

Lithgow City Local Environmental Plan 2013

WITH PLAIN ENGLISH EXPLANATION

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:

Minister for Planning and Infrastructure

PURPOSE OF PLAIN ENGLISH / ANNOTATED VERSION

The purpose of this document is to provide plain english explanations of each clause under the official legal draft version of that Clause in the Plan. The explanations are an interpretation of the primary purpose of each section of the Plan and avoids, where possible, legal terms that may hinder a proper understanding of the purpose and content of the Plan.

This document uses the base official legal draft version of the Plan and therefore is in the same format.

UNDERSTANDING THE PLAN

Text Colours

Black [compulsory]: standard clauses from the Standard Instrument that must be included and cannot be amended by Council.

Black [optional]: standard clause from the Standard Instrument that is optional to include but cannot be amended by Council.

Red [model local]: model local provisions that have been drafted by the Department's legal branch and, where proposed to be included, it is recommended that the clause be adopted without amendment.

Red [local]: local provisions that have been included by Council and can be amended.

Blue: Plain english explanation of clauses. This text will not form part of the legally drafted plan.

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Part 1

Preliminary

1.1 Name of Plan [compulsory]

This Plan is **Lithgow City Council** Local Environmental Plan **2013**

Establishes the legal name for the Plan.

1.1AA Commencement [compulsory]

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

Establishes the day Plan will take effect.

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in **Lithgow City Council Local Government Area** 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 sustainable and planned development that complements the unique character and amenity of Lithgow City and enhances its towns, villages and rural areas, and
 - (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow City in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development, and
 - (c) to manage, facilitate and encourage sustainable growth and development that:
 - i promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs of government, authorities and the community, and
 - ii protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and state economy, and
 - iii allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and
 - iv encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and
 - v preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and
 - vi protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have potential to contribute to improved environmental outcomes, and
 - vii protects and enhances places and items of environmental, archaeological cultural or heritage significance, including Aboriginal

- relics and places, and
- viii avoids or minimises impact of development upon drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and maintenance of environmental and recreational values, and
- ix Strengthens and promotes employment land opportunities and appropriate tourism development and growth.

Establishes the overarching purposes of the Plan.

1.3 Land to which Plan applies [compulsory]

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

Identifies the area of land covered by the Plan and refers the reader to the Land Application Map. This Plan covers all land within the Lithgow Local Government Area.

1.4 Definitions [compulsory]

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

Confirms how words and expressions included in the Plan are to be interpreted and directs the reader to the Standard Dictionary at the end of the Plan.

1.5 Notes [compulsory]

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

Confirms that the explanatory notes, added in the Plan in black text, have no statutory effect and are not part of the legal Plan. Notes are provided to give further advice in relation to provisions.

1.6 Consent authority [compulsory]

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

Confirms that Lithgow City Council is the consent authority for approving development under the Plan, except where this may be overridden by the provisions of the Environmental Planning and Assessment Act, 1979.

1.7 Maps [compulsory]

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

- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

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

This clause links the maps to the written Plan and provides for amendment of the LEP maps through an amending LEP either by the Minister or Council.

1.8 Repeal of planning instruments applying to land [compulsory]

- (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:

Lithgow City Council Local Environmental Plan 1994

Rylstone Local Environmental Plan 1996

- (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.

This clause confirms that any previous LEP will cease to operate when this Plan is gazetted.

1.8A Savings provision relating to development applications [model local]

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.

This clause provides for development applications lodged under either Lithgow City LEP 1994 or Rylstone LEP 1996 but not determined prior to the commencement of the new Plan to be determined under the provision of those previous plans.

1.9 Application of SEPPs [compulsory]

- (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

Confirms that state environmental planning policies have more legal standing than this Plan and advises of those state policies that will no longer apply to the Lithgow Local Government Area once this Plan is gazetted.

1.9A Suspension of covenants, agreements and instruments [model local]

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development 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*.
 - (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).

Confirms that private restrictions placed on the use of land will be of no relevance to Council when assessing a development proposal under this Plan.

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

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

R2 Low Density Residential

R5 Large Lot Residential

Business Zones

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

B6 Enterprise Corridor

B7 Business Park

Industrial Zones

IN1 General Industrial

IN2 Light Industrial

IN3 Heavy Industrial

Special Purpose Zones

SP2 Infrastructure

Recreation Zones

RE1 Public Recreation

RE2 Private Recreation

Environment Protection Zones

E1 National Parks and Nature Reserves

E3 Environmental Management

E4 Environmental Living

This clause lists the twenty one (21) land use zones that Council has used in this Plan within the Lithgow Local Government Area.

2.2 Zoning of land to which Plan applies [compulsory]

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

Confirms that land use zoning is identified through the use of the Land Zoning Map.

2.3 Zone objectives and Land Use Table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and

- (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

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

This clause explains how the land use table works to control development within each land use zone, setting zone objectives and listing development as being permitted without consent, with consent or prohibited.

It also has the effect that where a land use is separately specified within the land use table it is no longer linked to the group definition of which it is a part for the purposes of identifying its permissibility. For example in the RU1 zone bed and breakfast and farm stay accommodation are permissible with consent, but this DOES NOT infer that all other forms of the group term definition of tourist and visitor accommodation are also permitted within that zone.

2.4

Unzoned land [compulsory]

- (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.

This clause sets out the circumstances under which development on unzoned land may be carried out. No land is proposed to be unzoned under this Plan.

2.5 Additional permitted uses for particular land [compulsory]

- (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.

This clause allows development of uses not normally permitted under the land use zone table on specific land, provided the use and land are specified in Schedule 1. This is an enabling provision and land uses can be added to the Schedule as the need arises through an amending LEP.

This Plan does not specify an additional permitted uses.

2.6 Subdivision—consent requirements [compulsory]

- (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.

This clause requires development consent to be obtained for subdivision. It also states some circumstances in which subdivision may be undertaken without development consent under state policies including the widening of a public road, minor realignment of common property boundaries, consolidation of lots, rectifying an encroachment and for public uses.

It also prevents the subdivision of land that would result in a secondary dwelling on its own lot unless all lots created meet the minimum lot size for that land as shown on the Lot Size Map.

2.7 Demolition requires development consent [compulsory]

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.

Confirms that development consent is required for demolition of buildings and structures unless it is exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

2.8 Temporary use of land [optional]

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

This clause allows Council to consider a development application for a temporary use of land, despite the fact that the land use may be prohibited within the zone. It sets out particular matters to be considered when determining a development application of this nature. It also limits the timeframe for a temporary use to no more than 52 days in any period of 12 months. It also specifies where the provisions of the clause do not apply to the temporary use of a dwelling as a sales office in new housing estate.

This clause will apply to such land uses as events and festivals.

Land Use Table

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

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

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

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

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

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

This part of the Plan sets out the land use tables for all the zones selected for use by Council. The land use tables set out the zones, objectives of each zone (including those mandated by the Standard LEP template (black text) and those added by Council (red text), as well as identifying the development types that are either permitted without consent, with consent or are prohibited in each zone. The land use tables are the key component for the regulation of land use.

Only those uses identified in red text can be altered by Council.

The notes to the land use table are particularly relevant. In short, where a development type is permitted (either with or without consent) under a State Environmental Planning Policy (SEPP), this development type is not required to be listed in the land use tables. The SEPP will override any provisions of this Plan.

The land use tables are substantially different to that contained within the existing LEPs. In particular the majority of the zones, excepting the B2 and B4 Business zones have been structured as “closed zones” in that all development not listed as permissible without or with consent are prohibited. This enables land use to be regulated to ensure that only development compatible with both the existing and future desired character of the zone are able to be considered by Council.

A land use matrix (available on line at <http://www.lithgow.com/lep>) has also been prepared which is easier to use to quickly determine the permissibility of all land uses across all zones.

These parts of the Plan coupled with the Land Zoning Maps are the two key components of the LEP. Council encourages all interested persons to at least review these parts of the Plan to determine how the Plan may affect your land interests and the future directions for development, economic growth and environmental protection of the Lithgow Local Government Area.

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To minimise the environmental and visual impact of development on the rural landscape.
- To provide for recreational and tourist development and activities of appropriate type and scale that do not detract from the economic resource, environmental or conservation value of the lands.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads;

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Service stations; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems;

4 Prohibited

Any development not specified in item 2 or 3.

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 ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.
- To facilitate tourism and recreational uses that are compatible with the capability and suitability of the land.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Extensive agriculture; Home occupations; Roads;

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cemeteries; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; markets; Plant nurseries; Recreation areas; Research stations; Roadside stalls; Secondary dwellings; Sewerage systems; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3 above.

Zone RU3 Forestry

1 Objectives of zone

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

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 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 maintain and enhance the unique character of each of the rural villages.
- To encourage and promote opportunities for population and local employment growth opportunities commensurate with available services and infrastructure capacity.
- To minimise the impact of non-residential uses and ensure those uses are compatible with surrounding residential development.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Home occupations; roads;

3 Permitted with consent

Agricultural produce industries; Amusement centres; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Camping grounds; Caravan parks; Car parks; Cemeteries; Child care centres; Community facilities; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Highway service centres; Home-based child care; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Markets; Office premises; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Service stations; Sewage treatment plants; Shops; Vehicle sales or hire premises; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Home occupations; Roads

- 3 Permitted with consent**
Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Water recycling facilities; Water supply systems;

- 4 Prohibited**
Any development not specified in item 2 or 3.

Zone R2 Low Density Residential

- 1 Objectives of zone**
- To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

- 2 Permitted without consent**
Home occupations; Roads;

- 3 Permitted with consent**
Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home-based child care; Home businesses; Kiosks; Recreation areas; Seniors housing; Multi dwelling housing ; Neighbourhood shops; Respite day care centres; Shop top housing; Water recycling facilities; Water supply systems

- 4 Prohibited**
Any development not specified in item 2 or 3.

Zone R5 Large Lot Residential

- 1 Objectives of zone**
- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
 - To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
 - To ensure that development in the area does not unreasonably increase the

demand for public services or public facilities.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To limit development to areas in reasonable proximity to the settled town centres of Lithgow, Wallerawang and Portland to strengthen the settlement hierarchy of the City.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Caravan parks; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Kiosks; Markets; Places of public worship; Recreation areas; Sewage treatment plants; Water recycling facilities; Water supply systems;

4 Prohibited

Any development not specified in item 2 or 3.

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure development within the area is of a scale consistent with the needs of the local community and will not detract from the role of the Lithgow core business areas as the primary centre for the City.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Boarding houses; Business premises; Child care centres; Community facilities; Environmental protection works; Flood mitigation works; Hotel or motel accommodation; Medical centres; Neighbourhood shops; Office premises; Places of public worship; Public administration buildings; Recreation facilities(indoor); Respite day care centres; Restaurants or cafes; Shop top housing; Signage; Take away food and drink premises; Water recycling facilities; Water reticulation systems;

4 Prohibited

Any development not specified in item 2 or 3.

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the built integrity of the area by enabling development that is sympathetic to the heritage character and significance of the area and surrounding streetscapes and features.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads;

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Water recycling facilities; Water reticulation systems;

Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Charter and tourism boating facilities; Correctional centres; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industries; Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Places of public worship; Port facilities; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Rural industries; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To promote development that does not detract from the role of the town centre core commercial precincts.
- To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands within the zone at Portland.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Water recycling facilities; Water reticulation systems

Any other development not specified in item 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Farm buildings; Forestry; Dwelling houses; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm stay accommodation; Freight transport facilities; General industries; Heavy industries; Heavy industrial storage establishments; Helipads; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining ; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Rural industries; Rural workers' dwellings; Secondary dwellings; Sewerage systems; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

Zone B6 Enterprise Corridor

1 Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Building identification signs; Business identification signs; Bulky goods premises; Business premises; Car parks; Community facilities; Environmental protection works; Flood mitigation works; Garden centres; Hardware and building supplies; Highway service centres; Industrial retail outlets; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Research stations; Restaurants or cafes; Service stations; Take away food and drink premises; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Water reticulation systems; Water treatment facilities; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3.

Zone B7 Business Park

1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands within the zone.
- To enable development that is compatible with the surrounding residential land use and that does not detract from the role of the Lithgow core business areas.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads;

3 Permitted with consent

Backpackers' accommodation; Car parks; Child care centres; Community facilities; Environmental protection works; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Serviced apartments; Signage; Take away food and drink premises; Warehouse or distribution centres; Water recycling facilities; Water reticulation systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3.

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.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Boat building and repair facilities; Car parks; Crematoria; Community facilities; Depots; Environmental protection works; Freight transport facilities; Flood mitigation works; General industries; Hardware and building supplies; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Recreation areas; Research stations; Rural supplies; Rural industries; Service stations; Sex services premises; Sewerage systems; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water supply systems; Wholesale supplies;

4 Prohibited

Any development not specified in item 2 or 3.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Boat building and repair facilities; Community facilities; Depots; Environmental protection works; Flood mitigation works; Funeral homes; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Plant nurseries; Recreation areas; Recreation facilities (indoor); Research stations; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recycling facilities; Water reticulation systems; Wholesale supplies;

4 Prohibited

Any development not specified in item 2 or 3.

Zone IN3 Heavy Industrial

1 Objectives of zone

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Car parks; Depots; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Heavy industries; Heavy industrial storage establishments; Helipads; Industrial training facilities; Kiosks; Landscaping material supplies; Research stations; Rural supplies; Sewerage systems; Signage; Take away food and drink premises; Transport depots; Truck depots; Warehouse or distribution centres; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3.

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business

identification signs; Caravan parks; Car parks; Charter and tourism boating facilities; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Markets; Mooring pens; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Water recreation structures; Water recycling facilities; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Roads

3 Permitted with consent

Backpackers' accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Car parks; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Markets; Mooring pens; Seniors housing; Serviced apartments; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Water recreation structures; Water recycling facilities; Water supply systems;

4 Prohibited

Any development not specified in item 2 or 3.

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

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

- 2 Permitted without consent**
Uses authorised under the *National Parks and Wildlife Act 1974*
- 3 Permitted with consent**
Nil
- 4 Prohibited**
Any development not specified in item 2 or 3

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To facilitate the management of environmentally sensitive lands and riparian areas within the zone.
- To protect and conserve the vegetation and escarpment landscape surrounding the Lithgow Valley.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Information and education facilities; Recreation areas; Research stations; Secondary dwellings; Water recycling facilities; Water reticulation systems;

4 Prohibited

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

Zone E4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To maintain the rural character of the lands within the zone whilst preserving the land for future urban growth.

- To ensure that development does not create unreasonable and uneconomic demands for the provision of extension of public infrastructure, amenities and services.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

2 Permitted without consent

Extensive agriculture; Home occupations; roads

3 Permitted with consent

Building identification signs; Business identification signs; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Farm stay accommodation; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Recreation areas; Research stations; Secondary dwellings; Bed and breakfast accommodation; Water recycling facilities; Water supply systems;

4 Prohibited

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

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

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*.
 - (e) (Repealed)
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal 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.

This clause contains provisions for exempt development, which is minor development that does not require approval by Council. It also links to Schedule 2 where Council can specify certain additional development not included in the State Policy as exempt development. This is blank for this Plan. Therefore this Part has no effect in Draft LEP 2013 at this time.

State Environmental Planning Policy (Exempt and Complying Development Code) 2008 is the legal planning tool for Exempt Development.

3.2

Complying development [compulsory]

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.
 - (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.

This clause contains provisions for complying development, which is development that does not require development consent from Council, however must be certified (“signed off”) by a certified person to attest to the integrity of the development. This certification is in the form of a Complying Development Certificate which is issued by a private certifier or by Council. It also links to Schedule 3 where Council can specify certain additional development not included in the State Policy as complying development. This is blank for this Plan. Therefore this Part has no effect in Draft LEP 2013 at this time.

State Environmental Planning Policy (Exempt and Complying Development Code) 2008 is the legal planning tool for Complying Development.

3.3 Environmentally sensitive areas excluded [compulsory]

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

This clause identifies those areas where exempt and complying development cannot be carried out. It is the responsibility of the applicant to prove that land on which their development is sited is not considered an environmentally sensitive area as outlined above, however Council will in most circumstances hold information to assist in that determination.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) to minimise the cost to the community of:
 - i. the fragmented and isolated development of rural land, and
 - ii. providing, extending and maintaining public amenities and services
 - (b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,
 - (c) to ensure that the development is undertaken on appropriately sized parcels of land commensurate with available services (including an associated sewerage system) and responds to any topographic, physical or environmental constraints.
- (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.
- (5) Despite any other provision of this clause, land shown as “Area 1” and “Area 2” on the Lot Size Map may not be further subdivided.

This clause sets some local objectives for subdivision and requires that subdivisions must comply with the minimum lot sizes as shown on the Lot Size Map. Any new lot created must meet the mapped minimum, that is, if two new lots are being created both would need to be at least as big as the size shown on the Lot Size Map. The following table provides a general comparison between lot sizes in the existing LEPs and those proposed;

Lithgow City Council LEP 1994/Rylstone LEP 1996		Draft LEP 2013	
Land Use Zone	Minimum Lot Size	New Related Land Use Zone	Proposed Minimum Lot Size
1(a) Rural (General)	40ha with general restriction on subdivision of consolidated lands created under Clause 12(1)	RU1 RU2 E3 E4	40ha with general restriction on subdivision of consolidated lands created under Clause 12(1) as identified as Area 2 on Lot Size Map
1(e) Outer Rural	100ha	RU1	100ha
1(a) General Rural (Rylstone)	40ha with prohibition on further	RU1 RU2	40ha with prohibition on further

Lithgow City Council LEP 1994/Rylstone LEP 1996		Draft LEP 2013	
	subdivision of lands comprising of prime, crop and pasture land		subdivision of prime, crop and pasture land as identified as Area1 on Lot Size Map
1(c) Rural Small Holdings	1ha with an average of 2ha created from an existing holding	R5	Varying 2ha 4000m ² in some areas surrounding the village and towns
2(v) Village	2000m ²	RU5	4000m ²
2(a) General Residential	Nil	R1 R2 Lithgow	Ranges from 300m ² - 800m ² in different parts of the town as mapped on the Lot Size Map
2(v) Village	Nil	R1 Portland	400m ² - 800m ²
2(v) Village	Nil	R2 Wallerawang	600m ²
2(v) Village	2000m ²	RU5 Capertee, Rydal, Tarana, Cullen Bullen	4000m ²

4.1A Strata subdivisions in certain rural and environmental zones [local]

- (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 dwellings, rural workers' dwellings, bed and breakfast accommodation or farm stay accommodation.
 - a) Zone RU1 Primary Production
 - (b) Zone RU2 Rural Landscape
 - (c) Zone E3 Environmental Management
 - (d) Zone E4 Environmental Living
- (3) Development consent must not be granted for the subdivision of land to which this clause applies under a strata plan that would create lots below the minimum lot size shown on the Lot Size Map for that land.

Note. 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 specified complying development.

This clause prevents further subdivision of rural and environmental zoned lands from other forms of subdivision other than Torrens Title that would result in allotments less than the mapped minimum lot size.

4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]

- (1) The objectives of this clause are as follows:
 - (a) to ensure that land to which this clause applies is not fragmented by subdivision 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
 - (c) Zone E3 Environmental Management
 - (d) Zone E4 Environmental Living
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (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.

This clause prevents further subdivision of rural and environmental zoned lands from other forms of subdivision other than Torrens Title that would result in allotments less than the mapped minimum lot size.

4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings in certain zones (model local)

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

Column 1	Column 2	Column 3
Dual Occupancy(Attached)	Zone RU 5 Village	6000m ²
Dual Occupancy(Attached)	Zone R1 General Residential	400m ² in areas with a MLS of 300m ² on the Lot Size Map 500m ² in areas with a MLS of 400m ² on the Lot Size Map 700m ² in areas with a MLS of 600m ² on the Lot Size Map

Column1	Column 2	Column 3
Dual Occupancy(Attached)	Zone R2 Low Density Residential	1000m ²
Dual Occupancy(Detached)	Zone R2 Low Density Residential	1000m ²
Dual Occupancy(Detached)	Zone R1 General Residential	500m ² in areas with a MLS of 300m ² on the Lot Size Map 600m ² in areas with a MLS of 400m ² on the Lot Size Map 800m ² in areas with a MLS of 600m ² on the Lot Size Map
Multi Dwelling Housing	Zone R1 General Residential	800m ² 600m ² in areas with a MLS of 300m ² on the Lot Size Map
Multi Dwelling Housing	Zone R2 Low Density Residential	1200m ²
Residential Flat Building	Zone R1 General Residential	800m ² 600m ² in areas with a MLS of 300m ² on the Lot Size Map

Minimum lot sizes as shown on the Lot Size Map have been determined on the basis of conventional subdivision for a single dwelling. Higher density residential development such as Dual Occupancy (being two dwellings), multi dwelling housing and residential flat buildings (being three or more dwellings) require a larger site area to ensure that the development does not adversely affect or alter the existing character of an area and is able to achieve a reasonable level of amenity. This clause states the amount of land (site area) required before such residential development can be considered where such land use is permitted within the zone.

Further site and design controls that may also limit the potential of a site to accommodate these forms of development such as orientation, solar access, privacy, private open space, parking and landscaping will form part of the new comprehensive development control plan still under preparation.

4.2

Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

- (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.
- (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.
Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

This clause reflects *State Environmental Planning Policy (Rural Land) 2008*. It allows land within the certain rural zones to be subdivided below the minimum lot size shown on the Lot Size Map to facilitate primary production. However any lot created under this clause can not have, nor later have a dwelling on the lot.

4.2A

Erection of dwelling houses or dual occupancies and secondary dwellings on land in certain rural, and environmental protection zones [model local]

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development, and
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone E3 Environmental Management
 - (d) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy or secondary dwelling on land to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
 - (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
 - (b) a lot created from a subdivision for which development consent was granted under an environmental planning instrument and on which the

erection of a dwelling house would have been permissible immediately before this Plan commenced , or

- (c) a lot resulting from a subdivision for which development consent was granted under an environmental planning instrument and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before the commencement of this Plan, or
- (d) an existing holding.

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) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies if:
 - (a) there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) 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.
- (6) Despite any other provision of this clause, development consent must not be granted for the erection of a dwelling house, dual occupancy or secondary dwelling on any unsewered lots below 4000 m².
- (7) In this clause:

existing holding means all adjoining land, even if separated by a road or railway, held by the same person or persons as at the relevant date:

 - (a) in the case of land marked “Lithgow” on the Former LEP Boundaries Map -2 December 1994, and
 - (b) in the case of land marked “Rylstone” on the Former LEP Boundaries Map – 31 July 1970 and
 - (c) at the time of lodging the development application for the erection of a dwelling house under this clause includes any other land acquired by the owner since the relevant date.
 - (d) this definition does not apply to any land marked “Evans” on the Former LEP Boundaries Map.

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

This clause establishes the minimum requirements that must be met before development consent can be granted for the erection of a dwelling house, dual occupancy (second dwelling) or secondary dwelling (granny flat) in rural and environmental zones.

This clause protects the dwelling “entitlements” (ability to lodge development application) for all rural lands currently available under the existing LEPs. However the clause does introduce a new absolute minimum lot size for all unsewered land of 4000m². This means that any existing allotment below 4000m² will not be able to gain development consent for a dwelling.

4.2B Erection of dwelling houses, dual occupancies and secondary dwellings on land within certain village and large lot residential zones: (local)

- (1) The objectives of this clause are as follows:
 - (a) to ensure that the development is undertaken on appropriately sized parcels of land commensurate with available services (including an associated sewerage system) and responds to any topographic, physical or environmental constraints.
 - (b) to manage development density affected by approved subdivision patterns under the planning instrument in force immediately before the commencement of this Plan.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU 5 Village
 - (b) Zone R5 Large Lot Residential
- (3) Development consent must not be granted for the erection of a dwelling house, dual occupancy or secondary dwelling on land to which this clause applies, and on which no dwelling house has been erected, unless the lot is:
 - (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
 - (b) a lot created from a subdivision for which development consent was granted under an environmental planning instrument, and on which the erection of a dwelling house would have been permissible, immediately before this Plan commenced , or
 - (c) a lot resulting from a subdivision for which development consent was granted under an environmental planning instrument, and on which the erection of a dwelling house would have been permissible, if the plan of subdivision had been registered before the commencement of this Plan.

This clause protects the “entitlement” (ability to lodge a development application) for the erection of a dwelling for those allotments created and/or approved by subdivision under the current Lithgow LEP in areas where the minimum lot size has increased under this Plan.

4.3 Height of buildings [optional]

Not adopted

4.4 Floor Space Ratio [optional]

Not adopted

4.5 Calculation of floor space and site area [optional]

Not adopted

4.6 Exceptions to development standards [compulsory]

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone

RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (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.

This clause enables exceptions or variations to development standards in specific circumstances whereby it can be demonstrated that compliance with the development standard is unreasonable or unnecessary. This clause replaces an existing mechanism to vary development standards provided in *State Environmental Planning Policy1 – Development Standards*.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (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 Service
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

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

This clause details procedures and responsibilities to be followed for the mapping and acquisition of land by public authorities.

For the purposes of this Plan the only land identified for future acquisition relates to the approved road corridors for the Katoomba to Lithgow Great Western Highway Upgrade. These lands have been zoned SP2 Classified Roads and the acquisition authority is the Roads and Maritime Service.

5.2 Classification and reclassification of public land [compulsory]

- (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.

This clause provides procedures for Council to classify or reclassify public land as “operational land” or “community land” for the purposes of land management under the Local Government Act 1993. It links to Schedule 4 of the Plan that provides details of any land affected by these provisions.

This Plan proposes to reclassify 90 parcels of public land from “community land” to “operational land”. One or more of the following reasons for reclassifying these lands relate to the identified lands:

- **Where there appears to be no actual public use of the land and or no ongoing need to consult or involve the community in the continued management of the land.**
- **The Community’s changing needs now, and in the future will, require Council to be responsive and flexible in how its assets are applied to services and facilities.**
- **Council is seeking to maximise the use of its land holdings economically but in balance with the community’s environmental and social priorities.**
- **Incorrect classification of Council land around the time of the introduction of the public land classification process.**
- **To correctly classify Council land that has a pure operational focus and function.**

5.3 Development near zone boundaries [optional]

Not Adopted

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(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 4 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 30 square metres of floor area.

(3) Home industries

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

(4) Industrial retail outlets

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

- (a) 25% 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 5 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 120 square metres, **except for a neighbourhood shop within the South Bowenfels and Bowenfels B1 Neighbourhood centre zones where the retail floor area must not exceed 300 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.

(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) 30% of the total floor area of the principal dwelling.

This clause allows Council to specify size limits as development standards for a range of commonly occurring developments. These standards can therefore have regard to the desired local planning outcomes to be achieved.

5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not Applicable

5.6 Architectural roof features [optional]

Not Adopted

5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

Not Applicable

5.8 Conversion of fire alarms [compulsory]

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

systems.

This clause sets out requirements where fire alarm systems are monitored by NSW Fire Brigades, and relates to the conversion of fire alarm systems from public to private service providers.

5.9

Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
 - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
 - (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
 - (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
 - (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
 - (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
 - (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.
- Note.** Permissibility may be a matter that is determined by or under any of these Acts.
- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

Note. When this plan was made it did not include Zone E2 Environmental Conservation.

This clause allows Council to make provision for the preservation of trees and vegetation through the regulation of this activity as development where trees or vegetation are identified in a Development Control Plan.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (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.

This clause enables trees and vegetation not identified in a Development Control Plan under Clause 5.9 to be removed, cut down, lopped etc without development consent.

5.10 Heritage conservation [compulsory]

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 *Lithgow City Council Local Government Area*,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) **Requirement for consent**

Development consent is required for any of the following:

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

(3) **When consent not required**

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

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

- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

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

(5) **Heritage assessment**

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

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

(6) **Heritage conservation management plans**

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

(7) **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

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

(8) **Aboriginal places of heritage significance**

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

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

(9) **Demolition of nominated State heritage items**

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

- (a) notify the Heritage Council about the application, and

- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

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

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

This clause outlines the requirements for heritage conservation across the LGA. It links to Schedule 5 that provides details of the proposed local heritage items, heritage conservation areas and archaeological sites. The Heritage Map identifies the location of these items and areas.

Schedule 5 in this Plan has transferred all items currently listed in the current LEPs as well as additional items and conservation areas recommended by the Lithgow and Rylstone Heritage Studies and the Lithgow Heritage DCP Study.

5.11 Bush fire hazard reduction [compulsory]

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.

This clause enables bush fire hazard reduction work on any land without development consent, where in accordance with the Rural Fires Act 1997.

5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (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 [compulsory if eco-tourist facilities permitted with consent]

- (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
 - (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.

This clause provides performance standards and criteria for the development of eco-tourist facilities on land where these are permitted with consent.

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Part 6 Urban Release Areas

This part relates only to significant land releases where satisfactory arrangements must be made with various state and local authorities for the provision of infrastructure. In order to trigger Part 6 clauses the land is identified on the Urban Release Map.

Land at Marrangaroo has been identified in this Plan as an urban release area. This area is approximately 310ha in area and has the potential to provide up to approximately 1700 housing lots.

6.1 Arrangements for designated State public infrastructure [model local]

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as residue lot, or
 - (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by Section 93C of the Act).

This clause prevents this land from being subdivided for intensive urban purposes unless arrangements have been made for the provision of all relevant state infrastructure.

6.2 Public Utility Infrastructure [model local]

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

This clause required that development consent must not be granted on land identified as urban release area until Council is satisfied that the land can be serviced with public utility infrastructure for local services such as water and sewer.

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6.3 Development Control Plan [model local]

- (1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas,
 - (e) stormwater and water quality management controls,
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (g) detailed urban design controls for significant development sites,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (4) Subclause (2) does not apply to any of the following development:
 - (a) a subdivision for the purpose of realigning of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads, or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

This clause requires that a development control plan (DCP) be prepared for land within an urban release area to ensure its orderly development, and specifies the

Part 7 Additional Local Provisions

7.1 Flood Planning [model local]

- (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) In this clause:

flood planning area means the land shown as "Flood planning area" on the Flood Planning Map.

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Flood Planning Map means the Lithgow Local Environmental Plan 2013 Flood Planning Map.

This clause provides performance standards for land affected by flooding. Such land is identified on the Flood Planning Map as flood planning area. This land at or below the flood planning level being the 1 in 100 year Average Recurrent Interval plus a freeboard of 0.5m.

The flood planning area shown on the Flood Planning Map is the 1 in 100 year flood level taken from the 1991 Kinhill Floodplain Management Study.

7.2 Stormwater Management [local]

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

This clause provides for consideration of stormwater management and water sensitive urban design for all developments requiring development consent.

7.3 Earthworks [local]

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

in paragraph (g).

Note. The *National Parks and Wildlife Act 1974*, particularly Section 86, deals with disturbing or excavating land and Aboriginal objects.

This clause provides for development consent to be obtained for earthworks and identifies those matters that require consideration in the development assessment process.

7.4

Riparian lands and waterways [local]

- (1) The objective of this clause is to protect and maintain the following:
 - (a) water quality within watercourses,
 - (b) stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats, and
 - (d) ecological processes within watercourses and riparian areas, and
 - (e) threatened aquatic species, communities, populations and their habitats, and
 - (f) scenic and cultural heritage values of waterways and riparian areas.
- (2) This clause applies to all of the following:
 - (a) land identified as “Sensitive Waterway” on the Environmentally Sensitive Areas – Water Overlay Map, and
 - (b) all land that is within 40 metres of the top of the bank (as measured horizontally from the top of the bank) of land identified as “waterway” 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 a watercourse,
 - (ii) the aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of a watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and its riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from a 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.
- (5) In this clause:

Environmentally Sensitive Areas – Water Overlay Map means the Lithgow City Local Environmental Plan 2013 Environmentally Sensitive Areas – Water Overlay.

Note: The Macquarie Dictionary contains the following definition:

bank means “the slope immediately bordering the course of a river along which the water normally runs”.

The SI LEP contains the following definition:

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).

This clause authorises the use of the State Government Agency Environmentally Sensitive Areas (ESA) mapping and implements the model natural resource management clauses to trigger a higher level of development assessment in relation to sensitive riparian land and waterways. It is linked to the Environmentally Sensitive Areas – Water Overlay Map.

7.5

Groundwater vulnerability [local]

- (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 having “High and Moderately High Groundwater Vulnerability” on the Environmentally Sensitive Areas – Water Overlay 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 significant adverse environmental impact, or
 - (b) if that impact cannot be avoided – the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised – the development will be managed to mitigate that impact.
- (5) In this clause:

Environmentally Sensitive Areas – Water Overlay Map means the Lithgow City Local Environmental Plan 2013 Environmentally Sensitive Areas – Water Overlay.

This clause authorises the use of the State Government Agency Environmentally Sensitive Areas (ESA) mapping and implements the model natural resource management clauses to trigger a higher level of development assessment in relation to identified areas of groundwater vulnerability. It is linked to the Environmentally Sensitive Areas – Water Overlay Map.

7.6

Terrestrial biodiversity [local]

- (1) The objective of this clause is to maintain terrestrial biodiversity, by:
 - (a) protecting native flora and fauna, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native flora and fauna and their habitats.
- (2) This clause applies to land identified as “High Biodiversity Sensitivity or Moderate Biodiversity Sensitivity” on the Environmentally Sensitive Areas – Biodiversity Overlay 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,
 - (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, 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 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 mitigate that impact.
- (5) In this clause:

Environmentally Sensitive Areas –Biodiversity Overlay Map means the Lithgow City Local Environmental Plan 2013 Environmentally Sensitive Areas- Biodiversity Overlay.

This clause authorises the use of the State Government Agency Environmentally Sensitive Areas (ESA) mapping and implements the model natural resource management clauses to trigger a higher level of development assessment in relation to identified areas of high and moderate biodiversity. It is linked to the Environmentally Sensitive Areas – Biodiversity Overlay Map.

7.7 Sensitive Lands [local]

- (1) The objective of this clause is to protect, maintain and improve the diversity and stability of landscapes including restricting:
 - (a) development on land generally unsuitable for development due to steep slopes and/or shallow soils, and
 - (b) development on land subject to salinity, and
 - (c) removal of native vegetation, and
 - (d) development on land subject to regular or permanent inundation, and
 - (e) development on land with a high proportion of rock outcrops, and
 - (f) development on land with significant karst environments.
- (2) This clause applies to development that causes soil disturbance on land identified as “Sensitive Land Areas” on the Environmentally Sensitive Areas – Land Overlay 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 any adverse impact upon :
 - i. any land with slopes greater than 25%
 - ii. any land subject to high erosion potential
 - iii. any land subject to salinity or impeded drainage,
 - iv. any land subject to regular or permanent inundation
 - v. any significant karst environment(including ecological, air quality and movement, water quality, biodiversity, geodiversity (geomorphical and geological), heritage, recreational and sociological values).
- (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 significant adverse environmental impact, and
 - (b) the rate, volume or quality of water leaving the site is not adversely affected, or
 - (c) if that impact cannot be reasonably avoided by adopting feasible alternatives; the development is designed, sited and will be managed to mitigate that impact.

This clause authorises the use of the State Government Agency Environmentally Sensitive Areas (ESA) mapping and implements the model natural resource management clauses to trigger a higher level of development assessment in relation to identified sensitive land areas. It is linked to the Environmentally Sensitive Areas – Land Overlay Map.

7.8 Essential services [local]

- (1) Development consent must not be granted to development unless the consent authority is satisfied that those of the following services that are essential for the proposed 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) storm water drainage or on-site conservation,
- (e) suitable road access.

This clause is required to ensure all development is provided with essential services at the time of development.

7.9 Active Street Frontage [model local]

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in certain areas of the Lithgow Zone B2 Local Centre.
- (2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map
- (3) Development consent must not be granted to the erection of a building, or a change of use of building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:
 - (a) entrances and lobbies (including as part of mixed use development),
 - (b) access for fire services,
 - (c) vehicle access.
- (5) In this clause, a building has an “active street frontage” if all premises on the ground floor of the building facing the street are used for the purpose of business premises or retail premises.

This clause is to ensure that the central core of the Lithgow Main St business precinct retains its business and retail function and concentrates the areas of high pedestrian traffic.

7.10 Location of sex services premises [model local]

- (1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- (2) In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - (a) whether the premises will be located on land that adjoins, is directly opposite, or is separated only by a local road from land:
 - (i) in Zone R1 General Residential, Zone R2 Low Density Residential or Zone RE1 Public Recreation, or
 - (ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - (b) the impact the proposed development and its hours of operation would have 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.

This clause provides for additional considerations to be undertaken by Council in assessing the location and impacts of sex services premises (brothels).

7.11 Development Pottery Estate [local]

- (1) The objective of this clause is to:
 - (a) ensure that development of this land is planned in an orderly manner and achieves appropriate built form
 - (b) ensure that development has regard to the unique environmental constraints and opportunities of the land
 - (c) to ensure development of this land is appropriately serviced.
- (2) This clause relates to land shown on the Pottery Estate Development Map.
- (3) Development consent must not be granted for any development of land to which this clause applies unless the consent authority has taken into consideration a development control plan approved by the Council that contains comprehensive provisions relating, but not limited to:
 - (a) the layout and design of both vehicular and pedestrian traffic throughout the site;
 - (b) the need to integrate the mixed land uses of the site through appropriate design / buffers;
 - (c) minimising the impact of development upon the heritage significance of the cultural landscape, including both the built and archaeological heritage items within the site and proposed means of conservation management;
 - (d) any areas of land that may be restricted due to the impact of mine subsidence, slope, bushfire, flooding or inundation or any other identifiable hazard;
 - (e) investigation and identification of any areas of land affected by any likely sources of contamination and the means to alleviate any risk of injury or harm;
 - (f) stormwater and water quality management;
 - (g) conservation of natural watercourses;
 - (h) protection of any potential habitat of any identified threatened species of flora and fauna, in particular the Purple Copper Butterfly (*Paralucia spinifera*);
 - (i) good design principles relating to building heights and setbacks, densities, materials, colours, form and scale;
 - (j) the servicing of the land; and
 - (k) management of open space and public lands.

This clause is to ensure that the land known as the Pottery Estate is planned and developed in an orderly and environmentally responsible manner. This land area is strategically well located to provide for additional future business and residential lands, however it is also encumbered by a number of natural and man made hazards and constraints that must be given due consideration in siting, designing and building of development.

7.12 Existing Dwellings on unsubdivided land

- (1) This clause applies to the following land:
 - (a) Doctors Gap, being land in Lot 186 DP 751650 and Lot 1 DP 34434,
 - (b) East Corney Town, being the land in Lot 100 DP 1088253 and Lot 12 DP 239627,
 - (c) Windy Gully, being the land in Lot 3 DP 1008594, Lot 2 DP 1008594 and Lot 4 DP 1008594.
- (2) Notwithstanding any other provision of the Plan, land to which this clause applies may be subdivided into allotments of any size provided that:
 - (a) each lot created contains one or more existing dwellings, and
 - (b) the Council is satisfied that each lot:
 - i. can effectively treat and dispose of wastewater within the boundaries of the lot, and
 - ii. can provide satisfactory access to a public road, and
 - iii. does not prejudice any likely future development of the land.

This clause retains the exceptions to development standards for particular lands to enable existing dwellings built under historic joint tenure to have separate Torrens land titles.

7.13 Drinking Water Catchment

- (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 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 quality and quantity of water entering the drinking water storage, having regard to:
 - (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, and
 - (iii) the treatment, storage and disposal of wastewater 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, designed and will be managed to avoid any significant adverse impacts 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.

(5) In this clause:

Drinking Water Map means the Lithgow City Local Environmental Plan 2013 Drinking Water Map.

This clause ensures that the impacts of development upon the Lithgow Drinking Water Catchment are considered in all development within the mapped area. It links to the Drinking Water Map.

7.14

Development within a designated buffer area

- (1) The objective of this clause is to protect the operational environment of sewage treatment plants, waste disposal facilities and water treatment facilities.
- (2) This clause applies to land identified as “STP”, “WDF” and “WTF” on the “Sewage Treatment Plant and Waste Disposal Facility and Water Treatment Facilities Map”.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
 - (a) the impact that any noise and other emissions associated with existing land uses would have on the proposed development,
 - (b) any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing land use,
 - (c) any opportunities to relocate the proposed development outside the land to which this clause applies,
 - (d) whether the proposed development would adversely affect the operational environment of any existing development on the land to which this clause applies.
- (4) In this clause:
Sewage Treatment Plant and Waste Disposal Facility and Water Treatment Facilities Map means the Lithgow City Local Environmental Plan 2013 Sewage Treatment Plant and Waste Disposal Facility and Water Treatment Facilities Map.

This clause requires additional matters to be considered in the assessment of development in the vicinity of key local infrastructure. It links to the Sewage Treatment Plant and Waste Disposal Facility and Water Treatment Facilities Map that identifies land generally within 400m of the infrastructure holding.

Schedule 1 Additional permitted uses

(Clause 2.5)

Not Adopted

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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.

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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

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*.

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

The Draft LEP 2013 proposes to appropriately reclassify a number of public land parcels to meet governance and operational requirements as a consequence of a comprehensive review of Council's public land register. Many of the items to be reclassified to operational land are required as a consequence of administrative oversight whereby land devolved to community classification when not classified within the legislated timeframe of the LG Act.

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

Column 1	Column 2
Locality	Description
Ben Bullen	Lot 1 DP 382576 Ben Bullen
Clarence	Lot 2 DP 719201 Disused Transportable Building Petra Ave
Clarence	Lot 1 DP 917875 Chifley Road
Clarence	Lot 1 DP 917875 Chifley Road
Dark Corner	Lot 1988 DP 787675 Dark Corner Bushfire Brigade
Glen Alice	Lot 9-11 Section 1 DP 758445 CNL 81486 Glen Alice Bush Fire Shed
Glen Davis	Part Lot 30 DP 751640 Glen Davis Television Retransmission Tower
Glen Davis	Sec 1 Lot 9 DP758446 Market PI
Glen Davis	Lot 20 Sec 6 DP 758446 Market PI
Lithgow	Lots 298 & 299 DP 751650 Lot 100 DP 1003963 Gumnut House Childcare Centre Proto Ave
Lithgow	Lot 3 DP 1005128 Rural Fire Service Control Centre Silcock St
Lithgow	Lot 4 DP 840077 31 Eskbank St
Lithgow	Lot 1 DP 534993 SES/VRA Building Mort St
Lithgow	Lot 46 DP 262218 Integral Transformer Blaxland Street
Lithgow	Lot A & B DP 344745 Lithgow Library & Learning Centre, Main St
Lithgow	Lot 139 DP 1011056. Lot 141-142 DP 1011056 Laneway off Musket Pde
Lithgow	Lot 12 Sec 1 DP 3096 Hassans Street Rd Verge Sth Bowenfels
Lithgow	Lot 34 DP 26281 Laneway off Musket Pde
Lithgow	Lot 32 Section 4 DP 416 Roadway Ramsay St
Lithgow	Lot 857 DP 24785 Laneway Carbine St
Lithgow	Lot B DP 9370 Musket Pde Laneway
Lithgow	Lots 1-3 Sec B DP 3998 Sandford Ave
Lithgow	Lot 1 DP 715582 Pillans Lane
Lithgow	Lot C DP 36295 Tourism Gateway Coerwull Rd
Lithgow	Lot 55 DP 1124083 Industrial Land Inch St
Lithgow	Lot 1 DP 723731 Access Way
Lithgow	Lot 22 DP 773810 Mort St
Lithgow	Lot 2 DP 1063404 Inch St
Lithgow	Lot 6 DP 228849 Donald St Reserve
Lithgow	Lot A & D DP 376167 Geordie St

Column 1	Column 2
Lithgow	Lot C DP 36295 GWH Verge
Lithgow	Lot K DP36295 Stewart St Reserve
Lithgow	Lot 3 DP 812149 Road Verge
Lithgow	Lot J DP36295 Thompson St Reserve
Lithgow	Lot 200 DP 730122 Reserve Landa Street
Lithgow	Lot 8 DP 29016 Hughes & Longworth Streets
Lithgow	Lot 21 DP 635219 Entrance to Car Park Mort Street
Lithgow	Lot D&E DP 36295 Lot 16 DP 253969 GWH Verge
Lithgow	Lot F DP36295 GWH Road Verge
Lithgow	Lot B DP 36295 GWH Road Verge
Lithgow	Lot A DP36295 GWH Road Verge
Lithgow	Lot 1 DP 937650 Laidley St Road Pavement
Lithgow	Lot 99 DP 1075659 Pumping Stn Thornton Ave
Lithgow	Lot 2 DP 233063 Old Reservoir Site
Lithgow	Lot 1 DP 407355 Pumping Stn Cook St
Lithgow	Lot 1 DP912209 Reservoir High St
Lithgow	Lot 1 DP 104797 Lot 1 DP 104980 Reservoir Cook St
Lithgow	Part of Lot 200 DP 1137354 Reservoir & Pumping Stn Vickers St
Lithgow	Lot 2 & 3 DP 787111 Reservoir Cook Street
Lithgow	Lot 1 DP 719920 Reservoir Macauley St
Lithgow	Lot 1802 DP 1125152 Reservoir Magpie Hollow Rd
Lithgow	Lot 423 DP 1152284 Storage Dam Farmers Crk
Lithgow	Lot 421 & 422 DP 1152246 Storage Dam Marrangaroo Crk
Lithgow	Lot 1 - 8 & 13 DP 717074 Reservoir Wrights Rd
Lithgow	Lots 2, 3, 6 & 7 DP 788554 Lithgow Water Treatment Plant
Lithgow	Lot 1 DP 168714 Off Macauley St
Lithgow	Lot 1 DP 168713 Off Macauley St
Lithgow	Lot 931 DP 868140
Marrangaroo	Lot 67 DP 813538 Marrangaroo Fields Marrangaroo
Marrangaroo	Lot 68 DP 813538 Adjoining Marrangaroo Fields Marrangaroo
Marrangaroo	Lot 68 DP 813538 Reservoir Marrangaroo
Meadow Flat	Lot 1 DP 1071694 Meadow Flat Bush Fire Shed
Palmers Oakey	Lot 2 DP 245663 Palmers Oakey
Portland	Lot 11 DP 864218 SES/VRA Building Falnash Street
Portland	Pt Lot 22 DP 78928567 Williwa Street
Portland	Lot 1-4 Sec 3 DP 6225 May St
Portland	Lot 41 DP 871882 Pipers Flat Rd
Portland	Lot 6 Sec 31 DP 758855 Quarry Rd
Portland	Sec 12 Lot 13-16 DP 758855 Sofala St
Portland	Lot 363 DP 740604 Boulder Rd Road Reserve
Portland	Lot 12 DP 864218 Reservoir Falnash St
Portland	Lot 1 DP 448724 Reservoir Purcell St
Rydal	Lot 138 DP 751651 Rydal Bushfire Brigade Station
Rylstone	Lot 10 DP 263620 Extractive Resource Site Mt Marsden
Rylstone	Lot 1 DP 588664 Extractive Resource Site Glen Alice Rd
Tarana	Lot 26 DP 1016189 Tarana Bushfire Brigade
Wallerawang	Part Lot 202 DP 1056693 Development site Barton Ave
Wallerawang	Lot 1 DP1097793 24 Cary Ave
Wallerawang	Lot 2 DP 1097793 26 Cary Ave

Column 1	Column 2
Wallerawang	Lot 3 DP 1097793 28 Cary Ave
Wallerawang	Lot 4 DP 1097793 30 Cary Ave
Wallerawang	Lot 5 DP 1097793 32 Cary Ave
Wallerawang	Lot 6 DP 1097793 34 Cary Ave
Wallerawang	Lot 7 DP 1097793 36 Cary Ave
Wallerawang	Lot 8 DP 1097793 38 Cary Ave
Wallerawang	Lot 9 DP 1097793 40 Cary Ave
Wallerawang	Lot 10 DP 1097793 42 Cary Ave
Wallerawang	Lot 303/306 DP 26070 Lidsdale St
Wallerawang	Lot 250 DP 26070 Lyon Parade
Wallerawang	Lot 2 DP 28230 Commens St
Wallerawang	Lot 1 DP 28230 Forest Ridge Drive
Wallerawang	Lot 68 DP 1078741 Wallerawang/Rydal Rd
Wallerawang	Lot 9 & 10 DP 713684 Nature Strip Pinta St
Wallerawang	Lot 1 DP 1050206 Reservoir Forest Ridge Drive

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

Column 1	Column 2	Column 3
Locality	Description	Trusts Not Discharged
Capertee	Lot 21 DP 244899 Castlereagh Hwy Reserve Capertee	Nil
Lithgow	Lot 21 DP 630489 Cnr Bren & Suvla Streets	Nil
Lithgow	Lot 26 DP 255869 Reservoir Hill Range Cres	Nil
Lithgow	Lot 6 Section A DP 19973 Amiens St	Nil
Lithgow	Lot 7 Section A DP 19973 Amiens St	Nil
Lithgow	Lot 14 DP231890 Bayonet St Reserve	Nil
Wallerawang	Lot 349-351 DP 26070 Lidsdale St	Nil

Part 3 Land classified, or reclassified, as community land

Nil

Schedule 5 Environmental heritage

(Clause 5.10)

The Draft LEP 2013 proposes to transfer all items listed in Schedule 1 of the Lithgow City LEP 1994 as well as items listed in Schedule 1 of the Rylstone LEP 1996 that are now within the Lithgow City Council Local Government Area. In addition it is proposed to list additional heritage items identified in both the Lithgow and Rylstone Heritage Studies that have sufficient information to inform their listing as well as listing 13 new Heritage Conservation Areas.

Part 1 Heritage Items

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Blackmans Flat	Berwindi	1470 Castlereagh Highway	Lot 1 DP 666540	Local	B206
Capertee	Capertee Railway Station	Railway Street	Main Western Railway	Local	B120
Capertee	Cottage 1, Capertee	Railway Street	Lot 9 DP 758222 Section 5	Local	B121
Capertee	Capertee Lock-Up	Castlereagh Highway	Lot 2 Section 3 DP 758222	Local	B123
Capertee	School Masters Residence	35 Castlereagh Highway	Lot 82 DP 755769	Local	B124
Capertee	Cottage and Store	Castlereagh Highway	Lots 1 & 2 Section 1 DP 758222	Local	B125
Capertee	Store and Cottage	65 Castlereagh Highway	Lot 14 DP 755758	Local	B126
Capertee	Royal Hotel	67 Castlereagh Highway	Lot 1 DP 578843	Local	B127
Capertee	Cottage 3	Castlereagh Highway	Part Lot 1 DP 1115443	Local	B128
Capertee	Cottage 4	Short Street	Lot 3 Section 11 DP 758222	Local	B129
Capertee	Glengar	5016 Castlereagh Highway	Lot 44 DP 755778	Local	B130
Capertee	Cottage McDonalds Hole	McDonalds Hole Road	Lot 6 DP 668679	Local	B131
Capertee	Green Gully	Torbane Road	Lot 3 DP 709009	Local	B132
Capertee	Pise House	Torbane Road	Lot 3 DP 709009	Local	B133
Capertee	Bandanora	4601 Castlereagh Highway	Lot 37 DP 755758	Local	B170

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Capertee	Bernina	4428 Castlereagh Highway	Lot 15 DP 755758 Lot 42 DP 755758	Local	B171
Capertee	Airly	4428 Castlereagh Highway	Lot 8 DP 755758	Local	B172
Capertee	Carinya	Glen Davis Road	Lot 87 DP 755757	Local	B173
Capertee	Gooloooinboin Station	2280 Glen Davis Road	Lot 109 DP 751640	Local	B327
Clarence	Clarence House	off Chifley Road	Lot 16 DP 751650	Local	B221
Clarence	The Oaks	off Chifley Road	Lot 16 DP 751650	Local	B222
Clarence	Clarence Homestead	855 Chifley Road	Lot 191 DP 875912	Local	B223
Clarence	Zig Zag	14. Great Zig Zag		Local	B245
Cullen Bullen	Carleon	2547 Castlereagh Highway	Lot 57 DP 755769	Local	B114
Cullen Bullen	Miners Cottages	1 Old Company Cottages Road	Lot 1 DP 242575	Local	B115
Cullen Bullen	Miners Cottages	2 Old Company Cottages Road	Lot 2 DP 242575	Local	B115
Cullen Bullen	Miners Cottages	3 Old Company Cottages Road	Lot 3 DP 242575	Local	B115
Cullen Bullen	Miners Cottages	4 Old Company Cottages Road	Lot 4 DP 242575	Local	B115
Cullen Bullen	Miners Cottages	5 Old Company Cottages Road	Lot 5 DP 242575	Local	B115
Cullen Bullen	Miners Cottages	6 Old Company Cottages Road	Lot 6 DP 242575	Local	B115
Cullen Bullen	Royal Hotel	20-22 Castlereagh Highway	Lot 1 DP 925015	Local	B116
Cullen Bullen	Cullen Bullen School	15-23 Castlereagh Highway	Lot 82 DP 755769	Local	B117
Cullen Bullen	Cottage, Cullen Bullen	45 Castlereagh Highway	Lot 1 DP 302239	Local	B118
Glen Alice	Church (multidenominational) and cemetery	Glen Alice Village	Lot 40 & 41 DP 755796 & Lot 1 DP 1129153	Local	B413
Glen Alice	Glen Alice Sunday School	Upper Nile Road	Lots 17, 18, 19 Sec 4 Upper Nile Road	Local	B417
Hampton	Slab Cottage	1716 Jenolan Caves Road	Lot 2 DP 851993	Local	B089
Hampton	Montana	1716 Jenolan Caves Road	Lot 2 DP 851993	Local	B090
Hampton	Jenolan Half Way House Motor Inn	1856 Jenolan Caves Road	Lot 1 DP 716400	Local	B091

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Hampton	The Stone Cottage	1991 Jenolan Caves Road	Lot 1 DP 120952	Local	B092
Hampton	Hampton Road House	1994 Jenolan Caves Road	Lot 37 DP 665099	Local	B093
Hampton	Cottage	1994 Jenolan Caves Road	Lot 9 DP 114863	Local	B094
Hampton	Hillroy	2058 Jenolan Caves Road	Lot 50 DP 757041	Local	B095
Hampton	Rosehaven	30 Dowdells Road	Lot B DP 389469	Local	B096
Hampton	St Thomas Anglican Church	32 Wicketty War Road	Lot 20 DP 1117347	Local	B097
Hampton	Cottage 2	139 Wicketty War Road	Lot 2 DP 1031694	Local	B098
Hampton	Hickory Hill	139 Wicketty War Road	Lot 2 DP 1031694	Local	B100
Hartley	Cottage below Corney's Garage	54 Old Great Western Highway	Lot 13&14 Section 3 DP 758503	State	B041
Hartley	Shamrock Inn	55 Old Great Western Highway	Lot 6 Section 9 DP 758503	State	B038
Hartley	Royal Hotel	10 Old Great Western Highway	Part Lots 3, 4 & 5 Section 14 DP 758503	State	B030
Hartley	Bungarribee	17 Old Great Western Highway	Lot 14 Section 14 DP 758503	State	B031
Hartley	Old Trahlee	33 Old Great Western Highway	Lot 11 Section 9 DP 758503	State	B032
Hartley	Post Office	37 Old Great Western Highway	Lots 9 & 10 SP 758503	State	B033
Hartley	Saint Bernard Catholic Presbytery	45 Old Great Western Highway	Lot 8 Section 9 DP 75803	State	B034
Hartley	Saint Bernard Roman Catholic Church	47 Old Great Western Highway	Lot 8 Section 9 DP 75803	State	B035
Hartley	Farmers Inn	51 Old Bathurst Road	Lot 1 DP 513933	State	B036
Hartley	Ivy Cottage	Old Bathurst Road	Lot 2 DP 513933	State	B037
Hartley	Court House	44 Old Great Western Highway	Lot 16 Section 10 DP 758503	State	B039

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Hartley	Corney's Garage	54 Old Great Western Highway	Lot 13 Section 3 DP 758503	State	B040
Hartley	St John the Evergelist's Anglican Church	1 Old Great Western Highway	Lot 9 Section 14 DP 758503	State	B029
Hartley Vale	Mummulgun	Hartley Vale Road	Lot 41 DP 1128436	Local	B001
Hartley Vale	Cottage	400 Hartley Vale Road	Lot 1 DP 818567	Local	B002
Hartley Vale	Comet Inn	Hartley Vale Road	Lot 4 DP 836542 Lot 6 & 7 DP 986316	Local	B003
Hartley Vale	Hartley Vale School-House	Hartley Vale Road	Lot 1 DP 543475	Local	B004
Hartley Vale	Schoolmasters Residence	JR Street	Lot 101 DP 1084186	Local	B005
Hartley Vale	Cottage	Wood Road	Lot 102 DP 1084186	Local	B006
Hartley Vale	Vizzard Cottage complex	358 JR Street	Lot 4-8 Sec B DP 193313	Local	B007
Hartley Vale	The Glen	347 JR Street	Lot 1 DP 196405	Local	B008
Hartley Vale	Homedale	355 JR Street	Lot 6 Section A DP 758503	Local	B009
Hartley Vale	Valley Farm	2 Allen Street	Lot 51 DP 876197	Local	B010
Hartley Vale	Wondalga	254 Hartley Vale Road	Lot 92 DP 664550	Local	B011
Hartley Vale	Collits Inn	Hartley Vale Road	Lot 50 DP 1026523	State	B012
Hartley Vale	Hillview	104 Hartley Vale Road	Lot 2 DP 773638	Local	B013
Hartley Vale	Vellacott Park	687 Browns Gap Road	Lot 52 DP 751650	Local	B014
Hartley Vale	Southleigh	573 Browns Gap Road	Lot 119 DP 751650	Local	B015
Hartley Vale	Timber slab cottage "Crazy Cottage"	Mid Hartley Road	Lot 1 DP 304523	Local	B017
Kanimbla	Moyne Farm	302 Coxs River Road	Lot 176 DP 751644	Local	B027
Kanimbla	Bimbadgen Woolshed	641 Coxs River Road	Lot 40 DP 834766	Local	B316
Kanimbla Valley	Glen Shee	1033 Cullenbenbong Creek Road	Lot 102 DP 1093836	Local	B075
Kanimbla Valley	Mt Sandy Cottage	916 Peach Tree Road	Lot 16 DP 1010564	Local	B076
Kanimbla Valley	Kanimbla Valley Congregational Church Hall	Cullenbenbond Road	Lot 1 DP 790431 Lot 201 DP 821843	Local	B077

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Kanimbla Valley	Wingebelaley	324 Cullenbenbond Road	Lot 181 DP 757051	Local	B079
Kanimbla Valley	Belmont	1691 Gangbenang Road	Lot 279 DP 1013624	Local	B080
Kanimbla Valley	Yarandoo	1688 Gangbenang Road	Lot 106 DP 1060618	Local	B081
Kanimbla Valley	Duddawarra	40 Clarke Simpron Road	Lot 330 DP 1108595	Local	B084
Lidsdale	The Cottage	Castlereagh Highway	Lot 101 DP 829410	Local	B191
Lidsdale	Meadowside	200 Castlereagh Highway	Lot 88 DP 1079253	Local	B192
Lidsdale	Braemai	Castlereagh Highway	Lot 3 DP 650334	Local	B193
Lidsdale	Uniting Church	23 Wolgan Road	Lot 201 DP 1047676	Local	B194
Lidsdale	Cottage	25 Wolgan Road	Lot 202 DP 751651	Local	B195
Lidsdale	Cottage and Stone Barn	10 Skelly Road	Lot C DP 417872	Local	B196
Lidsdale	Windmill Lad Stud	35 Ian Holt Drive	Lot 1 DP 531335	Local	B197
Lidsdale	Square and Compass Inn (former)	70 Ian Holt Drive	Lot 9 DP 1088207	Local	B198
Lidsdale	Woodlands	111 Ian Holt Drive	Lot 2 DP 574754	Local	B199
Lidsdale	Riverdale	1333 Castlereagh Highway	Lot 222 DP 751651	Local	B200
Lidsdale	The Meadows	41 Maddox Lane	Lot 173 DP 666814	Local	B201
Lidsdale	Maddox Lane Group	16 Maddox Lane	Lot 2 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	18 Maddox Lane	Lot 3 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	20 Maddox Lane	Lot 4 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	22 Maddox Lane	Lot 5 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	24 Maddox Lane	Lot 6 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	10 Maddox Lane	Lot 1 DP 237078	Local	B202
Lidsdale	Maddox Lane Group	14 Maddox Lane	Lot 312 DP 883659	Local	B202
Lidsdale	Lidsdale House and Gardens	1384 Castlereagh Highway	Lot 5 & 7 DP 1084545	Local	B203
Lidsdale	House opposite Lidsdale House	1385 Castlereagh Highway	Lot 31 DP 18837	Local	B204
Lidsdale	House opposite Lidsdale House	1387 Castlereagh Highway	Lot 30 DP 18837	Local	B204

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lidsdale	Farmhouse	1449 Castlereagh Highway	Lot 101 DP 1145705	Local	B205
Lithgow	Cottage (former Coerwull Academy)	993 Great Western Highway	Lot A DP 345053	Local	B067
Lithgow	Kanangra	989 Great Western Highway	Lot 6 DP 776529	Local	B068
Lithgow	De La Salle Academy (former Coerwull Academy)	96 Rabaul Street	Lot 321 DP 1142036	Local	B069
Lithgow	Braemar House	50 Tweed Road	Lot 10 DP 815871	Local	B071
Lithgow	Coerwull House	off Andrew Street	Lot 13 DP 253969	Local	B072
Lithgow	Bowenfels Railway Station	1 Coerwull Road	Main Western Railway	State	B101
Lithgow	Bowenfels Station Masters Residence	3 Coerwull Road	Lot 1 DP 1088726	State	B102
Lithgow	Coerwull Presbyterian Church	1129 Great Western Highway	Lot 2 DP 514466	Local	B103
Lithgow	Methven	Evans Place	Lot 54 DP 605861	Local	B104
Lithgow	beyond 1 Fullagar Avenue	Crossing Keepers House	Main Western Railway	Local	B105
Lithgow	Mossend	41 Laidley Street	Lot 1 DP 715230	Local	B242
Lithgow	Inch Street Group	11 Inch Street	Lot 14 Section 22 DP 1936	Local	B243
Lithgow	Inch Street Group	15 -17 Inch Street	Lot C & D DP 367579	Local	B243
Lithgow	Inch Street Group	19 Inch Street	Lot B DP 367597	Local	B243
Lithgow	Inch Street Group	21 Inch Street	Lot A DP 367597	Local	B243
Lithgow	Inch Street Group	104 - 106 Inch Street	Lot A DP 107691	Local	B243
Lithgow	Cottage	126 Inch Street	Lot 5 Sec 23 DP 1936	Local	B243
Lithgow	Cottage	108 Inch Street	Lot D DP 107691	Local	B244
Lithgow	Cottage	110 Inch Street	Lot E DP 107691	Local	B244
Lithgow		Stone Viaduct James Street	Main Western Railway	Nominated for State Heritage Listing	B245
Lithgow		Inverted A Frame Footbridge	Main Western Railway	Local	B245
Lithgow		Stone Viaduct Farmers Creek Bowenfels	Main Western Railway	State	B245

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow	Eskbank Railway Station	Inch Street	Main Western Railway	State	B245
Lithgow	Gas Works Lane	Coal Stage Remains		Nominated for State Heritage Listing	B245
Lithgow	The Hermitage	7 Coalbrook Street	Lot 102 DP 1075376	Local	B246
Lithgow	Directors House, Lithgow Valley Colliery	3 Coalbrook Street	Lot 1 DP 569626	Local	B247
Lithgow	Rosebank	21 Coalbrook Street	Lot 4 DP 3227	Local	B248
Lithgow	Cottage Group	86 Mort Street	Lot 1 DP 302077	Local	B252
Lithgow	Cottage Group	88 Mort Street	Lot 5 DP 661003	Local	B252
Lithgow	Laurence Street Group	42 Laurence Street	Lot 481 DP 5255	Local	B254
Lithgow	Laurence Street Group	44 Laurence Street	Lot 480 DP 5255	Local	B254
Lithgow	Laurence Street Group	46 Laurence Street	Lot 479 DP 5255	Local	B254
Lithgow	Laurence Street Group	48 Laurence Street	Lot 478 DP 5255	Local	B254
Lithgow	House	19 Cupro Street	Lots 307 & 308 DP 5255	Local	B255
Lithgow	House	65 Ferro Street	Lot 1 DP 626657	Local	B256
Lithgow	House	144 Hassans Walls Road	Lot 16 DP 5255	Local	B259
Lithgow	Edwardian House Group	173 Hassans Walls Road	Lot 1 DP 655435	Local	B261
Lithgow	Wenvoe	26 Ordnance Avenue	Lots 2 DP 221773	Local	B263
Lithgow	Terrelaroy	24 Ordnance Avenue	Lot 1 DP 511164	Local	B264
Lithgow	Avenue of Plane Trees	Methven Street (Adj Park Parade)	Lot 200 DP 1137354	Local	B266
Lithgow	Commonwealth Avenue Houses	1 Commonwealth Avenue	Lot 1 DP 833809	Local	B267
Lithgow	Commonwealth Avenue Houses	2 Commonwealth Avenue	Lot 2 DP 833809	Local	B267
Lithgow	Commonwealth Avenue Houses	3 Commonwealth Avenue	Lot 3 DP 833809	Local	B267
Lithgow	House	22-24 Lithgow Street	Lot 1 DP 786694	Local	B268

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow	House	20 Lithgow Street	Lot 4 DP 432373	Local	B269
Lithgow	Cottage - Duplex	16 Lithgow Street	Lot 5 DP 432373	Local	B270
Lithgow	Cottage - Duplex	18 Lithgow Street	Lot 5 DP 432373	Local	B270
Lithgow	Terrace	8-14 Lithgow Street	Lot 3 DP 233691	Local	B271
Lithgow	Doctors Surgery (former LVC Managers Office)	69 Bent Street	Lot 1 DP 1005128	Local	B272
Lithgow	Former LVC Managers Residence	67 Bent Street	Lot 31 DP 600256	Local	B273
Lithgow	Hillcrest	off Eskbank Street	Lot 1 DP 875910	Local	B275
Lithgow	Lithgow Public School Group	163 Mort Street	Lot 1 DP 793654	Local	B278
Lithgow	Waratah	39 Railway Parade	Lot 1 DP 817560	Local	B279
Lithgow	St Paul's Anglican Church, Rectory and Hall	Railway Parade/Roy Street	Lots 26, 27, 28 Section 48 DP 3955	Local	B280
Lithgow	Cottage	27 Albert Street	Part lot 1 DP 1102434	Local	B282
Lithgow	Cottage	29 Albert Street	Part lot 1 DP 1102434	Local	B282
Lithgow	House	22 Sandford Avenue	Lots 9 & 10 Section 6 DP 4911	Local	B283
Lithgow	Mon Reve	27 Padley Street	Lots 5 & 6 Section 53 DP 9485	Local	B284
Lithgow	House	21 Hayley Street	Lot 10 Section 47 DP 3955	Local	B285
Lithgow	Florence	4 Spooner Street	Lot 1 DP 419406	Local	B286
Lithgow	House	8 Spooner Street	Lot 31 Section 47 DP 3955	Local	B287
Lithgow	Former Post Office	31 Railway Parade/Roy Street	Lot 2 DP 777804	Local	B288
Lithgow	Co-operative Store former (West Fund)	3 Railway Parade	Lot 22 Section 41 DP 3466	Local	B289
Lithgow	Co-operative Store former (Kings Chinese)	5 Railway Parade	Lot 23 Section 41 DP 3466	Local	B289
Lithgow	Co-op bakery & pharmacy former	Railway Parade	Lots 22 & 23 Section 40 DP 3466 Lot 1 DP 947429 Lot 1 DP 947429	Local	B290

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow	former trades hall	25 Railway Parade	Lot 32 Section 39 DP 3466	Local	B291
Lithgow	former Union offices (old Recco building)	Railway Parade	Lot 31 Section 39 DP 3466	Local	B292
Lithgow	former shop and residence	44-46 Tank Street	Lot 7 & 8 Section 33 DP 3364	Local	B293
Lithgow	Lithgow Court House	156 Mort Street	Lot 29 Section 1 DP 2308	Local	B307
Lithgow	Lithgow Catholic Presbytery	227 Mort Street	Lot 5 DP 930738	Local	B308
Lithgow	Former St Mary's Presbyterian Church	1 Church Street	Lot A DP 39706	Local	B309
Lithgow	Eskbank House	70 Inch Street	Lot 1 DP 365772	Local	B312
Lithgow	Small Arms Factory	Methven Street	Lot 200 DP 1137354	Local	B313
Lithgow	Hoskins Memorial Presbyterian Church	Bridge & Mort Streets	Lot 1 DP 165879	Local	B314
Lithgow	The Tin Shed	69 Bridge Street	Lot 1 DP 1077295	Local	B319
Lithgow	Livery Stables	65 Bridge Street	Lot 2 DP 1077295	Local	B320
Lithgow	Union Theatre	Bridge Street	Lot 2 DP 1077295	Local	B321
Lithgow	Terrace	4 Bridge Street	Part Lots 4, 5 & 6 Section 28 DP 2858	Local	B323
Lithgow	Former Methodist Church	169 Mort Street	Lot 3 Sec 5 DP 2308	Local	B325
Lithgow	Former Tafe College	Mort Street	Lots 9,10 & 11 Section 2 DP 2308	Local	B326
Lithgow	Charles Lewins Memorial Rotunda	Queen Elizabeth Park, Main Street	Lot 45 DP 1096536	Local	B332
Lithgow	Tattersals Hotel	151 Main Street	Lot 2 DP 828975	Local	B335
Lithgow	Currently ANZ	71 Main Street	Lot 1 DP 911132	Local	B337
Lithgow	Office	31 Main Street	Lot 7 Section 1 DP 2308	Local	B338
Lithgow	Showground Grandstand and Buildings	Barton Street		Local	B340
Lithgow	Charles Hoskins Memorial Inst. Library	Cnr Mort and Bridge Streets	Lot 3 DP 1077295	Local	B341
Lithgow	Theatre Royal	210-212 Main Street	Lot 10 DP 131092	Local	B351
Lithgow	War Memorial Statue	QE Park	Lot 45 DP 1096536	Local	B364
Lithgow	National Australia Bank	156 Main Street	Lot 3 DP 360	Local	B376
Lithgow	Commercial Hotel	198 Main Street	Lot A DP 944949	Local	B382
Lithgow	Court House Hotel	1 Main Street	Lot 1 Sec 1 DP 2308	Local	B383
Lithgow	The Grand Central Hotel	69 Main Street	Lot 1 DP 900325	Local	B393

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow	Lithgow Valley Colliery Quoits Field	Valley Drive	Lot 603 DP 1051775	Local	
Lithgow		Former Lithgow Railway Platform	Main Western Railway	Local	B245
Lithgow		Eskbank Railway Station	Main Western Railway	Local	B245
Lithgow		Lithgow Railway Station, Goods Lift and Residence	Main Western Railway	Nominated for State Heritage Listing	B245
Lithgow -	Greys Terrace	10-12 Brisbane	Lot 6 DP 834082	Local	B237
Lithgow - Oakey Park	Colliery Managers Cottage	Bells Road	Lot 17 DP 1099804	Local	B236
Lithgow - Oakey Park	Greys Terrace	13 Bragg Street	Lot 7 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	11 Bragg Street	Lot 6 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	9 Bragg Street	Lot 5 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	7 Bragg Street	Lot 4 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	5 Bragg Street	Lot 3 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	3 Bragg Street	Lot 2 DP 7199 & Lot 1 DP 1080735	Local	B237
Lithgow - Oakey Park	Greys Terrace	2 Bragg Street	Lot 14 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	4 Bragg Street	Lot 13 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	6 Bragg Street	Lot 12 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	8 Bragg Street	Lot 11 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	10 Bragg Street	Lot 10 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	12 Bragg Street	Lot 8 & 9 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	9 Brisbane	Lot 17 DP 7199	Local	B237
Lithgow - Oakey Park	Greys Terrace	7 Brisbane	Lot A DP 377435	Local	B237
Lithgow - Oakey Park	Greys Terrace	5 Brisbane Street	Lot B DP 377435	Local	B237
Lithgow - Oakey Park	Greys Terrace	3 Brisbane	Lot B DP 410209	Local	B237
Lithgow - Oakey Park	Greys Terrace	1 Brisbane	Lot A DP 401209	Local	B237

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow - Oakey Park	Greys Terrace	2 Brisbane	Lot 2 DP 514250	Local	B237
Lithgow - Oakey Park	Greys Terrace	4 Brisbane	Lot 1 DP 514250	Local	B237
Lithgow - Oakey Park	Greys Terrace	6 Brisbane	Lot B DP 400049	Local	B237
Lithgow - Oakey Park	Greys Terrace	8 Brisbane Street	Lot A DP 400049	Local	B237
Lithgow - Oakey Park	Lithgow Valley Springs (former Zig Zag Brewery)	Victoria Ave	Lot 1 & 2 DP 1098480	Local	B238
Lithgow - Oakey Park	Langs dairy	Brewery Lane	Lot 4 DP 102985	Local	B239
Lithgow - Oakey Park	Brighton Cottage	166 Bells Road	Lot 25 & 26 DP 17462	Local	B240
Lithgow - South Bowenfels	Fernhill	3109 Great Western Highway	Lot 36 DP 619816	State	B043
Lithgow - South Bowenfels	Sunnyside	3110 Great Western Highway	Lot 1 DP 999039	Local	B044
Lithgow - South Bowenfels	Stone and Timber Cottage	24 Old Bathurst Road	Lot 1 DP 514845	Local	B045
Lithgow - South Bowenfels	Forty Bends Cottage	35 Great Western Highway	Lot 1 DP 195020	Local	B046
Lithgow - South Bowenfels	Forty Bends Monte Vista	35 Great Western Highway	Lots 1 & 2 DP 195020	Local	B047
Lithgow - South Bowenfels	Daintree	Old Forty Bends Road	Lot 12 DP 844595	Local	B048
Lithgow - South Bowenfels	Cottage	3357 Forty Bends, Great Western Highway	Lot 2 DP 1009243	Local	B049
Lithgow - South Bowenfels	Gonna-Do	29 McKanes Falls Road/Lithgow Road	Lot 1 DP 87543	Local	B050
Lithgow - South Bowenfels	Emoh (Emu Store/Corderoy's Store)	3431 Great Western Highway	Lot 1 DP 798073	Local	B051
Lithgow - South Bowenfels	Umera (Bowenfels Inn, Tricks House)	3449 Great Western Highway	Lot 1 DP 68390	Local	B052
Lithgow - South Bowenfels	Ben Avon (former Royal Hotel)	76 Mudgee Street	Lot 1 DP 933110 & Lot 2 DP 758809	Local	B053

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow - South Bowenfels	National School Group	70 Mudgee Street	Lot 372 DP 823384	State	B054
Lithgow - South Bowenfels	Co-operative Slaughter yards	51 Old Bathurst Road	Lot 1 DP 1085235	Local	B056
Lithgow - South Bowenfels	Somerset House	34 Mudgee Street	Lots 10 & 11 Sec 2 DP 758809 Lot 1 & 2 DP 984111 Lot 1 & 2 DP 580773	Local	B057
Lithgow - South Bowenfels	Parsonage Farm	14 Mudgee Street	Lot 14 DP 67883	Local	B058
Lithgow - South Bowenfels	Presbyterian Church Bowenfels	12 Mudgee Street	Lot 15 & 16 Section 1 DP 758809	Local	B059
Lithgow - South Bowenfels	Cottage and outbuildings	3532 Great Western Highway	Lot 120 DP 751650	Local	B060
Lithgow - South Bowenfels	Caldwells house	3534 Great Western Highway	Lot 1 DP 923403	Local	B061
Lithgow - South Bowenfels	Royal Hotel	3584 Great Western Highway	Lot 20 DP 1117668	Local	B062
Lithgow - South Bowenfels	Airdrie	Kirkley Street	Lot 3 DP 881717	Local	B064
Lithgow - South Bowenfels	Fairview	985 Great Western Highway	Lot 201 DP 1077344	Local	B065
Lithgow - South Bowenfels	Sweet Briars	Great Western Highway	Lot 252 DP 1045308	Local	B066
Lithgow - South Bowenfels	Rankin	1002 Great Western Highway	Lot 2 DP 173015 & Lot A DP 305256	Local	B070
Lithgow - Vale of Clwydd	Duplex	82 Hartley Valley Road	Lot 16 Section 3 DP 416	Local	B249
Lithgow - Vale of Clwydd	Duplex	84 Hartley Valley Road	Lot 15 Section 3 DP 416	Local	B249
Little Hartley	Hartley Public School	Mid Hartley Road	Lot 186 DP 751644	Local	B018
Little Hartley	Lyndoch Orchard	2464-2468 Great Western Highway	Lot 1 DP 629411	Local	B019
Little Hartley	Meads Farm	2366 Great Western Highway	Lot 1021 DP 1056042	Local	B020

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Little Hartley	House	2360 Great Western Highway	Lot 102 DP 1078863	Local	B021
Little Hartley	Ambermere	5 Ambermere Drive	Lot 12 DP 851241	Local	B022
Little Hartley	Billesdene Grange	2272 Great Western Highway	Lots 1 & 2 DP540599	Local	B023
Little Hartley	Rosedale	Great Western Highway	Lot 2 DP 594106	Local	B024
Little Hartley	Nioka	2209 Great Western Highway	Lot 344 DP 655748	Local	B025
Little Hartley	Harp of Erin	Great Western Highway	Lot 1 DP 589557	Local	B028
Little Hartley	Bonnie Blink	Baaners Lane	Lot 12 DP 1036076	Local	B042
Little Hartley	Apple Shed	57 Cranbrook Park Road	Lot 14 DP 776589	Local	B082
Lowther	Lowther Park	1296 Jenolan Caves Road	Lot 1 DP 1107415	Local	B085
Lowther	Timber Cottage (Rushvale)	96 Larnach Baker Road	Lot 127 DP 757063	Local	B086
Lowther	The Old Chook Farm	89 Old Jenolan Caves Road	Lot 84 DP 757063	Local	B087
Lowther	Lowther Presbyterian Church	1326 Jenolan Caves Road	Lot 148 DP 757063	Local	B318
Lowther	Lowther/Hampton district War Memorial			Local	
Marrangaroo	Lithgow Golf Club	Great Western Highway	Lot 1 DP 840412	Local	B106
Marrangaroo	Farmhouse	Oakey Forest Road	Lot 1 DP 876453	Local	B107
Marrangaroo	Marrangaroo Prayer Chapel	3 Reserve Road	Lot 40 DP 600845	Local	B108
Marrangaroo	Fernbrook	Reserve Road	Lot 1 DP 998434	Local	B109
Marrangaroo	River Cottage	587 Great Western Highway	Lot 3 DP 242965	Local	B110
Marrangaroo	Cottage (railway crossing keepers cottage)	Hughes Lane	Lot 20 DP 751651	Local	B111
Marrangaroo	Stone Cottage	16 Gemalong Close	Lot 3 DP 242966	Local	B190
Marrangaroo		Railway Line Newnes - Zig Zag etc	Main Western Railway	State	B245
Marrangaroo		Tunnel Hill	Main Western Railway	Local	B245

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Marrangaroo	Stone Viaduct Marrangaroo Creek	Stone Viaduct Marrangaroo Creek	Main Western Railway	State	B245
Meadow Flat	Meadow Flat Public School	Great Western Highway	Lot 156 DP 820904	Local	B231
Meadow Flat	St Luke's Anglican Church	off Sunny Corner Road	Lot 9 Section 2 DP 758663	Local	B232
Meadow Flat	Mt Lambie Presbyterian Church	75 Thorpes Pinch Road	Lot 2 DP 1043887	Local	B234
Meadow Flat	Currency Lass	60-62 Thorpes Pinch Road	Lot 52 DP 588862	Local	B235
Megalong Valley	Grandview	601 Peach Tree Road	Lot 11 DP 240967	Local	B073
Newnes Junition	Blue Hills	602 Sandham Road	Lot 361 & 362 DP 209982	Local	B224
Pipers Flat	Former Railway Cottage	15. Portland Road	Main Western Railway	Local	B216
Portland	Sydney House	31 Wallerawang Road	Lot 2 DP 856917	Local	B175
Portland	Portland House	51 Wallerawang Road	Lot 4 DP 856917	Local	B176
Portland	Residence	1 Bellvue Place	Lot 1 DP 842893	Local	B177
Portland	Residence	3 Bellvue Place	Lot 2 DP 842893	Local	B178
Portland	Residence	5 Bellvue Place	Lot 3 DP 842893	Local	B179
Portland	Residence	2 Bellvue Place	Lot 4 DP 842893	Local	B180
Portland	Residence	4 Bellvue Place	Lot 5 DP 842893	Local	B181
Portland	Residence	6 Bellvue Place	Lot 6 DP 842893	Local	B182
Portland	Residence	7 Bellvue Place	Lot 9 DP 842893	Local	B183
Portland	Residence	8 Bellvue Place	Lot 7 DP 842893	Local	B184
Portland	Residence	10 Bellvue Place	Lot 8 DP 842893	Local	B185
Portland	Company Foremans Cottages (group)	20 Saville Street	Lot 10 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	18 Saville Street	Lot 11 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	16 Saville Street	Lot 12 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	14 Saville Street	Lot 13 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	12 Saville Street	Lot 14 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	10 Saville Street	Lot 15 DP 842893	Local	B186
Portland	Company Foremans Cottages (group)	8 Saville Street	Lot 16 DP 842893	Local	B186
Portland	St Josephs Convent and Presbytery	95 Williwa Street	Lot 92 DP 755769	Local	B187

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Portland	St Josephs Catholic Church - school	95 Williwa Street	Lot 1 12 10 Section 25 DP 755769 & Lot 92 DP 755769	Local	B188
Portland	Cottage	101 Williwa Street	Lot 13 Section 25 DP 758855	Local	B189
Portland	Cottage	10 Piper Street cnr Payne Street	Lot B DP 344369	Local	B294
Portland	Portland Cement Works Group	Williwa Street	#####	State	B296
Portland	St Stephens Anglican Church and Hall	2 Williwa Street	Lot 1 DP 922029	Local	B297
Portland	Portland Post Office	17 Williwa Street	Lot 1 DP 813095	Local	B298
Portland	Masonic Hall	20 Wolgan Street	Lots 21 & 22 Section 1 DP 4856	Local	B299
Portland	Uniting Church	41 Wolgan Street	Lot 5 Section 2 DP 3778	Local	B300
Portland	Solicitors Offices	2 Wallerawang Road/Wolgan Street	Lot 1 DP 947056	Local	B301
Portland	Co-operative Store	15 Vale Street	Lot 12 Section 1 DP 758855	Local	B302
Portland	Police Station Complex	Lett & Vale Streets	Lot 6 Section 2 DP 758855	Local	B303
Portland	Vale Street	1-2 St Andrews Presbyterian Church and Hall	Lot 1 DP 667861	Local	B304
Portland	Portland District Hospital	Kiln Street	Lot 21 DP 1134404	Local	B305
Portland	Kremer Park Portland	Cnr Kiln and Laurie Streets	Lot 531 DP 902158	Local	B306
Rydal	Hillcrest Cottage 1	Quarry Street	Lot 1 DP 912182	Local	B134
Rydal	Cottage 2, Rydal	Market Street	Lot 9 Section 15 DP 758890	Local	B135
Rydal	Cottage 3, Rydal	Market Street	Lot 5 Section 38 DP 758890	Local	B136
Rydal	Cottage 4, Rydal	49B Railway Street	Lot 1 DP 710327	Local	B137
Rydal	Chapel House Farm	22 Market Street	Lot 1 DP 1001275	Local	B138
Rydal	Alexander Hotel	Bathurst Street	Lot 3 Section 18 DP 758890	Local	B139
Rydal	former Railway Station	Bathurst Street	SRA 277173	State	B140
Rydal	Union Church (former Anglican Church)	Bathurst Street	Lot 1 DP 918723	Local	B142

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Rydal	Former General Store (former Post Office)	Bathurst Street	Lot 1 DP 559056	Local	B144
Rydal	Former Police Station	Bathurst Street	Lot 8 Section 18 DP 758890	Local	B145
Rydal	Rydal Mount	Cartwright Street	Lot 70 DP 1134582	Local	B146
Rydal	St Mathews Roman Catholic Church	Cartwright Street	Lot 8 & 9 Section 19 DP 758890	Local	B147
Rydal	Agricultural Showground	Market Street	Lot 71 DP 751651 & Lot 124 DP 751651 Lot 1 DP 1138698	Local	B148
Rydal	Outbuildings	11 Cheethams Flat Road	Lot 235 DP 757036	Local	B150
Rydal	Highland House	209 Martins Road	Lot 122 DP 757036	Local	B169
Rydal	Stone Viaduct 1-6	Stone Viaduct 1-6	Main Western Railway	State	B245
Sodwalls	Kilcooly	21 Jerrys Meadows Road	Lot 201 DP 1078651	Local	B151
Sodwalls	Sodwalls Inn (former Sodwalls House)	329 Rydal/Sodwalls/Tarana Road	Lot 1 DP 737321	Local	B152
Sodwalls	Invergowrie	396 Rydal/Sodwalls/Tarana Road	Lot 68 DP 755794	Local	B153
Sodwalls	Old Sodwalls Public School	428 Rydal/Sodwalls/Tarana Road	Lot 7004 DP 1025924	Local	B154
Sodwalls	Railway Cottage	37 Sodwalls Station Road	Lots 1 DP 783723	Local	B155
Sodwalls	Jerrys Mount	308 Anarel Road	Lot 236 DP 757076	Local	B157
Sodwalls	Pendari	302 Anarel Road	Lot 78 DP 757076	Local	B158
Sodwalls	Timber Cottage	281 Anarel Road	Lot 243 DP 757076	Local	B159
Sodwalls	Wattle Grove	233 Anarel Road	Lot 107 DP 757076	Local	B160
Sodwalls		Eskbank Signal Box	Main Western Railway	Local	B245
Tarana	1197 Rydal/Sodwalls/Tarana Road		The Crown	Local	B161
Tarana	Westholme	1198 Rydal/Sodwalls/Tarana Road	Lot 23 DP 1016189	Local	B162
Tarana	St Stephens Anglican Church	O'Connell Road	Lot 621 DP 1142480	Local	B163
Tarana	Residence (former school masters residence)	1385 Rydal/Sodwalls/Tarana Road	Lot 1 DP 745731	State	B164

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Tarana	Bangaroo	2273 Rydal/Sodwalls/Tarana Road	Lot 6 DP 1016189	Local	B165
Tarana	Tarana Railway Station			State	B166
Tarana	Tarana Hotel	O'Connell Road	Lot 1 DP 832370	Local	B167
Tarana	Residence	7-9 Mutton Falls Road	Lot A DP 376191	Local	B168
Tarana	General Store	Rydal/Sodwalls Rd	Lot C DP 376191	Local	B168
Tarana	Crown View	Honeysuckle Falls Road	Lot 22 DP 757076	Local	B315
Tarana	Crownlea	Tarana/O'Connell Road		Local	B410
Tarana	Church (former Methodist)	Tarana/O'Connell Road		Local	B411
Tarana	House	Cnr Brewongle/O'Connell Roads		Local	B412
Wallerawang	Church of St John the Evangelist	Main Street	Lot 1 DP 372255	State	B112
Wallerawang	Old Wallerawang School (former National School)	Main Street	Lot 4 DP 1087684	Local	B113
Wallerawang	Bottom Pub	Main Street	Lot A DP 374050	Local	B207
Wallerawang	Wallerawang Junction Railway Station	Main Street	Main Western Railway	State	B208
Wallerawang	Surgery	50 Main Street	Lot 1 DP 609279	Local	B209
Wallerawang	Wang Antiques and Emporium	48 Main Street	Lot 9 DP 17727	Local	B210
Wallerawang	Post Office	32 Main Street	Lot 102 DP 1142511	Local	B211
Wallerawang	Former Commercial Banking Co.	30 Main Street	Lot 15 DP 17727	Local	B212
Wallerawang	Railway Crossing Keepers House	45 Pipers Flat Road	Lot 2 DP 815106	Local	B216
Wallerawang	Cottage	61 Pipers Flat Road	Lot 2 DP 616176	Local	B217
Wallerawang	Cottage	63 Pipers Flat Road	Lot 103 DP 877661	Local	B217
Wallerawang	Cottages	57 Pipers Flat Road	Lot 12 DP 2527	Local	B218
Wallerawang	Willow Vale	401 Pipers Flat Road	Lot 3 DP 1041104	Local	B219
Wallerawang	Northbrook	581 Pipers Flat Road	Lot 1 DP 1124158	Local	B220
Wallerawang	former Wallerawang Public School	121-123 Main Street	Lot 1 DP 795132 & Lot 1 DP 795133	Local	B225

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Wallerawang		Stone Viaduct Cox's River	Main Western Railway	State	B245
Wallerawang	House & Shop	14 Commens St	Lot 13 DP 15683	Local	
Wallerawang	War Memorial	Main Street		Local	
Wolgan	Wolgan Homestead(Wolgan Valley Station)	off Wolgan Valley Road	Lot 26 DP 751666	Local	B317

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Part 2 Heritage Conservation Areas

Description	Identification on Heritage Map	Significance	Map Reference
Capertee	Shown by red hatching and marked "Capertee Heritage Conservation Area"	Local	C1
Cook Street	Shown by red hatching and marked "Cook St Heritage Conservation Area"	Local	C2
Eskbank St	Shown by red hatching and marked "Eskbank St Heritage Conservation Area"	Local	C3
Hartley Vale	Shown by red hatching and marked "Hartley Vale Heritage Conservation Area"	Local	C4
Hassans Walls Rd	Shown by red hatching and marked "Hassans Walls Rd Heritage Conservation Area"	Local	C5
Inch St	Shown by red hatching and marked "Inch St Heritage Conservation Area"	Local	C6
Lithgow Main Street	Shown by red hatching and marked "Lithgow Main St Heritage Conservation Area"	Local	C7
Little Hartley	Shown by red hatching and marked "Little Hartley Heritage Conservation Area"	Local	C8
Mort St	Shown by red hatching and marked "Mort St Heritage Conservation Area"	Local	C9

Description	Identification on Heritage Map	Significance	Map Reference
Portland	Shown by red hatching and marked "Portland Heritage Conservation Area"	Local	C10
Pottery Estate	Shown by red hatching and marked "Pottery Estate Heritage Conservation Area"	State	C11
Rydal	Shown by red hatching and marked "Rydal Heritage Conservation Area"	Local	C12
Wallerawang	Shown by red hatching and marked "Wallerawang Heritage Conservation Area"	Local	C13

Part 3 Archaeological Sites

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Airly	Airly, Torbane and Genowlan oil shale sites	off Glen Davis Road	map reference	Local	A144
Airly	Airly Township & Mines Group	off Glen Davis Road	map reference	Local	A145
Airly	Airly Village Church site	off Glen Davis Road	map reference	Local	A146
Airly	Spring Shaft and Stone House	off Glen Davis Road	map reference	Local	A147
Airly	Airly Big Rock Cave Dwellings	off Glen Davis Road	map reference	Local	A148
Airly	Airly Bakery	off Glen Davis Road	map reference	Local	A149
Airly	Potts Point Dwelling Complex	off Glen Davis Road	map reference	Local	A150

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Airly	Managers Residence	off Glen Davis Road	map reference	Local	A151
Airly	Magazine, spring, stone cave dwelling	off Glen Davis Road	map reference	Local	A152
Airly	Stone Dwelling Comple	off Glen Davis Road	map reference	Local	A153
Airly	Skipway, stone retaining wall	off Glen Davis Road	map reference	Local	A154
Airly	Grooms House	off Glen Davis Road	map reference	Local	A155
Airly	Matrins Tunnel, ventilation tunnel and chimney	off Glen Davis Road	map reference	Local	A156
Airly	Ventilation Chimney	off Glen Davis Road	map reference	Local	A157
Airly	Boiler and winding house	off Glen Davis Road	map reference	Local	A158
Airly	Flying Fox rope way	off Glen Davis Road	map reference	Local	A159
Airly	Ventilation shaft, dwelling, skipway	off Glen Davis Road	map reference	Local	A160
Airly	Tornane Railway Cutting	off Glen Davis Road	map reference	Local	A161
Airly	Torbane Retort Complex	off Glen Davis Road	map reference	Local	A162
Blackmans Flat	Blackmans Flat Roman Catholic Cemetery	Castlereagh Highway	Lot 68 & 69 DP 751639	Local	A111
Capertee	former Kangaroo Flat Methodist Church	4959 Castlereagh Highway	Lots 91 & 92 DP 755778	Local	A059
Capertee	Galagher family cemetery	4428 Castlereagh Highway		Local	A104
Clarence	Gun Emplacements	Chifley Road	Lot 1 DP 413551 & Lots 1 & 2 DP 456153	Local	A176
Cullen Bullen	Back Cullen Cemetery	Back Cullen Road	Lot 7302 DP 1142032	Local	A053
Cullen Bullen	Beaumaris	Back Cullen Road	Lot 11 DP 1008594	Local	A054
Cullen Bullen	Cullen Bullen General Cemetery	Castlereagh Highway	Lot 7005 DP 1026565	Local	A088
Dargan	Dargan Railway Dams	off Chifley Road	Lot 7301 DP 1123766	Local	A119
Dark Corner	Dark Corner General Cemetery	Dark Corner Road	Lots 23, 24, 25, 26 & 6A DP 755767 & Lot 1 DP 668503	Local	A105

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Glen Davis	Glen Davis town and oil-works		Various	Local	A087
Hampton	Lowther Park cemetery	96 Larnach Baker Road	Lot 223 DP 757063	Local	A043
Hartley	Victoria Stockade Site	2200 Great Western Highway	Lot 279 DP 751644	Local	A013
Hartley	Old Roman Catholic Cemetery	Great Western Highway	Lots 7016, 7017 & 7018 DP 1057029	Local	A015
Hartley	Eliza Rodd Grave	200 Jenolan Caves Road	Lot 10 DP 830372	Local	A019
Hartley	Glenroy	200 Jenolan Caves Road	Lot 10 DP 830372	State	A020
Hartley	Rev John Troughton gravemarker	1 Old Great Western Highway	Lot 9 Section 14 DP 758503	Local	A078
Hartley Vale	Site of oil-shale works, Hartley Vale	400 Hartley Vale Road	Lots 1, 2 & 3 DP 818567	Local	A001
Hartley Vale	Collitts/Mt York Burial ground	74 Coxs River Road	Lot 379 DP 729619	Local	A007
Hartley Vale	Rosedale	498 Blackman Creek Road	Lot 2 DP 749916, Lot 177 DP 751650 & Lot 258 DP 75160	Local	A048
Hartley Vale	Blackman-Merrick family cemetery	498 Browns Gap Road	Lot 2 DP 749916	Local	A049
Hartley Vale	Hartley Historic incline	Darling Causeway	Lot 372 DP 41332	Local	A175
Hartley Vale	Lockyers Pass	Hartley Vale Road	Lot 3 DP 820928	Local	A180
Kanimbla	Old Kanimbla Homestead	89B Wards Road	Lot 2 DP 219769	Local	A035
Kanimbla	Edmund Harvey Grave	675 Coxs River Road	Lot 44 DP 834766	Local	A042
Kanimbla	Moyne Farm Cemetery	302 Coxs River Road	Lot 176 DP 751644	Local	A016
Lithgow	Lithgow General Cemetery	Great Western Hwy	Lot 7306 DP 1142901 Lot 1 DP 1133793	Local	A032
Lithgow	Andrew Brown Private Cemetery	Coerwull Road	Lot 13 DP 253969	Local	A050
Lithgow	Oakey Park Colliery Site	Bells Road	Lot 17 DP 1099804	Local	A095
Lithgow	Lithgow No. 2 Dam	Farmers Creek	Lot 423 DP 1152284	Local	A120
Lithgow	Lithgow War Memorial	Queen Elizabeth Park Main Street	Lot 45 DP 1096536	Local	A122

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow	Sorensen Memorial	Mort/Bridge Streets	Lot 1 DP 165879	Local	A123
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 1 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 2 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 3 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 4 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 5 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Lot 6 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Pt Lot 9 DP 1005128	State	A124
Lithgow	Lithgow Valley Pottery and Brickworks	Bent/Silcock Streets	Pt Lot 127 DP 1111768	State	A124
Lithgow	Blast Furnace Site & Coke Ovens	Inch Stret	Lot 2 DP 776568	State	A125
Lithgow	State Mine Heritage Park	State Mine Gully Rd	Lot 1 DP 242977 & Lot 2 DP 787403	Local	A127
Lithgow	Coerwull Public School Bell	319 Main Street	Lot 1 DP 123135	Local	A170
Lithgow - Oakey Park	Railway culvert of Ida Falls Creek	off Bell Street		Local	A133
Lithgow - Oakey Park	Newvale Colliery and Coke-Ovens	Ida Falls Gully		Local	A140
Lithgow - Old Bowenfels	Hassans Walls Stockaed and Barracks	3124 Great Western Highway	Lot 301 DP 999720	Local	A021
Lithgow - South Bowenfels	former Eagle & Child Inn	Great Western Hgihway	Lot 1 DP 195020	Local	A022
Lithgow - South Bowenfels	Forty Bends Cemetery	35 Great Western Highway	Lot 1 DP 195020	Local	A023
Lithgow - South Bowenfels	Bowens Hollow	Old Bathurst Road	Bowens Creek Bridge Abutments	Local	A026

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Lithgow - South Bowenfels	Road culvert and sustaining wall at Emoah	3431 Great Western Highway	Lot 1 DP 798073	Local	A027
Lithgow - South Bowenfels	Old Catholic Cemetery	Great Western Highway	Lot 336 DP 751650	Local	A029
Lithgow - South Bowenfels	Bowenfels Presbyterian Cemetery	Great Western Highway	Lot 62 DP 751650	Local	A030
Lithgow - South Bowenfels	Gun Emplacements	Off Kirkley Street	Lot 3 DP 1017922	State	A031
Lithgow - South Bowenfels	McKanes Bridge (RTA)	McKanes Falls Road		State	A077
Lowther	Lowther general cemetery	Jenolan Caves Road	Lot 7301 DP 1148839	Local	A044
Meadow Flat	Meadow Flat War Memorial	Great Western Highway	7001 DP 1021302	Local	A091
Meadow Flat	Meadow Flat School Bell	Great Western Highway	Lot 1 DP 782196	Local	A092
Meadow Flat	Meadow Flat General Cemetery	Meadow Flat Cemetery Road	Lot 7002 & 7004 DP 1052053	Local	A093
Meadow Flat	Mount Lambie Presbyterian Cemetery	75 Thorpes Pinch Road	Lot 2 DP 1043887	Local	A094
Megalong Valley	John Norton Grave	89B Wards Road	Lot 2 DP 219769	Local	A034
Megalong Valley	Six Foot Track			Local	A182
Mt Victoria	Hill Top Tramway above Hartley Vale	Darling Causeway	Lot 372 DP 41332 Lot 7010 DP 92868	Local	A174
Mt Victoria	Victoria Pass	Great Western Highway		Local	A183
Newnes	Newnes Historic Site Group	Newnes Junction - Newnes		Local	A163
Palmer's Oakey	Palmer's Oakey General Cemetery	off Sunny Corner Road	Lot 111 DP 755795	Local	A106
Portland	Portland General Cemetery	Sunny Corner Road	Lot 7300 DP 1144082	Local	A107
Running Stream	Round Swamp Cemetery	5249 Castlereagh Highway	Lot 1 DP 1015522 Lot 3 DP 565109	Local	A061
Rydal	Old Roman Catholic Cemetery	Cartwright Street	Lot 9 Sec 19 DP 758890	Local	A068
Rydal	Rydal General Cemetery	Cartwright Street	Lot 7311 DP 1140577 & Lot 7001 DP 1020468	Local	A069

Locality	Property Name/Item	Address	Property Description	Significance	Inventory Sheet Number
Rydal	Thomas Veays Isolated Grave	140 Cut Hill Road	Lot 1 DP 1107268	Local	A070
Rydal	Martha Power grave	Rydal Hampton Road	Lot 100 DP 829748	Local	A071
Sodwalls	Sodwalls Cemetery	329 Sodwalls Road	Lot 2 DP 844355 Lot 1 DP 737321	Local	A141
Sodwalls	Gravestone of Ellen Griffiths and Julia Beale	281 Anarel Road	Lot 243 DP 757076	Local	A143
Tarana	Tarana Railway Station water-tank	Railway Land	Adjacent Tarana Railway Station	Local	A082
Tarana	Grave of Jeremiah Beale	Mt Home Honeysuckle Falls Road	Lot 1 DP 876777	Local	A142
Wallerawang	Wallerawang General Cemetery	Portland Road	Lot 408-414 DP 751651	Local	A108
Wallerawang	Walker-Barton Private Cemetery	Foreshores Lake Wallace	Lot 1 DP 371608	Local	A109
Wolgan	Christiana Williams grave	Wolgan Valley Road		Local	A110

Dictionary

(Clause 1.4)

This Dictionary defines all terms used within the Standard Template. All land uses identified in Part 2 of the Draft LEP 2013 are defined below. Council cannot add nor alter definitions in this Dictionary.

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

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

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

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

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

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

advertisement has the same meaning as in the Act.

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

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

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

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

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

agriculture means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

backpackers' accommodation means a building or place that:

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

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

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

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

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

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

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

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

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

biodiversity means biological diversity.

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

Note. The term is defined as follows:

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

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

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

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

boarding house means a building that:

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

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

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

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

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

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

brothel has the same meaning as in the Act.

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

building has the same meaning as in the Act.

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

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

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

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

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

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

whichever distance is the shortest.

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

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

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

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

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

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire, but does not include construction of a track, trail or road.

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

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

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

business identification sign means a sign:

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

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

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

Dictionary.

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

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

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

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

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

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

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

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

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

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

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

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

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

charter and tourism boating facility means any facility (including a building or other

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

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

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:
- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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

Note. The term is defined as follows:

classified road means any of the following:

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

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

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

Note. The term is defined as follows:

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

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

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural

management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

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

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

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

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

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

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

Note. The term is defined as follows:

coastal zone means:

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

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

commercial premises means any of the following:

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

community facility means a building or place:

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

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

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

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*, but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the **Lithgow City Council**.

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

Crown reserve means:

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

1902, but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

dwelling house means a building containing only one dwelling.

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

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and

- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

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

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

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

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

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

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

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

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

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

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

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

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

Note. The term is defined as follows:

estuary means:

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

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly

alter the shape, natural form or drainage of the land.

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

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

extensive agriculture means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) still photography, or

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

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

Note. The term is defined as follows:

Definition of “fish”

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

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [*Name of local government area or other relevant name*] Local Environmental Plan [*Year*] Floor Space Ratio Map.

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

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

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

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

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the

like) for which consent has been granted or that is exempt development.

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

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

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

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

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

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

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

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

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

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

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

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

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

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

- (a) to human health, life or property, or

(b) to the biophysical environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

Height of Buildings Map means the *[Name of local government area or other relevant name]* Local Environmental Plan *[Year]* Height of Buildings Map.

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

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

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

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

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

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

heritage items situated on or within that area.

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

heritage impact statement means a document consisting of:

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

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

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

heritage management document means:

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

Heritage Map means the **Lithgow City Council Local Environmental Plan 2013** Heritage Map.

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

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

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

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

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

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

- (a) a restaurant or cafe,
- (b) take away food and drink premises,

- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

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

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

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

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

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

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.

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

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

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or

- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

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

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

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

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

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

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

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

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

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

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

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

accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

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

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

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located, but does not include a warehouse or distribution centre.

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

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

industry means any of the following:

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

but does not include:

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

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

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

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

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

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated

- pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

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

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

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

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

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

Land Application Map means the **Lithgow City Council** Local Environmental Plan 2013 Land Application Map.

Land Reservation Acquisition Map means the **Lithgow City Council** Local Environmental Plan 2013 Land Reservation Acquisition Map.

Land Zoning Map means the **Lithgow City Council** Local Environmental Plan 2013 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, knackereries, tanneries, woolscours and rendering plants.

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

Lot Size Map means the **Lithgow City Council** Local Environmental Plan 2013 Lot Size Map.

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

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

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

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

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

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

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

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

mezzanine means an intermediate floor within a room.

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

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

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

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

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

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

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

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

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

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

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

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

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

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

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

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

Note. The term is defined as follows:

Meaning of “native vegetation”

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

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

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

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

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

nominated State heritage item means a heritage item that:

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

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

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

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

polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

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

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

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

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

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

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

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

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

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

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.

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

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

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

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

- (b) facilities for the loading or unloading of freight onto or from vessels and associated 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
- (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).

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,

- (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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

secondary dwelling means a self-contained dwelling that:

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

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

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

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

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

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

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

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.

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

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

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

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

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

sewage reticulation system means a building or place used for the collection and transfer

of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

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

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

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

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

sewerage system means any of the following:

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

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

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

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

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

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

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

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign, but does not include a traffic sign or traffic control facilities.

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

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

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

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

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

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

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

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

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

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

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

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

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

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

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

telecommunications facility means:

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

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

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of

the booth, tent or enclosure is permanent), and also includes a mobile structure.

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

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

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

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

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

but does not include:

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

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

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

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

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

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface), but does not include open cut mining.

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

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

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

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

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

viticulture means the cultivation of grapes for use in the commercial production of fresh

or dried fruit or wine.

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

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

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

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

waste or resource management facility means any of the following:

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

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

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

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

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

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

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

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

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

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

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

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,

- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

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

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

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

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

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

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

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

wetland means:

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

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

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

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