reidsdale	Belle Vue Homestead and outbuildings	Bellevue Road off Araluen Road	Lot 1, DP 1104271	Local	I341
Reidsdale	Fairy Tree, including dolls, letters and childrens' decorations	Monga Road	Road reserve adjacent to Lot 1, DP 125724	Local	I347
Reidsdale	Reidsdale Cemetery	Sawyers Ridge Road	Lot 1, DP 1132024	Local	I342
Reidsdale	Brookside, including outbuildings	Sawyers Ridge Road	Lot 1, DP 997401	Local	I343
Reidsdale	Reidsdale Co-operative Cheese Factory (former), including engine shed	92 Sawyers Ridge Road	Lot 1, DP 328052	Local	I344

Suburb	Item	Address	Property description	Significance	Item No
Reidsdale	St Bernhard's Roman Catholic Church (former)	153 Sawyers Ridge Road	Lot 680, DP 115560	Local	I345
Reidsdale	Moorong Homestead	670 Tudor Valley Road	Lots 50 and 51, DP 755922	Local	I346
Snowball	Boiler site	Cooma Road	Lot 54, DP 752141	Local	I350
Snowball	Olivers	Cooma Road	Crown land south of Lot 54, DP 752141	Local	I351
Snowball	Little Snowball Creek alluvials, reefs and huts	Cooma Road	Lot 151, DP 720183	Local	I352
Tomboye	Curradux Mining site, including remains of buildings and water races	Nerriga Road	Lot 85, DP 755964	Local	I353
Tomboye	Tomboye Homestead, including outbuildings	Nerriga Road	Lot 7, DP 755964	Local	I355
Tomboye	Newbury's Point mining site	Tomboye Road	Lot 73, DP 755964	Local	I354
Warri	Bushranger's grave	67 Watsons Road	Lot 3, DP 1060430	Local	I356
Urila	Cressbrook	562 Urila Road	Lot 1, DP 251886	Local	I357
Yarrow	London Bridge arch	1103 Googong Road	Lot 7, DP 592796	Local	I358
Yarrow	London Bridge Homestead, including outbuildings	1103 Googong Road	Lot 7, DP 592796	Local	I359

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Braidwood and its setting	Labelled as "C1"	State

Dictionary

(Clause 1.4)

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

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

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

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

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

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

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

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

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

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

agriculture means any of the following:

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

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

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

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

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

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

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

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

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

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

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

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

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

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

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

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

backpackers' accommodation means a building or place that:

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

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

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

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

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

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation. Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

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

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

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

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

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

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

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

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

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

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

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

brothel has the same meaning as in the Act.

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

building has the same meaning as in the Act.

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

building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

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

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

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

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

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

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

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

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

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

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

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

business identification sign means a sign:

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

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

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

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

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

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

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or

body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

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

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

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

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

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

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

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

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or

- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

Note. The term is defined as follows:

classified road means any of the following:

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

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

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

community facility means a building or place:

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

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

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

correctional centre means:

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

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

Council means the Palerang Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

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

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

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

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

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

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

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

Drinking Water Catchment Map means the Palerang Local Environmental Plan 2014 Drinking Water Catchment Map.

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

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

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

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

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

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

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

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,

(h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary, but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

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

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

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

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

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

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

Flood Planning Map means the Palerang Local Environmental Plan 2014 Flood Planning Map.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Palerang Local Environmental Plan 2014 Floor Space Ratio Map. [Not adopted. See clause 4.4]

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

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

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

forestry has the same meaning as **forestry operations** has for the purposes of Part 5A of the *Forestry Act 2012*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) the harvesting of forest products, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning and other silvicultural activities such as bee-keeping, grazing and bush fire hazard reduction, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

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

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

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

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

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any of the following:

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

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

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

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

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

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and

- (c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

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

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

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

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

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

group home (permanent) or permanent group home means a dwelling:

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

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

group home (transitional) or transitional group home means a dwelling:

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

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height of Buildings Map means the Palerang Local Environmental Plan 2014 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

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

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

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

heritage conservation area means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Palerang Local Environmental Plan 2014 Heritage Map.

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

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,

- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

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

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),

- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

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

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

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

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,

(j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

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

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

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

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

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

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

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

Land Application Map means the Palerang Local Environmental Plan 2014 Land Application Map.

Land Reservation Acquisition Map means the Palerang Local Environmental Plan 2014 Land Reservation Acquisition Map.

Land Zoning Map means the Palerang Local Environmental Plan 2014 Land Zoning Map.

Landscape Map means the Palerang Local Environmental Plan 2014 Landscape Map.

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

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

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

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

- (a) high technology industry,
- (b) home industry.

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

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

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

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or

wool of animals, derived principally from surrounding districts, and includes abattoirs, knackeries, tanneries, woollscours and rendering plants.

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

Lot Averaging Map means the Palerang Local Environmental Plan 2014 Lot Averaging Map.

Lot Size Map means the Palerang Local Environmental Plan 2014 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

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

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

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

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

nominated State heritage item means a heritage item that:

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

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

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

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

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

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

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

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

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

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

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

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

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

people who are socially disadvantaged means:

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

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

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

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

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

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,

- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

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

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

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

public authority has the same meaning as in the Act.

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

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

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

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

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

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

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

Reclassification Map means the Palerang Local Environmental Plan 2014 Reclassification Map.

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

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

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

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

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

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

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

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

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

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

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

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

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

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

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

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

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

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

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

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

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

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

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

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

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

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

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

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,

(n) vehicle sales or hire premises,

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

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

Riparian Lands and Watercourses Map means the Palerang Local Environmental Plan 2014 Riparian Lands and Watercourse Map.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

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

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

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

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

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

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

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

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

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

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

small bar means a small bar within the meaning of the *Liquor Act 2007*.

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

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

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

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

Terrestrial Biodiversity Map means the Palerang Local Environmental Plan 2014 Terrestrial Biodiversity Map.

the Act means the *Environmental Planning and Assessment Act 1979*.

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

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

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

- (a) backpackers' accommodation,

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

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

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

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

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

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

underground mining means:

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

but does not include open cut mining.

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

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

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

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

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

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

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

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

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

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

waste or resource management facility means any of the following:

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

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

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

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

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

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

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

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

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

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

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

water supply system means any of the following:

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

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

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

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

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

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

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

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

wetland means:

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

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

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

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