



New South Wales

# Cabonne Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, 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.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

## 2013 No 2

Cabonne Local Environmental Plan 2012

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# Contents

	Page
<b>Part 1 Preliminary</b>	
1.1 Name of Plan	4
1.1AA Commencement	4
1.2 Aims of Plan	4
1.3 Land to which Plan applies	5
1.4 Definitions	5
1.5 Notes	5
1.6 Consent authority	5
1.7 Maps	5
1.8 Repeal of planning instruments applying to land	6
1.8A Savings provision relating to development applications	6
1.9 Application of SEPPs	6
1.9A Suspension of covenants, agreements and instruments	7
<b>Part 2 Permitted or prohibited development</b>	
2.1 Land use zones	8
2.2 Zoning of land to which Plan applies	8
2.3 Zone objectives and Land Use Table	8
2.4 Unzoned land	9
2.5 Additional permitted uses for particular land	10
2.6 Subdivision—consent requirements	10
2.7 Demolition requires development consent	10
2.8 Temporary use of land	10
<b>Land Use Table</b>	11
<b>Part 3 Exempt and complying development</b>	
3.1 Exempt development	24
3.2 Complying development	25
3.3 Environmentally sensitive areas excluded	26
<b>Part 4 Principal development standards</b>	
4.1 Minimum subdivision lot size	28
4.1AA Minimum subdivision lot size for community title schemes	28
4.1A Minimum subdivision lot size for strata plan schemes in certain rural zones	29
4.2 Rural subdivision	29

	Page	
4.2A	Erection of dual occupancies and dwelling houses on land in certain rural zones	30
4.3	Height of buildings	31
4.4	Floor space ratio	31
4.5	Calculation of floor space ratio and site area	31
4.6	Exceptions to development standards	31
<b>Part 5</b>	<b>Miscellaneous provisions</b>	
5.1	Relevant acquisition authority	34
5.2	Classification and reclassification of public land	35
5.3	Development near zone boundaries	36
5.4	Controls relating to miscellaneous permissible uses	37
5.5	Development within the coastal zone	38
5.6	Architectural roof features	38
5.7	Development below mean high water mark	38
5.8	Conversion of fire alarms	38
5.9	Preservation of trees or vegetation	39
5.9AA	Trees or vegetation not prescribed by development control plan	41
5.10	Heritage conservation	41
5.11	Bush fire hazard reduction	44
5.12	Infrastructure development and use of existing buildings of the Crown	44
5.13	Eco-tourist facilities	45
<b>Part 6</b>	<b>Additional local provisions</b>	
6.1	Flood planning	47
6.2	Stormwater management	48
6.3	Terrestrial biodiversity	48
6.4	Groundwater vulnerability	49
6.5	Drinking water catchments	50
6.6	Riparian land and watercourses	50
6.7	Land affected by karst	51
6.8	Essential services	52
6.9	Location of sex services premises	52
<b>Schedule 1</b>	<b>Additional permitted uses</b>	54
<b>Schedule 2</b>	<b>Exempt development</b>	55
<b>Schedule 3</b>	<b>Complying development</b>	56
<b>Schedule 4</b>	<b>Classification and reclassification of public land</b>	57
<b>Schedule 5</b>	<b>Environmental heritage</b>	58
<b>Dictionary</b>		76

## **2013 No 2**

Clause 1.1 Cabonne Local Environmental Plan 2012

Part 1 Preliminary

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## **Cabonne Local Environmental Plan 2012**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is *Cabonne Local Environmental Plan 2012*.

#### **1.1AA Commencement**

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

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Cabonne 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 encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,
  - (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,
  - (c) to facilitate and encourage sustainable growth and development that achieves the following:
    - (i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,
    - (ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,
    - (iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with

- the residential and rural environment and meets the diverse needs of the community,
- (iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,
  - (v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,
  - (vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,
  - (vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,
  - (viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.

**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.

## 2013 No 2

Clause 1.8 Cabonne Local Environmental Plan 2012

Part 1 Preliminary

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- (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 Infrastructure.

### 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:

*Cabonne Local Environmental Plan 1991*

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

### 1.8A Savings provision relating to 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 No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

**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).

## 2013 No 2

Clause 2.1 Cabonne Local Environmental Plan 2012

Part 2 Permitted or prohibited development

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## Part 2 Permitted or prohibited development

### 2.1 Land use zones

The land use zones under this Plan are as follows:

#### **Rural Zones**

RU1 Primary Production

RU2 Rural Landscape

RU3 Forestry

RU5 Village

#### **Residential Zones**

R1 General Residential

R5 Large Lot Residential

#### **Business Zones**

B2 Local Centre

B5 Business Development

#### **Industrial Zones**

IN1 General Industrial

IN2 Light Industrial

#### **Special Purpose Zones**

SP2 Infrastructure

#### **Recreation Zones**

RE1 Public Recreation

RE2 Private Recreation

#### **Environment Protection Zones**

E1 National Parks and Nature Reserves

E2 Environmental Conservation

#### **Waterway Zones**

W1 Natural Waterways

### 2.2 Zoning of land to which Plan applies

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

### 2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and



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- (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) Before granting 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.

## 2013 No 2

Clause 2.5 Cabonne Local Environmental Plan 2012

Part 2 Permitted or prohibited development

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### 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.

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- (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*

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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*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 enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

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

Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Viticulture

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

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities

#### **4 Prohibited**

Stock and sale yards; Any other development not specified in item 2 or 3

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## **Zone RU2 Rural Landscape**

### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To provide for a range of tourism-related uses that support the agricultural industry or are compatible with agricultural uses.
- To protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering drinking water storages.

### **2 Permitted without consent**

Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Viticulture

### **3 Permitted with consent**

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Business identification signs; Camping grounds; Cellar door premises; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Veterinary hospitals; Water storage facilities

### **4 Prohibited**

Intensive livestock agriculture; Turf farming; Any other development not specified in item 2 or 3

## **Zone RU3 Forestry**

### **1 Objectives of zone**

- To enable development for forestry purposes.

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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

### 2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 1916*

### 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 and provide opportunities for development and local employment growth.
- To ensure that development is compatible with surrounding land uses.

### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

### 3 Permitted with consent

Agricultural produce industries; Child care centres; Community facilities; Dwelling houses; Light industries; Liquid fuel depots; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Sewage reticulation systems; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Industries; Jetties; Marinas; Moorings; Mooring pens; Plant nurseries; Recreation facilities (major); Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage

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systems; Sex services premises; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

## **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.

### **2 Permitted without consent**

Environmental protection works; Home-based child care; Home occupations

### **3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Home businesses; Home industries; Home occupations (sex services); Hostels; Information and education facilities; Kiosks; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Storage premises; Tourist and visitor accommodation; Water supply systems

### **4 Prohibited**

Farm stay accommodation; Rural workers' dwellings; 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.

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

### 3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Open cut mining; Recreation areas; Roads; Water storage facilities

### 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 encourage mixed-use development that will promote community activity and safety without compromising business development opportunities.

### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

### 3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light



industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Sewage reticulation systems; Shop top housing; Tourist and visitor accommodation; Any other development not specific in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Rural industries; Rural workers' dwellings; Sewerage systems; Storage premises; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### **Zone B5 Business Development**

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

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres by limiting retailing activity.

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

Environmental protection works

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

Bulky goods premises; Child care centres; Funeral homes; Garden centres; Hardware and building supplies; Landscaping material supplies; Passenger transport facilities; Respite day care centres; Roads; Rural supplies; Sewage reticulation systems; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds;

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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Caravan parks; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### **Zone IN1 General Industrial**

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

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

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

Environmental protection works

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

Aquaculture; Depots; Freight transport facilities; General industries; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health

services facilities; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Stock and sale yards; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies

## **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.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Agricultural produce industries; Aquaculture; Depots; Funeral homes; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Roads; Rural supplies; Sawmill or log processing works; Sewage reticulation systems; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Car parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Eco-tourist

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewerage systems; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

### Zone SP2 Infrastructure

#### 1 Objectives of zone

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

#### 2 Permitted without consent

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 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.

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**2 Permitted without consent**

Environmental protection works; Roads

**3 Permitted with consent**

Boat launching ramps; Building identification signs; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Heliports; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water storage facilities

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

**1 Objectives of zone**

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

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Boat launching ramps; Boat sheds; Camping grounds; Community facilities; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Helipads; Information and education facilities; Jetties; Kiosks; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Signage; Water recreation structures; Water supply systems

**4 Prohibited**

Any development not specified in item 2 or 3

## 2013 No 2

Clause 2.8 Cabonne Local Environmental Plan 2012

Part 2 Land Use Table

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### 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.

#### 2 Permitted without consent

Environmental protection works

#### 3 Permitted with consent

Environmental facilities; Flood mitigation works; 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

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## **Zone W1 Natural Waterways**

### **1 Objectives of zone**

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

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Jetties; Moorings; Recreation areas; Roads; Water recreation structures; Water storage facilities

### **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

## 2013 No 2

Clause 3.1 Cabonne Local Environmental Plan 2012

Part 3 Exempt and complying development

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### 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

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (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.

## 2013 No 2

Clause 3.3 Cabonne Local Environmental Plan 2012

Part 3 Exempt and complying development

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- (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,

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- (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*.

## 2013 No 2

Clause 4.1 Cabonne Local Environmental Plan 2012

Part 4 Principal development standards

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### Part 4 Principal development standards

#### 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
  - (a) to prevent the fragmentation and isolation of rural land,
  - (b) to ensure development is undertaken on appropriately sized parcels of land and responds to any topographic, physical or environmental constraints,
  - (c) to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems,
  - (d) to ensure that subdivision patterns and lot sizes result in a practical and efficient layout.
- (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.
- (4A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a sewerage system:
  - (i) land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 900 square metres, and
  - (ii) land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.

#### 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 RU2 Rural Landscape.

- (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 Minimum subdivision lot size for strata plan schemes in certain rural 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 RU2 Rural Landscape.
- (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.

#### 4.2 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 Zone RU4 Primary Production Small Lots or Zone RU6 Transition.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

## 2013 No 2

Clause 4.2A Cabonne Local Environmental Plan 2012

Part 4 Principal development standards

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(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 dual occupancies and dwelling houses on land in certain rural 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 dual occupancies and dwelling houses in certain rural zones.

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

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape.

(3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies, and on which no dual occupancy or dwelling house has been erected, 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 this Plan (other than under clause 4.2 (3)), or
- (c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dual occupancy or 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 dual occupancy or 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.

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

- (4) Land ceases to be an existing holding for the purposes of subclause (3) (e) if an application for development consent referred to in that subclause is not made in relation to that land before the second anniversary of the commencement of this Plan.
- (5) Development consent may be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies if there is a lawfully erected dual occupancy or dwelling house on the land and the dual occupancy or dwelling house to be erected is intended only to replace the existing dual occupancy or dwelling house.
- (6) In this clause:  
**existing holding** means land that:
- (a) was a holding on 29 November 1989, 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 29 November 1989, and includes any other land adjoining that land acquired by the owner since 29 November 1989.
- holding** means all adjoining land, even if separated by a road or railway, held by the same person or persons.
- 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.

#### 4.3 Height of buildings

[Not adopted]

#### 4.4 Floor space ratio

[Not adopted]

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

[Not adopted]

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental

## 2013 No 2

Clause 4.6 Cabonne Local Environmental Plan 2012

Part 4 Principal development standards

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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



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- (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 Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone E3 Environmental Management or Zone E4 Environmental Living.

- (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.

## 2013 No 2

Clause 5.1 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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## 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 E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone SP2 Infrastructure and marked "Rail infrastructure facilities"	Transport for New South Wales

- (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 and Infrastructure is required to take action to enable the designation of the acquiring authority under this clause. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority

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determined by order of the Minister for Planning and Infrastructure (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.

## 2013 No 2

Clause 5.3 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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### 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
  - (a1) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone R5 Large Lot Residential, 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 Zone E3 Environmental Management.
- (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.

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#### 5.4 Controls relating to miscellaneous permissible uses

(1) **Bed and breakfast accommodation**

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

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

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 80 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 80 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) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

(5) **Farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 12 bedrooms.

(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 40 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 25 square metres.

## 2013 No 2

Clause 5.5 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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(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) 40% 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.

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- (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

## 2013 No 2

Clause 5.9 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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(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, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include 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 Cabonne,
- (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,

## 2013 No 2

Clause 5.10 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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- (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

## 2013 No 2

Clause 5.11 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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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 indigenous 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 indigenous flora, and
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## 2013 No 2

Clause 5.13 Cabonne Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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- (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.

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## Part 6 Additional local provisions

### 6.1 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, ***land at or below the flood planning level*** means land at or below the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

## 2013 No 2

Clause 6.2 Cabonne Local Environmental Plan 2012

Part 6 Additional local provisions

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### 6.2 Stormwater management

- (1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.
- (2) This clause applies to land in Zone RU5 Village and all land in residential, business and industrial zones.
- (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 designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
  - (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
  - (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

### 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) Before determining a development application 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 Groundwater vulnerability**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the hydrological functions of key groundwater systems,
  - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) 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

## 2013 No 2

Clause 6.5 Cabonne Local Environmental Plan 2012

Part 6 Additional local provisions

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- (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 Drinking water catchments

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.
- (3) Before determining a development application 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.

### 6.6 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,

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- (d) ecological processes within watercourses and riparian areas.
  - (2) This clause applies to all of the following:
    - (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map,
    - (b) 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) Before determining a development application 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.

**6.7 Land affected by karst**

- (1) The objective of this clause is to ensure that development, in areas of subsidence risk from karst, matches the underlying geotechnical conditions of the land, is restricted on unsuitable land and does not endanger life or property.
- (2) This clause applies to land identified as “Karst” on the Natural Resource—Karst Map.

## 2013 No 2

Clause 6.8 Cabonne Local Environmental Plan 2012

Part 6 Additional local provisions

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- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following in relation to the risk of subsidence to the development:
  - (a) the development's design and construction methods,
  - (b) the specific geotechnical constraints of the site,
  - (c) waste water and stormwater management and drainage on the site.
- (4) Development consent must not be granted to development on land to which this clause applies unless:
  - (a) the consent authority is satisfied that:
    - (i) the development is designed, sited and will be managed to avoid any subsidence risk or significant adverse impact from subsidence on the development or on the land surrounding the development, or
    - (ii) if that risk or impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that risk or impact, or
    - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact, and
  - (b) the consent authority is satisfied that the site of the development will have adequate waste water and stormwater management and drainage to ensure that the rate, volume and quality of water runoff is not affected by the development.

### 6.8 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.

### 6.9 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

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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 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 proposed development, or
    - (ii) that can be viewed from the proposed development, or
    - (iii) from which a person can view the proposed development.

## **2013 No 2**

Cabonne Local Environmental Plan 2012

Schedule 1 Additional permitted uses

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### **Schedule 1 Additional permitted uses**

(Clause 2.5)

#### **1 Use of certain land at 2585 Cargo Road, Cargo**

- (1) This clause applies to land at 2585 Cargo Road, Cargo, being Lot 97, DP 1000168.
- (2) Development for the purpose of a dwelling house is permitted with development consent.
- (3) Subclause (2) ceases to apply 5 years after the commencement of this Plan.

Cabonne Local Environmental Plan 2012

Exempt development

Schedule 2

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## Schedule 2 Exempt development

(Clause 3.1)

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

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

(When this Plan was made this Schedule was blank)

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 3 Complying development

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### 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 Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



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## **Schedule 4    Classification and reclassification of public land**

(Clause 5.2)

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Nil		

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

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
Nil	

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## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

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### Schedule 5 Environmental heritage

(Clause 5.10)

#### Part 1 Heritage items

Suburb	Item	Address	Property description	Significance	Item no
Amaroo	Amaroo General Cemetery	620 Amaroo Road	Lot 7320, DP 1150390	Local	I1
Baldry	Eden Hall	4 Peak Hill Road	Lot 71, DP 753248	Local	I2
Baldry	All Saints Church	6235 Renshaw McGirr Way	Lot 43, DP 753248	Local	I3
Boomey	Boomey Cemetery	1370 Euchareena Road	Lot 7305, DP 1152651	Local	I4
Boomey	Beri Holy Trinity Church	1662 Euchareena Road	Lot 1, DP 119243	Local	I5
Boree	Boree Nyrang Homestead, woolshed and stables	10 Nyrang Road	Lot 1, DP 595175	Local	I6
Boree	Boree Cabonne Homestead and woolshed	3029 The Escort Way	Lot 3, DP 591740	Local	I7
Borenore	Borenore Railway Precinct	584 Borenore Road	Lot 1, DP 810882	Local	I8
Borenore	Hotel (former)	600 Borenore Road	Lot 1, DP 819199	Local	I9
Borenore	Borenore CWA Hall	5 Convent Lane	Lot 1, DP 355631	Local	I10
Borenore	Convent Group—St Joseph's Borenore (former)	307 Convent Road	Lot 1, DP 982162	Local	I11
Borenore	Borenore Public School	1243 The Escort Way	Lot 1, DP 538369	Local	I12

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Borenore	Borenore Anglican Church	1245 The Escort Way	Lot 791, DP 1149732	Local	I13
Borenore	Borenore Reserve including caves and marble quarry	1719 The Escort Way (Reserve Code 1024)	Lots 144, 185, 302, 303 and 305, DP 750131; Lot 31, DP 1018647; Lot 7003, DP 1019941; Lot 21, DP 1033818	Local	I14
Byng	Springfield Homestead and shearing shed	Bookanan Lane	Lot 1, DP 1102656	Local	I15
Byng	Pioneer Cemetery	Bookanan Lane	Lot 10, DP 1063050	Local	I16
Byng	Uniting Church Cemetery	Byng Road	Lot 98, DP 750365	Local	I17
Byng	Uniting Church	651 Byng Road	Lot 1, DP 779619	Local	I18
Byng	Pendarves Homestead, outbuildings and woolshed	804 Byng Road	Lot 2, DP 708272	Local	I19
Byng	Bookanan Homestead	889 Byng Road	Lot 3, DP 708272	Local	I20
Cadia	Cadia Engine House	907 Four Mile Creek Road	Lot 100, DP 576778	State	I21
Cadia	Anglican Church	7 Waldergrove Road	Lot 455, DP 1080259	Local	I22
Canowindra	CWA Rooms	Blatchford Street	Lot 2, DP 150599	Local	I23
Canowindra	Masonic Lodge	39 Blatchford Street	Lot 1, DP 1043560	Local	I24
Canowindra	Canowindra Hotel	Gaskill Street	Lot 1, DP 150305	Local	I25

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Canowindra	Railway Station, goods shed, signals, tanks and yard	Gaskill Street	Lot 3, DP 1124922	Local	I26
Canowindra	State Bank (former)	Gaskill Street	Lot 1, DP 194126	Local	I27
Canowindra	Station Master's Cottage	Gaskill Street	Lot 1, DP 736952	Local	I28
Canowindra	Finn's Store	33–35 Gaskill Street	Lot 1, DP 1154158	Local	I29
Canowindra	Junction Hotel	40 Gaskill Street	Lot 1, DP 996495	Local	I30
Canowindra	Finn's Old Store	42 Gaskill Street	Lot 1, DP 780850	Local	I31
Canowindra	Old Vic Inn (former hotel)	54 Gaskill Street	Lot 72, DP 527982	Local	I32
Canowindra	Cafe—Garden of Roses	66 Gaskill Street	Lot 57, DP 1073732	Local	I33
Canowindra	Strand Cinema (former)	67 Gaskill Street	Lot 1, DP 32529	Local	I34
Canowindra	CBC Bank (former)	69 Gaskill Street	Lot 1, DP 1008620	Local	I35
Canowindra	Bank of NSW and residence	71 Gaskill Street	Lot 1, DP 215139	Local	I36
Canowindra	Royal Hotel	75 Gaskill Street	Lot 2, DP 229593	Local	I37
Canowindra	Western Stores (former)	94–96 Gaskill Street	Lot 1, DP 151873	Local	I38
Canowindra	Cobley's Building	106 Gaskill Street	Lot 3, DP 524262	Local	I39
Canowindra	Diesel Power Station (former)	120 Gaskill Street	Lot 3, DP 305643	Local	I40
Canowindra	Swinging Bridge	Icely Street	Road reserve, Belubula River	Local	I41
Canowindra	Residence—Edgecombe Edgecliff	3 Icely Street	Lot 21, DP 10106	Local	I42

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Canowindra	All Saints Church and hall	Lola Street	Lot 154, DP750147	Local	I43
Canowindra	Avenue of trees	Mandurama Road	Road reserve	Local	I44
Canowindra	The Falls Guesthouse	3994 Mandurama Road	Lot 4, DP 1044704	Local	I45
Canowindra	Tees Mill (former)	2 Mill Street	Lot 101, DP813897	Local	I46
Canowindra	Canowindra Cemetery	Rodd Street	Lot 1, DP 668440; Lot 7012, DP 1020079; Lot 2, DP 1111117; Lot 7309, DP 1157076	Local	I47
Canowindra	Morris Park	Rodd Street	Lot 1, Section 45, DP 758221	Local	I48
Canowindra	Residence	11 Rodd Street	Lot 4, Section 38, DP 758221	Local	I49
Canowindra	Residence	43 Rodd Street	Lot 28, Section 41, DP 758221	Local	I50
Canowindra	Residence—Tralee	3 Short Street	Lot 2, DP 575906	Local	I51
Canowindra	Lyndon House	15 Waddell Street	Lots 10–12, Section 3, DP 978016	Local	I52
Cargo	Police Station (former)	18 Belmore Street	Lot 3, Section 28, DP 758226	Local	I53
Cargo	CWA and Baby Health Room	22 Belmore Street	Lot 1, Section 28, DP 758226	Local	I54
Cargo	Cargo Community Hall	24 Belmore Street	Lot 1, DP 334360	Local	I55
Cargo	Australian Joint Stock Bank (former)	25 Belmore Street	Lot 2, DP 1083381	Local	I56
Cargo	Hotel	34 Belmore Street	Lot 15, Section 14, DP 758226	Local	I57

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Cargo	St Patrick's Church	19 Brooks Street	Lot 1, DP 735706	Local	I58
Cargo	Morton Bay fig tree	2836 Cargo Road	Lot 4, DP 580608	Local	I59
Cargo	St Johns Anglican Church	8 Hamilton Street	Lot 135, DP 750145; Lot 1, DP 1155571	Local	I60
Cargo	Convent (former)	2 Short Street	Lot 2, DP 735706	Local	I61
Cheesemans Creek	Hotel, post office and residence (former)	2528 The Escort Way	Lot 168, DP 601977	Local	I62
Cudal	Cudal Cemetery	Cemetery Road	Lots 1-3, DP 113660; Lot 7007, DP 1023301; Lot 7009, DP 1023287	Local	I63
Cudal	House	11 Flood Street	Lot 11, DP 750137	Local	I64
Cudal	Cudal Community Hall	Main Street	Lot 1, DP 935937	Local	I65
Cudal	CBC Bank and residence (former)	8 Main Street	Lot 5, Section 9, DP 758311	Local	I66
Cudal	EW Corden Store (former)	9 Main Street	Lot 3, Section 4, DP 758311	Local	I67
Cudal	Royal Hotel	30 Main Street	Lot 6, Section 8, DP 758311	Local	I68
Cudal	Shop (former) and residence	34 Main Street	Lot 1, DP 560417	Local	I69
Cudal	St Columbanus Catholic Church	42 Main Street	Lot 16, Section 14, DP 758311	Local	I70
Cudal	Hotel (former)	64 Main Street	Lots 9 and 10, Section 14, DP 758311	Local	I71
Cudal	Wallendoon House	Merga Street	Lot 18, DP 750150	Local	I72

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Cudal	St James Anglican Church and hall	Toogong Street	Lots 6 and 7, Section 11, DP 758311	Local	I73
Cudal	Uniting Church	8 Toogong Street	Lot 8, Section 10, DP 758311	Local	I74
Cudal	Rodda's Private Hospital (former)	10 Toogong Street	Lot 1, Section 9, DP 758311	Local	I75
Cudal	Allambie House	7 Wall Street	Lot B, DP359438	Local	I76
Cumnock	Radio transmitter and station 2CR	427 Baldry Road	Lot 2, DP 558719	Local	I77
Cumnock	Catholic Church	Banjo Paterson Way	Lot 130, DP 753225	Local	I78
Cumnock	Yullundry Homestead, stables and outbuildings	3191 Banjo Paterson Way	Lot 2, DP 753223	Local	I79
Cumnock	Notlimah House	1 Black Street	Lot 668, DP 785219	Local	I80
Cumnock	Ainsleah House	3 Black Street	Lot 82, DP 220716	Local	I81
Cumnock	Bruce Memorial Church (former)	21 Bruce Street	Lot 12, Section 3, DP 1380	Local	I82
Cumnock	Geneffe outbuildings and shearing shed	156 Burrawong Road	Lot 2, DP 131531; Lots 6 and 7, DP 753231; Lot 5, DP 1110832	Local	I83
Cumnock	Cumnock Cemetery	Cemetery Road	Lots 1-7, DP 1041229	Local	I84
Cumnock	House	22 Keay Street	Lot 1, Section 3, DP 1380	Local	I85
Cumnock	St Matthews Anglican Church and residence	12-18 McLaughlan Street	Lots 4-7, Section 2, DP 5907	Local	I86

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Cumnock	Police Station	21 McLaughlan Street	Lot 121, DP 753225	Local	I87
Cumnock	Burrawong Homestead	75 Merriburra Road	Lot 2, DP 775359	Local	I88
Cumnock	Courthouse (former) (CWA Community Centre)	22 Obley Street	Lot 3, DP 403155	Local	I89
Cumnock	Post office (former)	33 Obley Street	Lot 667, DP 785219	Local	I90
Cumnock	CBC Bank and residence (former)	35 Obley Street	Lot B, DP 930161	Local	I91
Cumnock	Royal Hotel	36 Obley Street	Lot 1, DP 301953	Local	I92
Cumnock	Courthouse (former)	37 Obley Street	Lot 1, DP 249418; Lot A, DP 902046	Local	I93
Cumnock	Amaroo Council Chambers (former)	38 Obley Street	Lot 687, DP 791526	Local	I94
Cumnock	Hogans Bakery (former)	45 Obley Street	Lot 11, Section 2, DP 1380	Local	I95
Cumnock	Cumnock Railway Station Group	Railway Parade	Lot 2, DP 818665	Local	I96
East Guyong	Methodist Church (former)	8 Byng Road	Lot 1, DP 515494	Local	I97
East Guyong	Hillview Homestead	470 Byng Road	Lot 1, DP 1004212	Local	I98
East Guyong	Church of England Cemetery	Fenton Road	Lot 4, Section 15, DP 758496	Local	I99
East Guyong	East Guyong School (former)	Fenton Road	Lot 1, DP 524372	Local	I100
East Guyong	East Guyong School residence (former)	6 Fenton Road	Lot 212, DP 750375	Local	I101



<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
East Guyong	Godolphin Homestead, outbuildings and private cemetery	388 Gordon Road	Lot 380, DP 621954; Lot 721, DP 1127602	Local	I102
East Guyong	Church of England Rectory (former) (Quinton residence)	3342 Mitchell Highway	Lot 158, DP 750375	Local	I103
Emu Swamp	Woodville Homestead	40 Cockatoo Lane	Lot 28, DP 848900	Local	I104
Eugowra	Masonic Lodge (former)	Barrack Street	Lot 4, Section 6, DP 758396	Local	I105
Eugowra	CBC Bank (former)	Broad Street	Lot 8, DP 10272	Local	I106
Eugowra	Cinema (former)	Broad Street	Lot 1, DP 304852	Local	I107
Eugowra	Fat Lamb Hotel	Broad Street	Lot 5, DP 758396; Lot 4, DP 1110089	Local	I108
Eugowra	Shops	Broad Street	Lots 5 and 6, DP 10272	Local	I109
Eugowra	Holman Bridge	Broad Street	Road reserve /Mandagery Creek	Local	I110
Eugowra	Bakery (former)	59 Broad Street	Lot 6, DP 11409	Local	I111
Eugowra	General Cemetery	Cookamidgera Road	Lots 42, 44, 46-49, DP 750157; Lot 7305, DP 1151639	Local	I112
Eugowra	Central Hotel	2 Grevillea Avenue (corner Pye Street)	Lots 3 and 4, DP 321084	Local	I113
Eugowra	Dendroglyph and brass plate, public school grounds	3 Hill Street	Lot 201, DP 1161292	Local	I114

**2013 No 2**

## Cabonne Local Environmental Plan 2012

## Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Eugowra	Shop	Nanima Street (corner Pye Street)	Lot 1, DP 652209	Local	I115
Eugowra	Cafe and shop	Nanima Street	Lot 22, DP 573081	Local	I116
Eugowra	CWA Rooms	Nanima Street	Lot A, DP 364668; Lot A, DP 379220	Local	I117
Eugowra	Butcher shop	57 Nanima Street	Lot 1, DP 503667	Local	I118
Eugowra	Uniting Church	North Street	Lot 5, Section 40, DP 758396	Local	I119
Eugowra	Memorial Park, War Memorial Avenue trees and cenotaph	North Street (corner Cooper Street)	Lot 701, DP 1020381	Local	I120
Eugowra	St Josephs Church and school	Pye Street	Lots 1 and 2, Section 2, DP 758396; Lot A, DP 970056; Lots 1-3, DP 1093079	Local	I121
Eugowra	Shop (former) (museum)	17-19 Pye Street	Lots A and B, DP 330406	Local	I122
Eugowra	The Ben Hall Site (Escort Rock)	The Escort Way	Lot 1, DP 1127864	State	I123
Garra	Garra General Cemetery	Cemetery Road	Lot 2, DP 1111000; Lot 7, DP 1111004; Lots 7300-7303, DP 1143042	Local	I124
Garra	Methodist Church (former)	Garra Road	Lot 28, DP 750141	Local	I125
Garra	Public School (former)	Garra Road	Lot 87, DP 750141	Local	I126
Garra	Garra Hall	954 Garra Road	Lot 190, DP 750141	Local	I127

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Garra	Anglican Church (former)	1003 Garra Road	Lot 76, DP 750141	Local	I128
Garra	House	8 Kidd Lane	Lot B, DP 326147	Local	I129
Larras Lee	Larras Lake Homestead	4840 Mitchell Highway	Lot 2, DP 252500	Local	I130
Larras Lee	Claremont Homestead	4841 Mitchell Highway	Lot 8, DP 455098	Local	I131
Lewis Ponds	Hotel (former)	544 Dry Creek Road	Lots 17 and 18, Section 2, DP 2263	Local	I132
Mandagery	Wesleyan Goimbeen Church	8 Mandagery Road	Lot 109, DP 750180	Local	I133
Mandagery	Cemetery—Archer and Maher families	Reedy Creek Road	Lot B, DP 438347	Local	I134
Manildra	Uniting Church	Cudal Street	Lot 2, Section 53, DP 758643	Local	I135
Manildra	House—Ripple Iron	28 Cudal Street	Lot 2, DP 628065	Local	I136
Manildra	House—Ripple Iron	32 Cudal Street	Lot A, DP 399093	Local	I137
Manildra	House—Roslyn	73 Cudal Street	Lot 1, Section 53, DP 758643	Local	I138
Manildra	Post office (former) and residence	74 Cudal Street	Lot 1, DP91146	Local	I139
Manildra	House—Bristol Mill	Dederang Street	Lots 2 and 3, Section 56, DP 758643	Local	I140
Manildra	Amusu Theatre	Derowie Street	Lot B, DP 962957	State	I141
Manildra	Service station (former) (Tom's Garage)	Derowie Street	Lot A, DP 962957; Lot 1, DP 131348	Local	I142
Manildra	Masonic Lodge	35 Duff Street	Lot 1, DP 319771	Local	I143

**2013 No 2**

## Cabonne Local Environmental Plan 2012

## Schedule 5 Environmental heritage

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Manildra	CBC Bank (former)	Kiewa Street (corner Derowie Street)	Lot 1, Section 49, DP 758643	Local	I144
Manildra	Imperial Hotel (former)	Kiewa Street	Lot 1, DP 1103634	Local	I145
Manildra	Hotel—Royal	45 Kiewa Street	Lot 1, DP 512328	Local	I146
Manildra	Shop (former)	79 Kiewa Street	Lot 3, DP 1058760	Local	I147
Manildra	NSW Bank (former)	91 Kiewa Street	Lot 1, DP 539265	Local	I148
Manildra	Station master's house (former)	121 Kiewa Street	Lot 2, DP 1027227	Local	I149
Manildra	Soldiers Memorial Hall	135 Kiewa Street	Lot 1, DP 178945	Local	I150
Manildra	St Matthews Catholic Church	65–69 Loftus Street	Lot 1, DP 1151791	Local	I151
Manildra	Hospital (former)	24 Old Orange Road	Lot 273, DP 750162	Local	I152
Manildra	Police station (former)	6 Orange Road	Lot 263, DP 750162	Local	I153
Manildra	Brymedura Shearing Shed	1637 Packham Drive	Lot 6, DP 837386	Local	I154
March	Uniting Church	893 Burrendong Way	Lot 39, DP 653867	Local	I155
March	Forrester's Hall (former)	952 Burrendong Way	Lot B, DP 345871	Local	I156
March	Kangarooobie Homestead	1346 Mitchell Highway	Lot 3, DP 738071	Local	I157
Meranburn	Meranburn General Cemetery	Henry Parkes Way	Lots 7308 and 7309, DP 1151921; Lot 1, DP 1152144	Local	I158
Meranburn	Water tank and stand—NSWGR	Henry Parkes Way and Orange to Broken Hill Rail Reserve	Rail reserve	Local	I159

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Molong	Fairbridge Farm precinct	44 Amaroo Road	Lot 6, DP 247214	Local	I160
Molong	House	77 Banjo Paterson Way	Lot 1, Section 49, DP 758693	Local	I161
Molong	St Johns Church	Bank Street (corner Edwards Street)	Lot 12, DP 1127953	Local	I162
Molong	Freemasons Hotel	1 Bank Street	Lot 294, DP 626070	Local	I163
Molong	Shop	16 Bank Street	Lot 410, DP 623316	Local	I164
Molong	Western stores (former)	17–23 Bank Street	Lot 23, DP 587038; Lot 221, DP 608276	Local	I165
Molong	Garage (former)	20 Bank Street	Lot 409, DP 623316	Local	I166
Molong	Post office hotel (former)	36 Bank Street	Lot 4, Section 26, DP 758693	Local	I167
Molong	Shop	40 Bank Street	Lot 800, DP 808779	Local	I168
Molong	CBC Bank (former)	46 Bank Street	Lot 6, DP 1001107	Local	I169
Molong	Post Office, residence and former telephone exchange	52 Bank Street	Lot 590, DP 776796	Local	I170
Molong	Telegraph Hotel	53 Bank Street	Lot 12, Section 25, DP 758693	Local	I171
Molong	Cinema (former)	59 Bank Street	Lot 1, DP 80560	Local	I172
Molong	The Australia Stores (former) (shops and residence)	67 Bank Street	Lot 282, DP 608732	Local	I173
Molong	Commonwealth Bank and residence	68 Bank Street	Lot 1, DP 1104713	Local	I174

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Molong	Post office (former)—Yarn Market/Coach House (former)	81 Bank Street	Lot 24, DP 593344	Local	I175
Molong	Shops	85–87 Bank Street	Lot B, DP 163996	Local	I176
Molong	Shop	88 Bank Street	Lot A, DP 77018	Local	I177
Molong	Connelly's Store (former) (Town Hall including Soldiers Memorial and shop)	97–101 Bank Street	Lot 11, DP 1127953	Local	I178
Molong	House—Hawthorne	100 Bank Street	Lot 8, DP 1061743	Local	I179
Molong	House	111 Bank Street	Lot 1, DP 306437	Local	I180
Molong	Wesleyan Church (former)	114 Bank Street	Lot 21, DP 1067700	Local	I181
Molong	House	120 Bank Street	Lot 6, Section 28, DP 758693	Local	I182
Molong	House	2 Betts Street	Lot 1, DP 721681	Local	I183
Molong	Molong General Cemetery	Cemetery Road	Lot 1, DP 724353; Lot 1, DP 1125144; Lot 7300, DP 1150695	Local	I184
Molong	Courthouse, Police station, residence and precinct outbuildings	3–7 Edward Street	Lots 1, 2 and 22, Section 16, DP 758693	Local	I185
Molong	House	25 Edward Street	Lot 23, DP 1085791	Local	I186
Molong	Christian Army Hall (former)	33 Edward Street	Lot 10, DP 1037150	Local	I187
Molong	House	45 Edward Street	Lot 2, DP 305761	Local	I188

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Molong	School master's residence (former)	58 Edward Street	Lot 1, DP 797199	Local	I189
Molong	School and church (former)	64–66 Edward Street	Lot 1, DP 1082943	Local	I190
Molong	Railway gatekeeper's cottage (former)	2 Euchareena Road	Lot 1, DP 745958	Local	I191
Molong	House	11 Euchareena Road	Lot B, DP 80964	Local	I192
Molong	Haslam's Mill (former)	9 Gidley Street	Lot 1, DP 717788	Local	I193
Molong	Jaye's Boot Store (former) (shop)	33 Gidley Street	Lot 33, DP 1070995	Local	I194
Molong	Molong Fire Station (former)	58 Gidley Street	Lot 1, DP 81613	Local	I195
Molong	CWA Rooms (former)	Hill Street	Lot 272, DP 750170	Local	I196
Molong	Molong Power House (former)	10 Hill Street	Lot 1, DP 163009	Local	I197
Molong	House	11 Marsden Street	Lot 5, Section 217, DP 758693	Local	I198
Molong	Fairbridge Farm cairn	Mitchell Highway (Crown Reserve)	Lot 10, DP 247214	Local	I199
Molong	Kangarooobie Homestead	1346 Mitchell Highway	Lot 3, DP 738071	Local	I200
Molong	Erambie Homestead and outbuildings	2667 Mitchell Highway	Lot 99, DP 874723	Local	I201
Molong	Gamboola Homestead, woolshed and historic wire fence	3218 Mitchell Highway	Lot 21, DP 837080	Local	I202

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Molong	Gamboola Cabonne Homestead	3306 Mitchell Highway	Lot 20, DP 837080	Local	I203
Molong	Quinns (former) (house and stables)	9 Molong Street	Lot 130, DP 876496	Local	I204
Molong	House—Tillbrook	28 Molong Street	Lot 20, DP 582998	Local	I205
Molong	House	28 Phillip Street	Lot A, DP 330780	Local	I206
Molong	Church residence (former)	2 Riddell Street	Lot 424, DP 790019	Local	I207
Molong	Church (former)	4 Riddell Street	Lot 423, DP 790019	Local	I208
Molong	Hotel (former) (Molong Museum)	20 Riddell Street	Lot 1, DP 998590	Local	I209
Molong	House	43 Riddell Street	Lot 15, Section 28, DP 758693	Local	I210
Molong	Catholic Church and hall (former)	44 Riddell Street	Lots 1–4, Section 35, DP 758693	Local	I211
Molong	House—Manbrony	1 Shields Lane	Lot 432, DP 1070957	Local	I212
Molong	McMahon's Motories (former) (garage)	Watson Street	Lot 20, Section 26, DP 758693	Local	I213
Molong	Molong Railway Station	Watson Street	Orange to Broken Hill Railway Reserve	State	I214
Molong	NSW GR Institute	Watson Street	Orange to Broken Hill Railway Reserve	Local	I215
Molong	House	Wellington Street (corner Peabody Road)	Lot 970, DP 845196	Local	I216



<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Molong	Yuranigh's Grave	Yuranigh Road	Lot 278, DP 750170; Lot 2, DP 845407	State	I217
Mount Canobolas	Lake Canobolas and pump house	145 Lake Canobolas Road	Lot 12, DP 112243; Lot 55, DP 137558; Lot 1, DP 157425; Lot 1, DP 184332; Lot 1, DP 207143; Lot 16, DP 859359	Local	I218
Mount Canobolas	Mount Canobolas parklands	Mt Canobolas Road	Mount Canobolas Reserve Code 636	Local	I219
Mullion Creek	St Brendon's Catholic Church	Long Point Road (corner Bevan Road)	Lot 1, DP 314296	Local	I220
Mullion Creek	Mullion Creek Hall	46 Long Point Road	Lot 291, DP 756895	Local	I221
Mullion Creek	Kangarooobie Woolshed	58 Ostini Lane	Lot 2, DP 809247	Local	I222
Nyrang Creek	Cemetery	Nangar Road	Lot 7005, DP 1020082	Local	I223
Obley	WWI Monument	Gundong Road	Lot 7306, DP 1152499	Local	I224
Obley	Police station, courthouse and gaol (former)	3632 Gundong Road	Lots 24 and 69, DP 753255	Local	I225
Ophir	Ophir Memorial Recreation Reserve including memorial, trees and monuments	Ophir Road (off Lower Lewis Ponds Road)	Lot 7003, DP 1000879; Lot 7002, DP 1020644	Local	I226
Ophir	Ophir Cemetery	Ophir Road (off Lower Lewis Ponds Road)	Lots 25 and 26, DP 756889	Local	I227

## 2013 No 2

Cabonne Local Environmental Plan 2012

Schedule 5 Environmental heritage

---

<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Spring Hill	Uniting Church	23 Carcoar Street	Lot 1, DP 905110	Local	I228
Toogong	Royal Hotel and post office (former)	1 Barrack Street	Lots 1 and 9, Section 18, DP 758984	Local	I229
Toogong	School (former)	Forbes Street	Lot 2, Section 10, DP 758984	Local	I230
Toogong	St Alban's Church	48 Forbes Street	Lot 1, Section 22, DP 758984	Local	I231
Toogong	Courthouse and police barracks (former)	5064 The Escort Way	Lot 2, Section 20, DP 758984	Local	I232
Toogong	Toogong General Cemetery	Toogong Road	Lots 7003 and 7004, DP 1052035	Local	I233
Yeoval	Shop	9–11 Forbes Street	Lot A, DP 312915	Local	I234
Yeoval	Post office (former)	12 Forbes Street	Lot 41, DP 740497	Local	I235
Yeoval	Commercial Bank (former) (bank and residence)	13 Forbes Street	Lot B, DP 312915	Local	I236
Yeoval	Community Hall	25 Forbes Street	Lot B, DP 357536; Lot 3, DP 668006; Lot 1, DP 1128675	Local	I237
Yeoval	Shop and residence	26 Forbes Street	Lot 1, DP 1039166	Local	I238
Yeoval	Shop	31 Forbes Street	Lot A, DP 342552	Local	I239
Yeoval	Catholic Convent	41 Forbes Street	Lot 5, Section 14, DP 759140	Local	I240
Yeoval	Tin Hut	Obley Road	Lot 128, DP753243	Local	I241

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<b>Suburb</b>	<b>Item</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Yeoval	Anglican Church	11 Obley Street	Lot 2, Section 6, DP 759140	Local	I242
Yeoval	Hotel—Royal	13 Obley Street (corner Forbes Street)	Lot 12, DP 848541	Local	I243

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## Part 2 Heritage conservation areas

<b>Name of heritage conservation area</b>	<b>Identification on Heritage Map</b>	<b>Item Number</b>
Canowindra Heritage Conservation Area	Shown by a red outline with red hatching and labelled “C1”	C1
Molong Heritage Conservation Area	Shown by a red outline with red hatching and labelled “C2”	C2

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## 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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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.

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**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

## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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(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

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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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.

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**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).

## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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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 Cabonne 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

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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 Cabonne Local Environmental Plan 2012 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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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***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,

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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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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



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- (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 Cabonne Local Environmental Plan 2012 Flood Planning Map.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Cabonne Local Environmental Plan 2012 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.

**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** in the *Forestry and National Park Estate Act 1998*.

**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) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, 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

## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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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 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

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- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

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

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

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

**Groundwater Vulnerability Map** means the Cabonne Local Environmental Plan 2012 Groundwater Vulnerability Map.

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

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

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

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

but does not include development to which *State Environmental Planning Policy (Housing 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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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 Cabonne Local Environmental Plan 2012 Height of Buildings Map. [Not adopted. See clause 4.3.]

**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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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***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 Cabonne Local Environmental Plan 2012 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,
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## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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- (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



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(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.

## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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***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),

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- (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 Cabonne Local Environmental Plan 2012 Land Application Map.

**Land Reservation Acquisition Map** means the Cabonne Local Environmental Plan 2012 Land Reservation Acquisition Map.

**Land Zoning Map** means the Cabonne Local Environmental Plan 2012 Land Zoning 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, woolscours and rendering plants.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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

**Lot Size Map** means the Cabonne Local Environmental Plan 2012 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),

## 2013 No 2

### Cabonne Local Environmental Plan 2012

#### Dictionary

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- (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.

**Natural Resource—Karst Map** means the Cabonne Local Environmental Plan 2012 Natural Resource—Karst Map.

**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

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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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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

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

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

**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



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- (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.

**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).

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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, takeaway 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,

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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- (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 Cabonne Local Environmental Plan 2012 Riparian Lands and Watercourses Map.

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

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

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

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

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

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

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

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**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

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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- (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.

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**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 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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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.

**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.



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**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 Cabonne Local Environmental Plan 2012 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.

## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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).
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## 2013 No 2

Cabonne Local Environmental Plan 2012

Dictionary

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**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 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.

***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.