
**Full Text
(Draft) Hilltops Local Environmental Plan 2021
Environmental Planning Instrument**

Table of Contents

Hilltops (Draft) Local Environmental Plan 2021	4
Part 1 Preliminary	4
1.1 Name of Plan [compulsory].....	4
1.1AA Commencement [compulsory]	4
1.2. Aims of Plan [compulsory]	4
1.3 Land to which Plan applies [compulsory].....	5
1.4 Definitions [compulsory].....	5
1.5 Notes	5
1.6 Consent authority [compulsory]	5
1.7 Maps [compulsory]	5
Map Index	6
1.8 Repeal of planning instruments applying to land [compulsory]	6
1.8A Savings provision relating to development applications	7
1.9 Application of SEPPS [compulsory]	7
1.9A Suspension of covenants, agreements, and instruments	7
Part 2 Permitted or prohibited development.....	8
2.1 Land use zones [compulsory]	8
2.2 Zoning of land to which Plan applies [compulsory]	8
2.3 Zone objectives and Land Use Table [compulsory].....	8
2.4 Unzoned land [compulsory]	9
2.5 Additional permitted uses for particular land [compulsory].....	9
2.6 Subdivision – consent requirements [compulsory].....	10
2.7 Demolition requires development consent [compulsory]	10
2.8 Temporary use of land [optional]	10
Land Use Table.....	11
Zone RU1 Primary Production.....	11
Zone RU4 Primary Production Small Lots	12
Zone RU5 Village	14
Zone R1 General Residential	15
Zone R2 Low Density Residential	16
Zone R5 Large Lot Residential	17
Zone B4 Mixed Use	18
Zone IN1 General Industrial	20
Zone IN2 Light Industrial	21
Zone SP2 Infrastructure	22
Zone RE1 Public Recreation	22
Zone RE2 Private Recreation.....	23

Zone E1 National Parks and Nature Reserves	24
Zone E3 Environmental Management	24
Zone W1 Natural Waterways	25
Zone W2 Recreational Waterways.....	26
Part 3 Exempt and complying development.....	27
3.1 Exempt development [compulsory]	27
3.2 Complying development [compulsory]	28
3.3 Environmentally sensitive areas excluded [compulsory]	28
Part 4 Principal development standards	29
4.1 Minimum subdivision lot size [optional]	29
4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted].....	30
4.1B Clause 4.1b Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings....	30
4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU3, RU4, or RU6]	31
4.2A Erection of dwelling houses on land in certain rural and environmental zones.....	32
4.3 Height of buildings [optional].....	32
4.4 Floor space ratio [optional]	32
4.5 Calculation of floor space ratio and site area [optional]	33
4.6 Exceptions to development standards [compulsory]	33
Part 5 Miscellaneous provisions.....	34
5.1 Relevant acquisition authority [compulsory]	34
5.2 Classification and reclassification of public land [compulsory].....	35
5.3 Development near zone boundaries [optional]	36
5.4 Controls relating to miscellaneous permissible uses [compulsory]	36
5.5 (Repealed)	38
5.6 Architectural roof features.....	38
5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters] .	38
5.8 Conversion of fire alarms [compulsory]	38
5.9, 5.9AA (Repealed).....	38
5.10 Heritage conservation [compulsory].....	38
5.11 Bush fire hazard reduction [compulsory].....	41
5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]	41
5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]	41
5.14 Siding Spring Observatory – maintaining dark sky [optional]	42
5.15 Defence communications facility [optional]	42
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [compulsory if land to which Plan applies includes land to which clause applies and Plan is referred to in Direction 1 clause] ...	43
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [compulsory if land to which Plan applies includes land to which clause applies]	43
5.18 Intensive livestock agriculture [compulsory if intensive agriculture permitted with consent]	44
5.19 Pond-based, tank-based and oyster aquaculture [compulsory]	45
5.20 Standards that cannot be used to refuse consent—playing and performing music [compulsory]	47
Part 6 Urban Release Area	47

6.1 Arrangements for designated State public infrastructure [local]	47
6.2 Public utility infrastructure [local].....	47
6.3 Development control plan [local].....	48
6.4 Relationship between Part and remainder of Plan [local]	48
Part 7 Additional Local Provisions.....	49
7.1 Earthworks	49
7.2 Terrestrial biodiversity	49
7.3 Riparian land and watercourses.....	50
7.4 Groundwater vulnerability	51
7.5 Flood planning.....	51
7.5A Protection of water quality in drinking water catchments.....	52
7.6 Salinity	52
7.7 Highly erodible soils	53
7.8 Development along the Lachlan and Boorowa Rivers and Lake Wyangala	53
7.9 Essential services.....	54
7.10 Development on land known as Carinya Estate.....	54
Schedule 1 Additional permitted uses	55
Schedule 2 Exempt development	56
Schedule 3 Complying development	58
Part 1 Types of development	58
Part 2 Complying development certificate conditions.....	58
Schedule 4 Classification and reclassification of public land	59
Part 1 Land classified, or reclassified, as operational land—no interests changed	59
Part 2 Land classified, or reclassified, as operational—interests changed	59
Part 3 Land classified, or reclassified, as community land	60
Schedule 5 Environmental heritage	60
Part 1 Heritage items.....	60
Part 2 Heritage conservation areas	82
Schedule 6 Pond-based and tank-based aquaculture	83
Part 1 Pond-based and tank-based aquaculture	83
Division 1 Site location requirements	83
Division 2 Operational requirements	84
Part 2 Extensive pond-based aquaculture	84
Division 1 Site location requirements	84
Division 2 Operational requirements	85
Dictionary.....	85

Hilltops (Draft) Local Environmental Plan 2021

Part 1 Preliminary

1.1 Name of Plan [compulsory]

This Plan is *Hilltops* Local Environment Plan *2021*.

1.1AA Commencement [compulsory]

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

1.2. Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in *Hilltops* in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (a) *to advance the environmental, economic, and social goals of Hilltops.*
 - (b) *to enable the quality of the built, rural and natural environment of Hilltops provides the lifestyles sought by current and future residents including—*
 - i. sustaining the rural lifestyle and liveability of Hilltops communities,*
 - ii. connected, safe and accessible communities,*
 - iii. diverse and affordable housing options,*
 - iv. timely and efficient provision of infrastructure,*
 - v. sustainable building design and energy efficiency,*
 - (c) *to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future including—*
 - i. social infrastructure is appropriately planned and located in response to demand and demographic change,*
 - ii. protect and enhance cultural heritage values,*
 - iii. land management practices support sustainable outcomes including water efficiency,*
 - iv. siting and arrangement of land uses for development in response to climate change,*
 - v. planning development to manage emissions,*
 - vi. planning decisions recognise basic needs and expectations of diverse community members,*
 - (d) *to facilitate a strong and diverse economy providing a range of services as well as diverse employment and economic opportunities for residents and investors alike including—*
 - i. protect employment lands including rural lands from incompatible land uses and enhance productivity over time,*
 - ii. strengthen accessibility to expand markets for economic activity,*
 - iii. adaptable to assist in generating economic activity and value adding opportunities,*

- iv. long term sustainable productivity while intensive agriculture is supported subject to the full consideration of soil types, topography, and environmental impact,*
 - v. providing an environment for job creation and economic activity,*
 - vi. major enabling infrastructure projects are advocated, planned and facilitated,*
 - vii. innovative renewable energy projects are fostered and encouraged,*
- (e) to recognise and sustain the diverse natural environment and associated natural resources that underpin the liveability and economic productivity of Hilltops—*
- i. further development is avoided in areas with a high exposure to natural hazards,*
 - ii. alterations to natural systems, such as natural flow regimes and floodplain connectivity, are minimised by effective management of riparian environments to reduce risk,*
 - iii. the retention and protection of remnant vegetations,*
 - iv. support revegetation of endemic vegetation to assist in sustaining natural resource values, reducing impacts of invasive weeds and the capacity of rural landscapes to support biodiversity,*
 - v. establishment of buffers and setbacks to minimise impacts of conflicting uses and environmental values, including consideration of potential impacts on noise, water, biosecurity and air quality,*
 - vi. water in the region is managed on a sustainable and total water cycle basis to provide sufficient quantity and quality of water for consumptive uses, while protecting biodiversity and the function and health of ecosystems, including their resilience.*

1.3 Land to which Plan applies [compulsory]

This Plan applies to the land identified on the [Land Application Map](#).

1.4 Definitions [compulsory]

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

1.5 Notes

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

1.6 Consent authority [compulsory]

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

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 local plan-making authority 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 local plan-making authority when the instruments are made.

(1AA) (Repealed)

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

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

Note—

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

Map Index

Last updated [*Date*]

The maps are supplied by the State planning agency— inquiries about their content should be addressed to that agency.

[Land Application Map](#)

[Land Zoning Map](#)

[Lot Size Map](#)

[Land Reservation Acquisition Map](#)

[Heritage Map](#)

[Urban Release Areas Map](#)

[Terrestrial Biodiversity Map](#)

[Riparian Land and Watercourses Map](#)

[Groundwater Vulnerability Map](#)

[Drinking Water Catchment Map](#)

[Salinity Map](#)

[Highly Erodible Soils Map](#)

[Environmentally Sensitive Land Map](#)

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.

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

1.8A Savings provision relating to development applications

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

Note—

However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

1.9 Application of SEPPS [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 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](#)

1.9A Suspension of covenants, agreements, and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply—
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any relevant instrument within the meaning of section 13.4 of [the Crown Land Management Act 2016](#), or
 - (c) to any conservation agreement within the meaning of the [National Parks and Wildlife Act 1974](#), or
 - (d) to any Trust agreement within the meaning of the [Nature Conservation Trust Act 2001](#), or
 - (e) to any property vegetation plan within the meaning of the [Native Vegetation Act 2003](#), or
 - (f) to any biobanking agreement within the meaning of Part 7A of the [Threatened Species Conservation Act 1995](#), or
 - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act, or
 - (h) to land to which clause 6.9 applies (Carinya Estate).
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.

- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows—

Rural Zones

- RU1 Primary Production
- RU4 Primary Production Small Lots
- RU5 Village

Residential Zones

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential

Business Zones

- B4 Mixed Use

Industrial Zones

- IN1 General Industrial
- IN2 Light Industrial

Special Purpose Zones

- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E3 Environmental Management

Waterway Zones

- W1 Natural Waterways
- W2 Recreational Waterways

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](#).

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.
- 3** Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4** Clause 2.6 requires consent for subdivision of land.
- 5** Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land [compulsory]

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

2.5 Additional permitted uses for particular land [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.

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.

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.

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—
- 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
 - the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

-
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

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 encourage competitive rural production and associated economic development by maintaining and enhancing local and regional transport and communications connectivity and accessibility to national and global supply chains.*
- *To maintain areas of high conservation value vegetation.*
- *To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.*
- *To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.*
- *To encourage the development of non-agricultural land uses that are compatible with the character of the zone.*

Hilltops Council notes for your ease of comprehension that the Standard Instrument LEP states—
“The following terms must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Environmental protection works
Farm buildings
Intensive livestock agriculture
Intensive plant agriculture
Roads
Roadside stalls”

Hilltops Council has noted these in the land use table below in *blue* to assist comprehension.

2 Permitted without consent

Environmental protection works; Extensive agriculture; *Farm buildings*; *Forestry*; Home occupations;

3 Permitted with consent

Air transport facilities; *Airstrips*; *Animal boarding or training establishments*; Aquaculture; *Artisan food and drink industries*; *Bed and breakfast accommodation*; *Boat launching ramps*; *Boat sheds*; *Camping grounds*; *Caravan parks*; *Cellar door premises*; *Cemeteries*; *Charter and tourism boating facilities*; *Community facilities*; *Correctional centres*; *Crematoria*; Dwelling houses; *Eco-tourist facilities*; *Electricity generating works*; *Emergency services facilities*; *Environmental facilities*; Extractive industries; *Farm stay accommodation*; *Flood mitigation works*; *Helipads*; *Highway service centres*; *Home businesses*; *Home industries*; *Home-based child care*; *Information and education facilities*; *Intensive livestock agriculture*; *Intensive plant agriculture*; *Jetties*; *Mooring Pens*; *Moorings*; Open cut mining; *Public administration buildings*; *Recreation areas*; *Recreation facilities (indoor)*; *Recreation facilities (major)*; *Recreation facilities (outdoor)*; *Research stations*; *Roads*; *Roadside stalls*; *Rural industries*; *Rural workers' dwellings*; *Secondary dwellings*; *Sewerage systems*; *Signage*; *Veterinary hospitals*; *Waste or resource management facilities*; *Water recreation structures*; *Water supply systems*; *Wharf or boating facilities*;

4 Prohibited

Amusement centres; *Attached dwellings*; *Backpackers' accommodation*; *Boarding houses*; *Boat building and repair facilities*; *Business premises*; *Car parks*; *Centre-based child care facilities*; *Depots*; *Dual occupancies*; *Educational establishments*; *Entertainment facilities*; *Exhibition homes*; *Exhibition villages*; *Food and drink premises*; *Freight transport facilities*; *Function centres*; *Garden centres*; *General industries*; *Group homes*; *Hardware and building supplies*; *Health services facilities*; *Heavy industrial storage establishments*; *Heavy industries*; *High technology industries*; *Home occupations (sex services)*; *Hostels*; *Hotel or motel accommodation*; *Industrial retail outlets*; *Industrial training facilities*; *Kiosks*; *Landscaping material supplies*; *Local distribution premises*; *Marinas*; *Markets*; *Mortuaries*; *Multi dwelling housing*; *Office premises*; *Passenger transport facilities*; *Places of public worship*; *Plant nurseries*; *Port facilities*; *Registered clubs*; *Residential flat buildings*; *Respite day care centres*; *Restricted premises*; *Rural supplies*; *School-based child care*; *Semi-detached dwellings*; *Seniors housing*; *Service stations*; *Serviced apartments*; *Sex services premises*; *Shop top housing*; *Shops*; *Specialised retail premises*; *Storage premises*; *Timber yards*; *Transport depots*; *Truck depots*; *Vehicle body repair workshops*; *Vehicle repair stations*; *Vehicle sales or hire premises*; *Warehouse or distribution centres*; *Wholesale supplies*;

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- *To maintain areas of high conservation value vegetation.*

- *To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.*
- *To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.*
- *To encourage the development of non-agricultural land uses that are compatible with the character of the zone.*

Hilltops Council notes for your ease of comprehension that the Standard Instrument LEP states—
“The following terms must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Extensive agriculture
Farm buildings
Intensive plant agriculture
Roads
Roadside stalls”

Hilltops Council has noted these in the land use table below in *blue* to assist comprehension.

2 Permitted without consent

Extensive agriculture; Home occupations;

3 Permitted with consent

Agricultural produce industries; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Cellar door premises; Community facilities; Correctional centres; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Health services facilities; Helipads; Heliports; Home businesses; Home industries; Home-based child care; Information and education facilities; Intensive plant agriculture; Mooring Pens; Moorings; Mortuaries; Oyster aquaculture; Places of public worship; Plant nurseries; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; School-based child care; Secondary dwellings; Sewerage systems; Signage; Tank-based aquaculture; Veterinary hospitals; Water supply systems; Wharf or boating facilities;

4 Prohibited

Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Backpackers' accommodation; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Crematoria; Depots; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Garden centres; General industries; Group homes; Hardware and building supplies; Heavy industrial storage establishments; Heavy industries; High technology industries; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities;

Intensive livestock agriculture; Jetties; Kiosks; Landscaping material supplies; Livestock processing industries; Local distribution premises; Marinas; Markets; Multi dwelling housing; Office premises; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Pubs; Recreation facilities (major); Registered clubs; Residential flat buildings; Restricted premises; Rural supplies; Rural workers' dwellings; Sawmill or log processing industries; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop top housing; Shops; Small bars; Specialised retail premises; Stock and sale yards; 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; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies;

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 ensure that development is sustainable and does not unreasonably increase the demand for public services or public facilities.*
- *To encourage and provide opportunities for population growth in rural villages.*
- *To ensure that development maintains and contributes to the character of rural villages.*
- *To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services to rural villages.*
- *To ensure that development is sustainable and is compatible with their residential and service functions.*

Hilltops Council notes for your ease of comprehension that the Standard Instrument LEP states—
“The following terms must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Roads”

Hilltops Council has noted this in the land use table below in *blue* to assist comprehension.

2 Permitted without consent

Environmental protection works; Home occupations;

3 Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Depots; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Food and drink premises; Freight transport facilities; Function centres; Group homes; Health services facilities; Highway service centres; Home businesses; Hostels; Information and education facilities; Kiosks; Light industries; Liquid fuel depots; Markets; Mortuaries; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Recreation

areas; *Recreation facilities (indoor); Recreation facilities (major);* Recreation facilities (outdoor); *Registered clubs; Research stations;* Respite day care centres; *Roads;* *Roadside stalls; Rural supplies; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Shops; Signage; Storage premises;* Tank-based aquaculture; *Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies;*

4 Prohibited

Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extensive agriculture; Extractive industries; Farm buildings; Forestry; Garden centres; General industries; Hardware and building supplies; Hazardous storage establishments; Heavy industries; Helipads; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Local distribution premises; Marinas; Mooring Pens; Moorings; Multi dwelling housing; Offensive storage establishments; Open cut mining; Pond-based aquaculture; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Specialised retail premises; Timber yards; Warehouse or distribution centres; Water recreation structures; Water recycling facilities;

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- *To provide and protect a high-quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.*
- *To provide fully serviced residential allotments linked to town water and sewer networks.*

2 Permitted without consent

Home occupations;

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary

dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities;

4 Prohibited

Advertising structures; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Artisan food and drink industries; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Food and drink premises; Forestry; Freight transport facilities; Function centres; Garden centres; General industries; Hardware and building supplies; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Kiosks; Landscaping material supplies; Local distribution premises; Marinas; Markets; Mooring Pens; Moorings; Mortuaries; Neighbourhood supermarkets; Office premises; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Specialised retail premises; Storage 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; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities; Wholesale supplies;

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 minimise conflict between land uses with this zone and land uses within adjoining zones.*
- *To provide residential lots within a semi-rural environment with effective resolution of service provision.*

2 Permitted without consent

Home occupations;

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Oyster aquaculture; Pond-based

aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Secondary dwellings; Sewage reticulation systems; Tank-based aquaculture; Water supply systems; Wharf or boating facilities;

4 Prohibited

Advertising structures; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Artisan food and drink industries; Attached dwellings; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Local distribution premises; Marinas; Mooring Pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewage treatment plants; Sex services premises; Shop top housing; 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 recycling facilities; Wholesale supplies;

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.

2 Permitted without consent

Home occupations;

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities;

Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health services facilities; Home businesses; Home industries; Home-based child care; Jetties; Oyster aquaculture; Pond-based aquaculture; Research stations; Respite day care centres; Roads; Secondary dwellings; Sewage reticulation systems; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities;

4 Prohibited

Advertising structures; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Artisan food and drink industries; Attached dwellings; Backpackers' accommodation; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Local distribution premises; Marinas; Mooring Pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewage treatment plants; Sex services premises; Shop top housing; 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 recycling facilities; Water storage facilities; Water treatment 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 reinforce the established Town Centres and Main Streets of Young, Harden, Murrumburrah and Boorowa as the commercial centres for each town and Hilltops. This includes the 'Main Street' role and historic character of:*
 - *Boorowa Street, Young*
 - *Marsden and Pudman Streets, Boorowa*
 - *Neill Street, Harden*
 - *Albury Street, Murrumburrah*

- *To sustain robust and vibrant town centres and main streets capable of accommodating changing demands and expectations for retail, professional services, entertainment, hospitality, accommodation and permanent residential activities and services.*
- *To enhance the capacity of Town Centres and Main Streets to accommodate housing options while sustaining a vibrant and active precinct and streetscape.*
- *To create walkable, coherent, legible and high amenity streetscapes and public spaces.*
- *To support vibrant main streets capable of supporting events, night time and weekend economies as well as regular commerce.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Car parks; Commercial premises; Community facilities; Correctional centres; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Function centres; Group homes; Health services facilities; Home businesses; Home industries; Home occupations; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Local distribution premises; Mortuaries; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sewage reticulation systems; Shop top housing; Signage; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Wharf or boating facilities;

4 Prohibited

Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Mooring Pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Research stations; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities; Wholesale supplies;

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 provide fully serviced industrial allotments linked to town water and sewer networks.*

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Car parks; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Local distribution premises; Mortuaries; Neighbourhood shops; Open cut mining; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restricted premises; Roads; Rural industries; Rural supplies; School-based child care; Service stations; Sewerage systems; Sex services premises; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies;

4 Prohibited

Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Boat sheds; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Home businesses; Home occupations (sex services); Home occupations; Home-based child care; Intensive livestock agriculture; Intensive plant agriculture; Marinas; Markets; Mooring Pens; Moorings; Neighbourhood supermarkets; Office premises; Pond-based aquaculture; Pubs; Registered clubs; Residential accommodation; Restaurants or cafes; Roadside stalls; Small bars; Tourist and visitor accommodation; Water recreation structures;

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 provide fully serviced light industrial allotments linked to town water and sewer networks.*

2 Permitted without consent

Nil

3 Permitted with consent

Agricultural produce industries; Boat building and repair facilities; Community facilities; Depots; Electricity generating works; Emergency services facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Function centres; Garden centres; General industries; Hardware and building supplies; Heliports; Highway service centres; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Markets; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation facilities (indoor); Roads; Roadside stalls; Rural supplies; School-based child care; Service stations; Sewage reticulation systems; Signage; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water reticulation systems; Wharf or boating facilities; Wholesale supplies;

4 Prohibited

Airports; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Health services facilities; Heavy industries; Helipads; Home businesses; Home occupations (sex services); Home occupations; Home-based child care; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Livestock processing industries; Marinas; Mooring Pens; Moorings; Mortuaries; Neighbourhood supermarkets; Offensive storage establishments; Office premises; Open cut mining; Pond-based aquaculture; Port facilities; Public administration buildings; Pubs; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research

stations; Residential accommodation; Respite day care centres; Restaurants or cafes; Restricted premises; Sawmill or log processing industries; Serviced apartments; Sewage treatment plants; Sex services premises; Small bars; Stock and sale yards; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities;

Zone SP2 Infrastructure

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- *To maintain areas of high conservation value vegetation.*
- *To sustain public access and connectivity.*

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Camping grounds; Car parks; Caravan parks; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewage reticulation systems; Signage; Water reticulation systems; Water storage facilities; Wharf or boating facilities;

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home businesses; Home occupations (sex services); Home occupations; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Local distribution premises; Marinas; Mooring Pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water treatment facilities; Wholesale supplies;

Zone RE2 Private Recreation

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Camping grounds; Car parks; Caravan parks; Community facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Sewage reticulation systems; Signage; Water reticulation systems; Water storage facilities; Wharf or boating facilities;

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Exhibition homes; Exhibition villages; Extensive agriculture;

Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home businesses; Home occupations (sex services); Home occupations; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Local distribution premises; Marinas; Mooring Pens; Moorings; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water treatment facilities; Wholesale supplies;

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.

2 Permitted without consent

Home occupations;

3 Permitted with consent

Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Oyster aquaculture; Pond-based aquaculture; Research stations; Roads; Sewage reticulation systems; Tank-based aquaculture; Water reticulation systems; Wharf or boating facilities;

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Business premises; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Early education and care facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Function centres; Garden centres; General industries; Group homes; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home businesses; Home industries; Home occupations (sex services); Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Landscaping material supplies; Local distribution premises; Marinas; Markets; Mooring Pens; Moorings; Mortuaries; Multi dwelling housing; Neighbourhood shops; Neighbourhood supermarkets; Office premises; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Shops; Signage; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water storage facilities; Water treatment facilities; Wholesale supplies;

Zone W1 Natural Waterways

1 Objectives of zone

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

2 Permitted without consent

Nil

3 Permitted with consent

Aquaculture; Boat launching ramps; Environmental facilities; Environmental protection works; Flood mitigation works; Jetties; Mooring Pens; Moorings; Roads; Sewage reticulation systems; Water recreation structures; Water reticulation systems; Wharf or boating facilities;

4 Prohibited

Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Home occupations; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Local distribution premises; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Water storage facilities; Water treatment facilities; Wholesale supplies;

Zone W2 Recreational Waterways

1 Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

2 Permitted without consent

Environmental protection works;

3 Permitted with consent

Airports; Aquaculture; Boat launching ramps; Boat sheds; Business identification signs; Car parks; Charter and tourism boating facilities; Environmental facilities; Flood mitigation works; Heliports; Jetties; Kiosks; Marinas; Mooring Pens; Moorings; Port facilities; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Sewage reticulation systems; Water recreation structures; Water supply systems; Wharf or boating facilities;

4 Prohibited

Advertising structures; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Building identification signs; Business premises; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Early education and care facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Food and drink premises; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations (sex services); Home occupations; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Local distribution premises; Markets; Mortuaries; Office premises; Open cut mining; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Service stations; Sewage treatment plants; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities; Wholesale supplies;

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

- (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, pruning, or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note—

See [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) and Part 5A of the [Local Land Services Act 2013](#).

- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development [compulsory]

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

Note—

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

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

3.3 Environmentally sensitive areas excluded [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 within the coastal wetlands and littoral rainforests area (within the meaning of the [Coastal Management Act 2016](#)),

- (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 Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land that is a declared area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#) or declared critical habitat under Part 7A of the [Fisheries Management Act 1994](#).
- (ja) *land identified as “Riparian Land and Watercourse” on the [Riparian Land and Watercourses Map](#).*

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

(1) The objectives of this clause are as follows—

(a) in relation to residential land—

- (i) to ensure land use and development are undertaken on appropriately sized parcels of land,*
- (ii) to ensure sufficient land area to promote high levels of residential amenity,*
- (iii) to ensure new lots are adequately serviced with town water supply and reticulated sewer network, with an effective means of disposal of domestic waste,*
- (iv) to create lot sizes and arrangements that support the efficient provision and management of roads and services, align with existing and proposed development layouts in the neighbourhood and minimise adverse impacts on the amenity and productivity of adjoining development.*

(b) in relation to semi-rural land and rural villages—

- (i) to ensure land use and development are undertaken on appropriately sized parcels of land,*
- (ii) to ensure sufficient land area to promote high levels of amenity,*
- (iii) to ensure new lots have adequate land area for on-site sewer management or able to connect to reticulated sewer network,*
- (iv) to create lots that are compatible with the existing predominant lot pattern or desired future layout of the locality and to minimise the likely adverse impact on the amenity and productivity of adjoining primary production lands.*

(c) in relation to rural land—

- (i) to ensure land use and development are undertaken on appropriately sized parcels of land,*
- (ii) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (iii) to prevent fragmentation of primary production agricultural land,*
- (iv) to sustain primary production and natural resource values,*
- (v) to minimise potential for land use conflict between other land uses and primary production land uses, and*
- (vi) to protect supply chains for primary production land uses including natural resources and access to markets.*

- (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 any land—
 - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

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 subdivisions that would create additional dwelling entitlements.*
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—
 - (a) Zone RU1 Primary Production,*
 - (b) Zone RU4 Primary Production Small Lots,*but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

4.1B Clause 4.1b Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

- (1) The objective of this clause is to achieve planned residential density in certain zones.

- (2) Development consent may be granted for 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 occupancies (connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	750 square metres
Dual occupancies (not connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	8000 square metres
Multi dwelling housing (connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	1000 square metres
Multi dwelling housing (not connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	8000 square metres
Residential flat buildings (connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	2000 square metres
Residential flat buildings (not connected to a reticulated sewerage system owned and operated by the Council)	Zone R1 General Residential Zone RU5 Village Zone R5 Large Lot Residential	8000 square metres

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU3, 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,
 - (baa) Zone RU3 Forestry,
 - (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 workers' dwelling (see definition of that term in the Dictionary).

4.2A Erection of dwelling houses on land in certain rural and environmental zones

- (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 protection zones.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU3 Forestry,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone 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 lot by the [Lot Size Map](#), or
 - (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.
- (4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—
 - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot 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, public reserve or for another public purpose, or
 - (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.

4.3 Height of buildings [optional]

[Not adopted]

4.4 Floor space ratio [optional]

[Not adopted]

4.5 Calculation of floor space ratio 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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary 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 Planning Secretary 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.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of Section 3.15 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 2.5 of the Act
Zone SP2 Infrastructure and marked “Classified road”	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked “National Park”	Minister administering the National Parks and Wildlife Act 1974

- (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.

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 and certain Crown Land). 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—
- does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - 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—
- those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - any reservations that except land out of the Crown granting relating to the land, and
 - reservations of minerals (within the meaning of the [Crown Land Management Act 2016](#)).

Note—

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

5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is—
 - (a) *50 metres between Zone RU1 Primary Production and Zone RU5 Village, and*
 - (b) *in all other cases 20 metres.*
- (3) This clause does not apply to—
 - (a) land in Zone RE1 Public Recreation, Zone E1 National parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purposes of sex services or restricted premises.

Note—

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

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [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 **5** bedrooms.

Note—

Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the [Building Code of Australia](#).

- (2) **Home businesses** If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than—
- (a) *33% of the gross floor area of the dwelling, or*
 - (b) *45 square metres of floor area,*
- whichever is the lesser.*
- (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—
- (a) *50% of the gross floor area of the dwelling, or*
 - (b) *120 square metres of floor area,*
- whichever is the lesser.*
- (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed—
- (a) *67%* of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) *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 **8** bedrooms.
- (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed **25** square metres.
- (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed **100** square metres.
- (7AA) **Neighbourhood supermarkets** If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 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—
- (a) *40 square metres where it is located on Zone RU1 Primary Production land,*
 - (b) *40 square metres where it is located on Zone RU4 Primary Production land,*
 - (c) *25 square metres where it is located on Zone RU5 Village land.*
- (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—
- (a) 60 square metres,
 - (b) *33%* of the total floor area of the principal dwelling.
- (10) **Artisan food and drink industry exclusion** If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—
- (a) *67%* of the gross floor area, or
 - (b) *400* square metres,
- whichever is the lesser.*
-

5.5 (Repealed)

5.6 Architectural roof features

[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.

5.9, 5.9AA (Repealed)

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 *Hilltops*,
- (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 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 building that is a heritage item or of the land on which such a building is erected, or for any purpose

on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

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

5.11 Bush fire hazard reduction [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.

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 native flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
 - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
 - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
 - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
 - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

5.14 Siding Spring Observatory – maintaining dark sky [optional]

[Not adopted]

5.15 Defence communications facility [optional]

[Not adopted]

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones [compulsory if land to which Plan applies includes land to which clause applies and Plan is referred to in Direction 1 clause]

- (1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry,
 - (d) Zone RU4 Primary Production Small Lots,
 - (e) Zone RU6 Transition,
 - (f) Zone R5 Large Lot Residential,
 - (g) Zone E2 Environmental Conservation,
 - (h) Zone E3 Environmental Management,
 - (i) Zone E4 Environmental Living.
- (3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—
 - (a) subdivision of land proposed to be used for the purposes of a dwelling,
 - (b) erection of a dwelling.
- (4) The following matters are to be taken into account—
 - (a) the existing uses and approved uses of land in the vicinity of the development,
 - (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations [compulsory if land to which Plan applies includes land to which clause applies]

[Not applicable]

5.18 Intensive livestock agriculture [compulsory if intensive agriculture permitted with consent]

- (1) The objectives of this clause are—
 - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
 - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
 - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
 - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
 - (c) the potential for the pollution of surface water and groundwater,
 - (d) the potential for the degradation of soils,
 - (e) the measures proposed to mitigate any potential adverse impacts,
 - (f) the suitability of the site in the circumstances,
 - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
 - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
 - (a) the development is of a type specified in subclause (5), and
 - (b) the consent authority is satisfied that the development will not be located—
 - (i) in an environmentally sensitive area, or
 - (ii) within 100 metres of a natural watercourse, or
 - (iii) in a drinking water catchment, or
 - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
 - (v) if the development is a poultry farm—within 500 metres of another poultry farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
 - (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,

- (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
 - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
 - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
 - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
 - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.
- (7) In this clause—
- environmentally sensitive area** has the same meaning as in clause 5.1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- residential zone** means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

5.19 Pond-based, tank-based and oyster aquaculture [compulsory]

- (1) **Objectives** The objectives of this clause are as follows—
- (a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,
 - (b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
- (2) **Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent** The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—
- (a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,
 - (b) in the case of—
 - (i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and
 - (ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and

-
- (iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and
- (iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.
- (3) The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.
- (4) **Extensive pond-based aquaculture permitted without consent in certain zones** Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—
- (a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and
 - (b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.
- (5) **Oyster aquaculture—additional matters that consent authority must consider in determining a development application** In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—
- (a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and
 - (b) the *NSW Oyster Industry Sustainable Aquaculture Strategy*.
- (6) **Oyster aquaculture permitted without consent in priority oyster aquaculture areas** Development for the purpose of oyster aquaculture may be carried out without development consent—
- (a) on land that is wholly within a priority oyster aquaculture area, or
 - (b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.
- (7) **Definitions** In this clause—
- aquaculture industry development plan** means an aquaculture industry development plan published under Part 6 of the [Fisheries Management Act 1994](#).
- extensive aquaculture** has the same meaning as in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).
- NSW Oyster Industry Sustainable Aquaculture Strategy** means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).
- priority oyster aquaculture area** means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the *NSW Oyster Industry Sustainable Aquaculture Strategy*, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department’s website.

5.20 Standards that cannot be used to refuse consent—playing and performing music [compulsory]

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
 - (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,
 - (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—

licensed premises has the same meaning as in the [Liquor Act 2007](#).

Part 6 Urban Release Area

urban release area means an area of land shown hatched and lettered “Urban Release Area” on the Urban Release Area Map.

Urban Release Area Map means the Hilltops Local Environmental Plan 2021 Urban Release Area Map.

6.1 Arrangements for designated State public infrastructure [local]

[Not applicable]

6.2 Public utility infrastructure [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 sure that infrastructure is available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

6.3 Development control plan [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 bushfire, 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 a realignment 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.

6.4 Relationship between Part and remainder of Plan [local]

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Part 7 Additional Local Provisions

7.1 Earthworks

- (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 separate development consent.
- (2) Development consent is required for earthworks unless—
 - (a) the work does not alter the ground level (existing) by more than 600 millimetres, or
 - (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or
 - (c) the work is 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,
 - (b) the effect of the proposed development on the likely future use or redevelopment of that land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed 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 watercourse, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

7.2 Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial and aquatic biodiversity, including—
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

- (3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on—
- (a) a native ecological community, and
 - (b) the habitat of any threatened species, populations or ecological community, and
 - (c) biodiversity structure, function and composition of the land, and
 - (d) a regionally significant species of fauna and flora or habitat, and
 - (e) habitat elements providing connectivity.
- (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 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.

7.3 Riparian land and watercourses

- (1) The objective of this clause is to maintain the hydrological functions of riparian land, waterways, and aquifers, including protecting—
- (a) water quality, and
 - (b) natural water flows, and
 - (c) the stability of the bed and banks of waterways and groundwater systems.
- (2) This clause applies to land identified as “Riparian Land and Water Course” on the Riparian Land and Water Courses Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—
- (a) whether or not the development is likely to have any adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any 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.

7.4 Groundwater vulnerability

- (1) The objectives of this clause are as follows—
 - (a) to maintain the hydrological functions of key groundwater systems,
 - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as “Groundwater Vulnerable” on the [Groundwater Vulnerability Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
 - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
 - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
 - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
 - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (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.

7.5 Flood planning

- (1) The objectives of this clause are as follows—
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to 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) is not likely to 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) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual [ISBN 0 7347 5476 0], published in 2005 by the NSW Government, unless it is otherwise defined in this clause.
- (5) In this clause—
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

7.5A Protection of water quality in drinking water catchments

- (1) The objective of this clause is to protect and maintain water quality in drinking water catchments.
- (2) This clause applies to land identified as “Drinking Water Catchment” on the [Drinking Water Catchment Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
 - (a) whether or not the development is likely to have any adverse impact on the water quality in the drinking water catchment,
 - (b) the impact of any on-site use, storage or disposal of waste water or solid waste,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the adverse 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 the development is designed, sited and will be managed to avoid any significant adverse impact on water quality in the drinking water catchment.

7.6 Salinity

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.
- (2) This clause applies to land identified as “Saline Land” on the [Salinity Map](#).
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—
 - (a) whether the development is likely to have any adverse impact on salinity processes on the land,
 - (b) whether salinity is likely to have an impact on the development,
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

7.7 Highly erodible soils

- (1) The objective of this clause is to provide for the appropriate management of land that has highly erodible soils or has the potential to be affected by the process of soil erosion.
- (2) This clause applies to land identified as “High Soil Erodibility” on the Highly Erodible Soils Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—
 - (a) whether or not the proposed development is likely to have an impact on soil erosion processes, and
 - (b) whether or not soil erosion processes are likely to have an impact on the proposed development, and
 - (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).

7.8 Development along the Lachlan and Boorowa Rivers and Lake Wyangala

- (1) The objective of this clause is to protect the immediate environs of Boorowa’s main rivers and water bodies by controlling development along their banks.
- (2) Development consent must not be granted for the erection of a building on land—
 - (a) comprising the bed of the Lachlan or Boorowa Rivers, or
 - (b) in Zone RU1 Primary Production or Zone R5 Large Lot Residential—
within 100 metres of the top bank of the Lachlan or Boorowa River, or
 - (c) within 100 metres of the full supply level of Lake Wyangala, unless the consent authority is satisfied that the building—
 - (d) is ancillary to the use of the land for the purpose of a recreation area, or
 - (e) is for the purposes of fisheries, irrigation works (including the pumping and treatment of water for private domestic consumption), marinas, utility installations or the servicing of vessels, or
 - (f) is ancillary to some other existing lawful use that includes an existing building, and that no part of the building will be nearer to the river than the existing building, or
 - (g) is to replace an existing building and no part of the replacement building will be nearer to the river than the existing building.

7.9 Essential services

- (1) This clause applies to land in Zone RU4 Primary Production Small Lots and Zone R5 Large Lot Residential.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that any 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) stormwater drainage or on-site conservation,
 - (e) suitable road access.
- (3) This clause does not apply to development for the following purposes—
 - (a) providing, extending, augmenting, maintaining, or repairing any public utility infrastructure,
 - (b) the subdivision of land that is more than 800 metres from any public sewer main or is intended only to—
 - (i) enlarge the area of an existing lot, or
 - (ii) rectify any encroachment on an existing lot, or
 - (iii) open a new road.

7.10 Development on land known as Carinya Estate

- (1) The objective of this clause is to ensure that the location of dwellings and other development on the land to which this clause applies is appropriate having regard to the management of bush fire risk and biodiversity protection.
- (2) This clause applies to land off Carinya Road, Boorowa, being Lots 1–31, DP 285029 known as Carinya Estate and identified as “Environmentally Sensitive Land” on *the Environmentally Sensitive Land Map*.
- (3) Development consent must not be granted to development on land to which this clause applies unless—
 - (a) the development is consistent with any development control plan that applies to the land, and
 - (b) the consent authority is satisfied that—
 - (i) the development will be protected by a bushfire asset protection zone,
 - (ii) the development will not substantially impact on the flora and fauna of the site.
- (4) If a development application has been made before the commencement of *State Environmental Planning Policy Amendment (Planning for Bush Fire Protection) 2020* in relation to land to which this clause applies and the application has not been finally determined before that commencement, the application must be determined as if that Policy had not commenced.
- (5) In this clause, bushfire asset protection zone means an asset protection zone in accordance with Planning for Bush Fire Protection, ISBN 978 0 646 99126 9, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment, dated November 2019.

Schedule 1 Additional permitted uses

1 Use of certain land at Campbell Street, Young

- (1) Development for the following purposes is permitted with consent—
- (a) backpackers' accommodation,
 - (b) business premises,
 - (c) hotel or motel accommodation,
 - (d) office premises.

2 Use of certain land at Henry Lawson Way, Young

- (1) This clause applies to land at 161 Henry Lawson way, Young, being Lot 5, DP 1065909.
- (2) Development for the following purposes is permitted with consent—
- (a) agricultural produce industries,
 - (b) office premises,
 - (c) retail premises (other than specialised retail premises),
 - (d) tourist and visitor accommodation.

3 Use of certain land at Lovell Street, Young

- (1) This clause applies to land at Lovell Street, Young, being Lot 1, DP 249816, Lots 1 and 2, DP 579936, Lots 4 and 5, DP 907118, Lots A and B, DP 909444, Lot 1, DP 723903, Lot 1, DP 915844, Lots 21 and 22, DP 136178, Lot 2, DP 909310 and railway land directly to the west of Lot 1, DP 249816.
- (2) Development for the purposes of agricultural produce industries is permitted with consent.

4 Use of certain land at 910 Olympic Way North, Young

- (1) This clause applies to land at 910 Olympic Way North, Young, being Lot 2, DP 791404.
- (2) Development for the purposes of an industry for the purpose of a hotmix and coldmix production plant is permitted with consent.

5 Use of certain land at Telegraph Road and Murringo Road, Young

- (1) This clause applies to the lots in the table to this clause.
- (2) Development for the purposes of agricultural produce industries and a poultry farm is permitted with consent.

Address	Property description
90 Telegraph Road, Young	Lots 1251, 1416 and 1195, DP 754611
114 Telegraph Road, Young	Lots 1196 and 1197, DP 754611
151 Telegraph Road, Young	Lot 2, DP 829700; Lot 1771, DP 754611
4207 Murringo Road, Young	Lot 1228, DP 754611

6 Use of certain land at 8 Wombat Street, Young

- (1) This clause applies to land at 8 Wombat Street, Young, being Lot 2A, DP 976203.*
- (2) Development for the purposes of vehicle sales or hire premises is permitted with development consent.*

7 Use of certain land at 1 Murringo Street, Young

- (1) This clause applies to land at 1 Murringo Street, Young, being Lot 9, Section 57, DP 759144.*
- (2) Development for the purposes of a car park is permitted with development consent.*

8 Use of certain land at Kalangan Road, Galong

- (1) This clause applies to land at Kalangan Road, Galong, being Lot 1, DP 606878, known as St Clement's Retreat Centre.*
- (2) Development for the purposes of a place of public worship being a monastery with tourist and visitor accommodation is permitted with development consent.*

9 Use of certain land at Simmonds Road, Harden

- (1) This clause applies to land at Simmonds Road, Harden, being Lot 3, DP 787896, known as Stock's Native Nursery.*
- (2) Development for the purposes of a restaurant or cafe, plant nursery and dwelling is permitted with development consent.*

10 Use of certain land at Neill Street, Harden

- (1) This clause applies to land at 136 Neill Street, Harden, being Lot 20, Section 29, DP 758737.*
- (2) Development for the purposes of storage premises used for the storage of motor vehicles is permitted with development consent.*

Schedule 2 Exempt development

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.

Advertising structures and displays

- (1) Must not contain offensive language or images, must not project over a road, must not be illuminated.*

- (2) If the advertising structure displays a message relating to the premises or goods and services that are available from the premises on which the advertisement is situated, the advertisement and structure together must have an area not exceeding—
 - (a) in a residential or rural zone—0.75m², or*
 - (b) in an industrial zone—8m², with a maximum height of 4.6m, or*
 - (c) in Zone B4 Mixed Use and in association with a commercial business—25% of the front elevation of the building on which it is displayed with a maximum height of 3m or the height of the underside of any awning measured at the line at which it is attached to the building, whichever is the greater.**
- (3) If a window advertisement, must be behind the glass line of the window.*
- (4) If a temporary advertisement for a social, cultural or recreational event, must not be displayed more than 28 days before the event and must be removed within 14 days after the event.*
- (5) If a real estate sign advertising that the premises on which it is displayed are for sale or lease, must have a total maximum area of 2.5m² on residential or rural premises, or 4.5m² on commercial or industrial premises.*
- (6) If it replaces one of the same or a larger size, it must be displayed on the same structure.*
- (7) Must not be visible from outside the site on which it is displayed.*

Fuel tanks—Zone RU1 Primary Production and RU4 Primary Production Small Lots

- (1) Maximum size—5,000L*
- (2) Must be used for agricultural purposes on properties with an area of more than 2 hectares.*
- (3) Must be constructed of prefabricated metal and freestanding.*
- (4) Must be erected in accordance with the manufacturer’s specification or an engineer’s certificate.*
- (5) Must comply with AS 1940—2004, The storage and handling of flammable and combustible liquids.*
- (6) Must not be erected within 20m of a street boundary or within 4m of a side or rear boundary of the property.*

Signage—business and industrial zones and real estate signs in all zones

- (1) Must be non-moving and non-flashing.*
- (2) Must related to the use of the premises.*
- (3) Must not be detrimental to the character and functioning of the building.*
- (4) Must have no more than one of each type of sign on any one property.*
- (5) Must not extend more than 100mm from the wall or fascia.*
- (6) Must have no more than one wall sign on any one property.*
- (7) Must be securely fixed by metal supports.*
- (8) Maximum area of signs—5m².*
- (9) Must be at least 600 mm from the kerb or roadway, if over public roads.*
- (10) In the case of real estate signs, must not project more than 100mm from the existing boundary fence.*

Silos—Zone RU1 Primary Production and Zone RU4 Rural Small Holdings

- (1) Maximum size (by capacity mass)—150t.*
- (2) Must be constructed of prefabricated metal and freestanding.*

- (3) Must be erected in accordance with the manufacturer's specification or an engineer's certificate.*
- (4) Must not be erected within 20m of a street boundary or within a distance equivalent to the height of the silo plus 1m from another property boundary.*

Schedule 3 Complying development

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

Parking and storage of passenger buses, heavy vehicles, plant and machinery

- (1) Must only be on land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone R1 General Residential or Zone R5 Large Lot Residential.*
- (2) Must be used for commercial purposes.*
- (3) Must be used by an occupant of an existing dwelling house that adjoins the land.*
- (4) Maximum area—*
 - (a) if constructed on land in Zone RU5, Zone R1 or Zone R5—30m², or*
 - (b) if constructed on land in Zone RU1 or Zone RU4—100m².*
- (5) If located on land in Zone RU5, Zone R1 or Zone R5—must be located at least 3m from the primary road frontage of the lot and from other lot boundaries.*
- (6) If located on land in Zone RU1 or Zone RU4—must be located at least 10m from the primary road frontage of the lot and from other lot boundaries.*
- (7) Maintenance and servicing of vehicles must not be carried out on the land.*
- (8) Vehicle access that is satisfactory to the Council must be provided from the development to the nearest Council-owned road.*
- (9) Must not be located on land containing water, sewerage or stormwater infrastructure or over an easement used for the provision of essential services.*

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.

Note 2—

Division 2A of Part 7 of the [Environmental Planning and Assessment Regulation 2000](#) specifies conditions to which certain complying development certificates are subject.

Note 3—

In addition to the requirements specified for development under this Schedule, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4—

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5—

Under section 86A of the [Environmental Planning and Assessment Act 1979](#), a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

General conditions

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

Note—

The [Protection of the Environment Operations Act 1997](#) and the [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) contain provisions relating to noise.

Schedule 4 Classification and reclassification of public land

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

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

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

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

Part 3 Land classified, or reclassified, as community land

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

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item number
Barwang	Lowlynn Homestead	1920 Cunningar Road	Lot 1, DP 177119	Local	I1
Barwang	Currawong Homestead Group (coach house and stables, stockman's cottage and homestead)	63 Hartfield Road	Lot 3, DP 580948	Local	I2
Beggan Beggan	Bum Gum Homestead & former dairy	252 Bonoak Road	Lot 381, DP 753590	Local	I3
Beggan Beggan	Cunningham Creek weir	Cunningham Creek (off Eulie Road)	Lot 77, DP 753590	Local	I4
Beggan Beggan	Ardesier Homestead and outbuildings	612 Glen Ayr Road	Lot 67, DP 753590	Local	I5
Beggan Beggan	Collingwood Blade Shearing Shed	237 Cullinga Mines Road	Lot 1, DP 652888	Local	I6

Suburb	Item name	Address	Property description	Significance	Item number
Beggan Beggan	Collingwood Machine Shearing Shed	237 Cullinga Mines Road	Lot 1, DP 652888	Local	I7
Beggan Beggan	Glen Ayr Homestead	923 Glen Ayr Road	Lot 101, DP 1164621	Local	I8
Bendick Murrell	Bendick Murrell Memorial Hall	121 Bendick Murrell Road	Lot 7302, DP 1142976	Local	I9
Bendick Murrell	Bendick Murrell S016 Grain Elevator	50 Wirrimah Road	Lot 1, DP 819402	Local	I10
Bendick Murrell	Bendick Murrell Cemetery	Hoads Road	Lot 7003, DP 1025418	Local	I11
Bendick Murrell	St Andrew's Anglican Church (former)	1 Little Street	Lot 2, DP 609307	Local	I12
Berthong	Milong Flats Round Stable	1645 Berthong Road	Lot 11, DP 1003395	Local	I13
Boorowa	Boer War Memorial	65 Court Street	Lot 1 Section 43, DP 758139	Local	I14
Boorowa	Boorowa Council Chambers (former)	Market Street	Lot 1 Section 49, DP 758139	Local	I15
Boorowa	Boorowa General Cemetery	Cemetery Road	Lot 1, DP 1145885; Lot 1, DP 1145880; Lot 7303, DP 1145629	Local	I16
Boorowa	Boorowa Mechanics' Institute (former)	63-35 Pudman Street	Lot 2, DP 134115	Local	I17
Boorowa	Boorowa Municipal Chambers (former)	65 Court Street	Lot 1 Section 43, DP 758139	Local	I18
Boorowa	Boorowa Power House	8 Stevenson Street	Lot B, DP 343003	Local	I19

Suburb	Item name	Address	Property description	Significance	Item number
Boorowa	Boorowa Railway Yard	Court Street	Lot 1072, DP 1170091	Local	I20
Boorowa	Boorowa Court House (former)	Marsden Street	Lot 21, DP 821755	Local	I21
Boorowa	Boorowa Post Office and residence	42 Marsden Street	Lot 1, DP 1155402	Local	I22
Boorowa	Boorowa River Bridge	Murringo Road	Road Reserve	Local	I23
Boorowa	Boorowa Showground Grandstand	47 Ballyryan Road	Lot 72, DP 2493	Local	I24
Boorowa	Boorowa S008 Grain Elevator	Court Street	Lot 11, DP 1001813	Local	I25
Boorowa	Boorowa Water Treatment Works	Scott Street	Road Reserve	Local	I26
Boorowa	Boorowa River Weir – Ackerman’s Bridge	Rugby Road	Road Reserve	Local	I27
Boorowa	Boorowa Weir and Pumphouse	Off Geraldine Street	Lot 1, DP 346321	Local	I28
Boorowa	Boorowa War Memorial	Marsden Street	Lot 7007, DP 1026424	Local	I29
Boorowa	Burrowa Steam Mill Bakery and Cottage	14 Farm Street	Lot 1, DP 998208	Local	I30
Boorowa	Burrowa Steam Mill Store	49 Campbell Street	Lot 1, DP 160566	Local	I31
Boorowa	Cottage	48 Dry Street	Lot 13 Section 31, DP 758139	Local	I32
Boorowa	The Dairy (Dendevilleagh)	26 Scott Street	Lot 13 Section 3, DP 758139	Local	I33
Boorowa	Glenara	71-73 Marsden Street	Lot 1, DP 536436	Local	I34

Suburb	Item name	Address	Property description	Significance	Item number
Boorowa	Louvain Shearers' Quarters	462 Murringo Road	Lot 61, DP 754589	Local	I35
Boorowa	Mattavi Homestead	171 Heathfield Road	Lot 2, DP 1099597	Local	I36
Boorowa	The Model Store	19 Marsden Street	Lot C, DP 162678	Local	I37
Boorowa	Murphy Bros'. House of Quality	82 Pudman Street	Lot 10, DP 1135979	Local	I38
Boorowa	Oriental Bank (former)	62-64 Brial Street	Lot A, DP 396416	Local	I39
Boorowa	Patroni Residence	8 Stevenson Street	Lot B, DP 343003	Local	I40
Boorowa	Preston Terrace	35-43 Court Street	Lot 11, DP 758139; Lot 12, DP 758139	Local	I41
Boorowa	Queen's Arms' Hotel (former)	62-64 Brial Street	Lot 15, DP 1080205	Local	I42
Boorowa	St James's Presbyterian Church (former)	50-52 Queen Street	Lot B, DP 398085	Local	I43
Boorowa	St John the Baptist Anglican Church	38 Queen Street	Lot D, DP 406556	Local	I44
Boorowa	St Joseph's Convent (former)	23 Scott Street	Lot 2, DP 805545	Local	I45
Boorowa	St Joseph's School Building	19 Scott Street	Lot 1, DP 856877	Local	I46
Boorowa	St Joseph's Primary School Building and Campanile	19 Scott Street	Lot 1, DP 856877	Local	I47
Boorowa	St Patrick's Roman Catholic Church	69-71 Queen Street	Lot 2, DP 90291	Local	I48

Suburb	Item name	Address	Property description	Significance	Item number
Boorowa	St Patrick's Roman Catholic Church (original)	47 Court Street	Lot 6, DP 838750	Local	I49
Boorowa	St Patrick's Presbytery	66 Queen Street	Lot 3, DP 1112582	Local	I50
Boorowa	Star Hotel (former)	67-69 Marsden Street	Lot B, DP 162893	Local	I51
Boorowa	Wentworth House	71 Brial Street	Lot 1 Section 16, DP 758139	Local	I52
Boorowa	Central Hotel (former)	78 Pudman Street	Lot 1, DP 779477	Local	I53
Boorowa	Boorowa Uniting Church	42 Farm Street	Lot 3, DP 858066	Local	I54
Bribbaree	Bribbaree Memorial Hall	15 Weedallion Street	Lot 10 Section 2, DP 758162	Local	I55
Bribbaree	Bribbaree Presbyterian Church and Manse (former)	44-48 Weedallion Street	Lot 5 Section 6, DP 758162	Local	I56
Bribbaree	Bribbaree Recreation Ground	73 Weedallion Street	Lot 701, DP 96864; Lot 702, DP 96864	Local	I57
Bribbaree	Bribbaree Uniting Church (former)	56 Weedallion Street	Lot 8 Section 6, DP 758162	Local	I58
Bribbaree	Bribbaree War Memorial	28 Railway Street	Lot 130, DP 750632; Lot 142, DP 750632	Local	I59
Bribbaree	St Columba's Catholic Church	6 North Street	Lot 1, DP 872041	Local	I60
Bribbaree	St Columba's Presbytery	2 North Street	Lot 2, DP 872041	Local	I61
Bribbaree	St Matthew's Anglican Church (former)	38 Weedallion Street	Lot 1, DP 771862	Local	I62

Suburb	Item name	Address	Property description	Significance	Item number
Bribbaree	Railway Hotel	27 Railway Street	Lot 5 Section 1, DP 758162; Lot 6 Section 1, DP 758162	Local	I63
Bulla Creek	Lower Coolegong Shearing Shed	Jerrybang Lane	Lot 3, DP 528908	Local	I64
Bulla Creek	Quamby (Burrangong Station) Cemetery	Werona, 675 Monteagle SR West	Lot 1, DP 1102865	Local	I65
Crowther	Cooyong School House (former)	33 Wilkinsons Road	Lot 16 , DP 787389	Local	I66
Crowther	Crowther Creek Run Store	33 Wilkinsons Road	Lot 16, DP 787389	Local	I67
Crowther	Crowther Creek Shearing Shed	147 Reids Road	Lot 122, DP 754576	Local	I68
Crowther	Crowther Post Office (former)	147 Reids Road	Lot 122, DP 754576	Local	I69
Crowther	Crowther War Memorial Wildman Park	3547 Olympic Highway North	Lot 222, DP 754593	Local	I70
Cunningar	Old Barwang homestead and outbuildings	2090 Cunningar Road	Lot 56, DP 753607	Local	I71
Currawong	St Mark's Anglican Church and Cemetery	20 Tiverton Road	Lot 1, DP 957871	Local	I72
Frogmore	Frogmore Copper Concentrator Site (archaeological site)	2802 Little Plains Road	Lot 2, DP 532447	Local	I73
Frogmore	Frogmore General Cemetery	Ballyhooley Road	Lot 124, DP 754097; Lot 125, DP 754097	Local	I74
Frogmore	Frogmore Uniting Church	Frogmore Road	Lot 223, DP 754097	Local	I75

Suburb	Item name	Address	Property description	Significance	Item number
Frogmore	Frogmore Courthouse	993 Frogmore Road	Lot 2, DP 229092	Local	176
Frogmore	St John the Baptist Catholic Church and Cemetery	Frogmore Road	Lot 1, DP 905944	Local	177
Galong	Galong General Cemetery	Galong Road	Lot 171, DP 753614	Local	178
Galong	St Clement's Retreat	352 Kalangan Road	Lot 1, DP 606878	Local	179
Galong	Catholic Church Complex (former)	Ryan Street	Lot 1, DP 1093932	Local	180
Galong	Killick & Sons' General Store and Produce Shed	McMahon Street	Lot 32, DP 5295; Lot 33, DP 5295	Local	181
Galong	Royal Hotel (former)	McMahon Street	Lot 1 Section 8, DP 8235; Lot 2 Section 8, DP 8235	Local	182
Galong	Galong Hotel (former)	Ryan Street	Lot 1 Section A, DP 8477	Local	183
Harden	Derneveagh homestead and outbuildings	396 Currawong Road	Lot 1, DP 1233447	Local	184
Harden	Harden Uniting Church and Hall	Binalong Street	Lot 4 Section 34, DP 758737; Lot 5 Section 34, DP 758737	Local	185
Harden	Hillside homestead	126 Bouyeo Road	Lot 490, DP 753624	Local	186
Harden	Pise duplex	128-130 Albury Street	Lot 1, DP 625188; Lot 2, DP 625188	Local	187
Harden	Pise cottage – 66 Scott Street	66 Scott Street	Lot 1, DP 6800; Lot 2, DP 6800	Local	188

Suburb	Item name	Address	Property description	Significance	Item number
Harden	Pise cottage – 122 Albury Street	122 Albury Street	Lot 1, DP 1093722	Local	I89
Harden	Railway viaduct	Burley Griffin Way	Lot 1, DP 995489	Local	I90
Harden	St Anthony's Catholic Church	Albury Street	Lot 1, DP 1011158	Local	I91
Harden	Trinity Centre	27 East Street	Lot 2, DP 1011158	Local	I92
Harden	Newson Park and war memorial	Albury Street	Lot 660, DP 753624	Local	I93
Harden	St Paul's Church Hall	Albury Street	Lot 1 Section 28, DP 758737; Lot 2 Section 28, DP 758737	Local	I94
Harden	Methodist parsonage (former)	136 Albury Street	Lot 6 Section 32, DP 758737	Local	I95
Harden	Methodist Church (former)	144 Albury St	Lot 8 Section 32, DP 758737	Local	I96
Harden	Murrumburrah Public School	199 Albury Street	Lot 5, DP 727527; Lot 6, DP 727527; Lot 7, DP 727527	Local	I97
Harden	Pise dwelling – 98 Clarke Street	98 Clarke Street	Lot 11 Section 15, DP 758737	Local	I98
Harden	Harden Shire Council Chambers (former)	3 East Street	Lot 5, DP 664226	Local	I99
Harden	Murrumburrah Lodge Federal No.193 (former)	Jugiong Road	Lot 10, DP 78876	Local	I100
Harden	Pise dwelling – 7-9 Lucan Street	7-9 Lucan Street	Lot 21 Section C, DP 6919	Local	I101
Harden	Mechanics' Institute Public Hall (former)	Neill Street	Lot C, DP 375926	Local	I102

Suburb	Item name	Address	Property description	Significance	Item number
Harden	Harden Post Office and residence	32 Neill Street	Lot 7 Section 62, DP 758737	Local	I103
Harden	Commercial Banking Company of Sydney (former)	40 Neill Street	Lot 6 Section 62, DP 758737	Local	I104
Harden	St Paul's Anglican Church	Swift Street	Lot 9 Section 56, DP 758737; Lot 10 Section 56, DP 758737	Local	I105
Harden	St Paul's Rectory (former)	139 Swift Street	Lot 1 Section 56, DP 758737	Local	I106
Harden	School master's residence (former)	Ward street	Lot 4, DP 727527	Local	I107
Harden	Pise dwelling – 22 Derby Street	22 Derby Street	Lot 4 Section C, DP 6919	Local	I108
Harden	Murrumburrah Harden District Hospital and Nurses' Quarters	Swift Street	Lot 22, DP 1225242	Local	I109
Hovells Creek	St Joseph's Catholic Church (former)	2761 Frogmore Road	Lot 1, DP 1041636	Local	I110
Hovells Creek	Old Graham	3021 Frogmore Road	Lot 992, DP 819152	Local	I111
Hovells Creek	St Joseph's Catholic Church cemetery	Frogmore Road	Lot 2, DP 1041636	Local	I112
Jugiong	Christ Church Anglican Church	Jugiong Road	Lot 12 Section 45, DP 758547	Local	I113
Jugiong	Jugiong Anglican Cemetery	Larmer Street	Lot 20 Section 7, DP 758547	Local	I114

Suburb	Item name	Address	Property description	Significance	Item number
Jugiong	Jugiong Catholic Cemetery	Riverside Drive	Lot 1, DP 117819; Lot 2, DP 117819; Lot 3, DP 117819	Local	I115
Jugiong	Jugiong Police Station and lockup	Jugiong Road	Lot 1 Section 46, DP 758547; Lot 3 Section 46, DP 758547	Local	I116
Jugiong	Jugiong Public School and teacher's residence (former)	Staplyton Street	Lot 1 Section 5, DP 758547	Local	I117
Jugiong	St John the Evangelist Catholic Church	4 Riverside Drive	Lot 1, DP 90472	Local	I118
Jugiong	Sir George Hotel and stables	9 Riverside Drive	Lot 1, DP 1177936	Local	I119
Jugiong	Old Butcher Shop	6 Riverside Drive	Lot 1, DP 88515	Local	I120
Jugiong	Water Filtration Plant (Original only)	Waterworks Road	Lot 10, DP 862890	Local	I121
Kingsvale	Artfield Park homestead	170 Huntleigh Road	Lot 170, DP 753631	Local	I122
Kingsvale	Kingsvale Anglican Church (former)	1003 Kingsvale Road	Lot 11 Section 2, DP 758573	Local	I123
Kingsvale	Kingsvale Memorial Hall (former)	1001 Kingsvale Road	Lot 4 Section 2, DP 758573	Local	I124
Kingsvale	Kingsvale School House (former)	1011 Kingsvale Road	Lot 2 Section 1, DP 758573	Local	I125
Kingsvale	Roseville stone stables and smithy	Kingsvale Road	Lot 2, DP 34534	Local	I126
Kingsvale	The Pines shearing shed	1479 Back Creek Road	Lot 2, DP 876541	Local	I127

Suburb	Item name	Address	Property description	Significance	Item number
Kingsvale	Prune dehydrator (former)	Kingsvale Road	Lot 247, DP 753632	Local	I128
Koorawatha	Bank of NSW (former)	52 Prince Street	Lot 2, DP 956080	Local	I129
Koorawatha	Koorawatha General Cemetery	Cowra Street	Lot 7012, DP 1024741	Local	I130
Koorawatha	Koorawatha Convent School (former)	11 Hester Street	Lot 1, DP 922288	Local	I131
Koorawatha	Koorawatha Falls	Koorawatha Nature Reserve	Lot 62, DP 754593; Lot 63, DP 754593; Lot 78, DP 754593; Lot 279, DP 754593; Lot 7008, DP 1024743	TBD	TBD
Koorawatha	Koorawatha Hotel	4340 Olympic Highway North	Lot A, DP 389691	Local	I133
Koorawatha	Koorawatha Memorial Hall	4334 Olympic Highway North	Lot 1, DP 120823; Lot 2, DP 120823	Local	I134
Koorawatha	Koorawatha Police Station	Campbell Street	Lot 11 Section 7, DP 758580; Lot 702, DP 1024736	Local	I135
Koorawatha	Koorawatha Post Office (former)	7 Boorowa Street	Lot 1, DP 91147	Local	I136
Koorawatha	Koorawatha Public School	19 Crowther Street	Lot 2, DP 1219270	Local	I137
Koorawatha	Koorawatha railway water tank	Off Prince Street	Rail Corridor	Local	I138
Koorawatha	Koorawatha railway weir	Koorawatha Nature Reserve	Lot 7008, DP 1024743	Local	I139
Koorawatha	Koorawatha Regional Rooms	9 Boorowa Street	Lot 5 Section 12, DP 758580	Local	I140

Suburb	Item name	Address	Property description	Significance	Item number
Koorawatha	Koorawatha War Memorial Park	15 Boorowa Street	Lot 1 Section 12, DP 758580; Lot 2 Section 12, DP 758580	Local	I141
Koorawatha	The Presbytery	11 Hester Street	Lot 21, DP 829801	Local	I142
Koorawatha	St Columba's Catholic Church (former)	11 Broad Street	Lot 21, DP 829801	Local	I143
Koorawatha	St Paul's Anglican Church (former)	40 Boorowa Street	Lot 6 Section 14, DP 758580	Local	I144
Koorawatha	Trengrove Park Grandstand	14 Bumbaldry Street	Lot 139, DP 754593; Lot 284, DP 754593	Local	I145
Langs Creek	Langs Creek Cemetery	Lachlan Valley Way	Lot 272, DP 754143; Lot 273, DP 754143	Local	I146
Maimuru	Maimuru Tennis Club	470 Maimuru SS Road	Lot 204, DP 754575	Local	I147
Maimuru	Quinn's Welcome Inn stables	758 Henry Lawson Way	Lot 1, DP 1185752	Local	I148
Memagong	Chinese Single Jian Dwelling (archeological)	2454 Milvale Road	Lot 1, DP 931976	Local	I149
Memagong	Imperial Hotel, Elton Hills (former)	1520 Milvale Road	Lot 149, DP 750611	Local	I150
Memagong	Milong Homestead	1520 Milvale Road	Lot 58, DP 750611; Lot 148, DP 750611	Local	I151
Milvale	Milvale Railway Water Tanks	Off Milvale Road	Lot 4012, DP 1205151	Local	I152
Milvale	St Brendan's Catholic Church	1528 Milvale Road	Lot 144, DP 750601	Local	I153

Suburb	Item name	Address	Property description	Significance	Item number
Milvale	War Memorial Church of St James	3453 Milvale Road	Lot 1, DP 399231	Local	I154
Milvale	Milvale S041 Grain Elevator	35 Schillers Road	Lot 10, DP 1043555; Lot 1, DP 819848	Local	I297
Monteagle	Bulla/Monteagle General Cemetery	Sads Lane	Lot 7012, DP 1027942	Local	I155
Monteagle	St Mark's Anglican Church (former)	26 Jerrybang Lane	Lot 50, DP 754608	Local	I156
Monteagle	Tout Park Scenic Lookout	1780 Scenic Road	Lot 1, DP 345797	Local	I157
Murringo	Blacksmith shop (former)	2262 Murringo Road	Lot 5 Section 26, DP 758734	Local	I158
Murringo	Calabash Cottage	332 Douglas Gap Road	Lot 4 , DP 575416	Local	I159
Murringo	Christ Church Anglican Church	2471 Murringo Road	Lot 1 Section 37, DP 758734; Lot 2 Section 37, DP 758734; Lot 3 Section 37, DP 758734; Lot 4 Section 37, DP 758734	Local	I162
Murringo	East Milo Homestead	151 Waihemo Road	Lot 238, DP 754598	Local	I163
Murringo	Grant's Store (former)	2255 Murringo Road	Lot 1 , DP 1173198	Local	I164
Murringo	Murringo Post Office (original)	26 Murringo Gap Road	Lot 82, DP 1115993	Local	I165
Murringo	Marengo Hotel (former)	2266 Murringo Road	Lot 3 , DP 864942	Local	I166
Murringo	Marengo Station Homestead	2605 Murringo Road	Lot 2, DP 882910	Local	I167

Suburb	Item name	Address	Property description	Significance	Item number
Murringo	Murringo General Cemetery	Murringo Road	Lot 1, DP 1161112; Lot 7304, DP 1149678	Local	I168
Murringo	Murringo Memorial Hall and Mechanics' Institute	2272 Murringo Road	Lot 266, DP 754598	Local	I169
Murringo	Murringo Police Barracks (former)	2244 Murringo Road	Lot 363 , DP 754598	Local	I170
Murringo	Murringo Public School	91 Murringo Gap Road	Lot 2 Section 32, DP 758734; Lot 3 Section 32, DP 758734	Local	I171
Murringo	Old Plough Inn	24 Murringo Gap Road	Lot 9, DP 758734; Lot 10, DP 758734	Local	I172
Murringo	Orizaba Homestead and stables	2706 Murringo Road	Lot 74, DP 754598	Local	I173
Murringo	Orizaba Woolshed	2706 Murringo Road	Lot 73, DP 754598	Local	I174
Murringo	Sacred Heart Catholic Church (former)	1723 Geegullalong Road	Lot 1, DP 567585	Local	I175
Murringo	Sacred Heart Catholic School (former)	1709 Geegullalong Road	Lot 11, DP 877024	Local	I176
Murringo	Sacred Heart Convent (former)	1717 Geegullalong Road	Lot 10, DP 877024	Local	I177
Murringo	The Calabash Shearing Shed & shearers' quarters	332 Douglas Gap Road	Lot 1, DP 575416	Local	I178
Murringo	Waihemo Homestead	810 Waihemo Road	Lot 2, DP 754599	Local	I179

Suburb	Item name	Address	Property description	Significance	Item number
Murringo	Waihemo shearers' quarters	810 Waihemo Road	Lot 44, DP 754607	Local	I180
Murringo	Willawong Homestead	660 Douglas Gap Road	Lot 45, DP 754607	Local	I181
Murringo	Willawong shearers' quarters	660 Douglas Gap Road	Lot 58, DP 754607	Local	I182
Murringo	Willawong Woolshed	660 Douglas Gap Road	Lot 58, DP 754607	Local	I183
Murrumburrah	Fallon Family House (former)	57 Iris Street	Lot 1, DP 1079736	Local	I184
Murrumburrah	Allsopp's Mill (former) and residence	220 Neill Street	Lot 2, DP 1080535	Local	I185
Murrumburrah	Barnes Store complex	343-346 Albury Street	Lot 14 Section 39, DP 758737; Lot 15 Section 39, DP 758737; Lot 16 Section 39, DP 758737	Local	I186
Murrumburrah	Demondrille Shire Council Chambers	Bathurst Street	Lot 11 Section 22, DP 758737	Local	I187
Murrumburrah	Harden Murrumburrah General Cemetery	Burley Griffin Way	Lot 1, DP 668458; Lot 1, DP 668462; Lot 723, DP 753624; Lot 724, DP 753624; Lot 7008, DP 1021572; Lot 7013, DP 1021574; Lot 7022, DP 1021570; Lot 7325, DP 1162286; Lot 7326, DP 1162286; Lot 7327, DP 1162286; Lot	Local	I188

Suburb	Item name	Address	Property description	Significance	Item number
			7328, DP 1162286		
Murrumburrah	Historical Society Museum	306 Albury Street	Lot 3, DP 1242689	Local	I189
Murrumburrah	Light Horse Memorial Diorama and Park	Bathurst Street	Lot 1, DP 1027823	Local	I190
Murrumburrah	Liliansfel	259 Albury Street	Lot 4 Section 25, DP 758737; Lot 5 Section 25, DP 758737	Local	I191
Murrumburrah	Murrumburrah Courthouse (former)	374 Albury Street	Lot 1 Section 22, DP 758737	Local	I192
Murrumburrah	Murrumburrah Public School (former)	116 Burley Griffin Way	Lot 351, DP 753624	Local	I193
Murrumburrah	Harden-Murrumburrah Showground	North Street	Lot 570, DP 753624	Local	I194
Murrumburrah	St Mary's Catholic Church	Vernon Street	Lot 6 Section 20, DP 758737	Local	I195
Murrumburrah	Our Lady of Mercy Presbytery	Clarke Street	Lot 19 Section 19, DP 758737	Local	I196
Murrumburrah	Rosemore Store and stables	17 Vernon Street	Lot 6, DP 1058449	Local	I197
Murrumburrah	St Mary's Convent (former)	Vernon Street	Lot 4 Section 1, DP 758737; Lot 5 Section 1, DP 758737	Local	I198
Murrumburrah	Trinity Catholic School	Vernon Street	Lot 7 Section 20, DP 758737	Local	I199
Murrumburrah	Whichcraft & Coffee Cottage	19 Vernon Street	Lot 5 Section 21, DP 758737	Local	I200

Suburb	Item name	Address	Property description	Significance	Item number
Murrumburrah	Inn (former)	190-192 Neill Street, Harden	Lot 15, DP 758737; Lot 16, DP 758737	Local	I201
Murrumburrah	Council Chambers (former)	230 Albury Street	Lot 20 Section 35, DP 758737	Local	I295
Reids Flat	Reids Flat Public Hall	Albert Street	Lot 1, DP 323649; Lot 2, DP 323649	Local	I202
Reids Flat	Reids Flat General Cemetery	Reids Flat Road	Lot 7301, DP 1147361	Local	I203
Reids Flat	Reids Flat Public School (former)	Albert Street	Lot 1 Section 9, DP 758876	Local	I204
Reids Flat	Reids Flat Showground	Britannia Street	Lot 241, DP 754134	Local	I205
Reids Flat	Reids Flat Union Church (former)	26-28 Britannia Street	Lot 7 Section 7, DP 758876	Local	I206
Rugby	Colonial Inn	3109 Rugby Road	Lot 5 Section 3, DP 2025	Local	I207
Rugby	Mewburn Grove Cemetery	3176 Rugby Road	Lot 25, DP 754142	Local	I208
Rugby	Rugby Hall	3083 Rugby Road	Lot 169, DP 754144	Local	I209
Rugby	Rugby General Cemetery	Cnr Rugby Road and Grassy Creek Road	Lot 7003, DP 1148016	Local	I210
Rugby	Rugby General Store (former)	3105 Rugby Road	Lot 4 Section 3, DP 2025	Local	I211
Rugby	Rugby Homestead	Lugano Road	Lot 6, DP 1045855	Local	I212
Rugby	Rugby Memorial Gates	3081 Rugby Road	Lot 7001, DP 1026331	Local	I213
Rugby	Rugby Police Station (former)	3090 Rugby Road	Lot 3 Section 2, DP 2025	Local	I214
Rugby	Rugby Public School (former)	3074 Rugby Road	Lot 164, DP 754144	Local	I215

Suburb	Item name	Address	Property description	Significance	Item number
Rugby	St Aidan's Anglican Church (former)	3062 Rugby Road	Lot 166, DP 754144	Local	I216
Rugby	St Virgil's Catholic Church	31 Good Street	Lot 159, DP 754144	Local	I217
Rye Park	Everton Homestead Group	5316 Dalton Road	Lot 36, DP 754135	Local	I218
Rye Park	Illyria Homestead	793 Rye Park Road	Lot 82, DP 1064886	Local	I219
Rye Park	Palmer Butchery (former)	51 Yass Street	Lot 2, DP 321183	Local	I220
Rye Park	Rye Park Bush Nurse Cottage (former)	29 Yass Street	Lot 13 Section 2, DP 1810	Local	I221
Rye Park	Rye Park General Cemetery	Cemetery Drive	Lot 7003, DP 1026228	Local	I222
Rye Park	Rye Park Soldiers Memorial Hall	16 Yass Street	Lot 1, DP 304133	Local	I223
Rye Park	Rye Park Public School (former)	78-86 Yass Street	Lot 322, DP 40176	Local	I224
Rye Park	Rye Park Recreation Ground	54-68 Yass Street	Lot 1, DP 937799	Local	I225
Rye Park	Rye Park Uniting Church and cemetery (former)	Yass Street	Lot 26, DP 668425	Local	I226
Rye Park	St Joseph's Catholic Church (former)	26-28 Yass Street	Lot 14, DP 6190	Local	I227
Rye Park	St Matthew's Anglican Church (former)	69 Kershaw Street	Lot 5 Section 6, DP 1810	Local	I228

Suburb	Item name	Address	Property description	Significance	Item number
Thuddungra	St Patrick's Catholic Church (former)	2177 Bribbaree Road	Lot 1, DP 938762	Local	I229
Thuddungra	Quamby Homestead	11 Quamby Road	Lot 5, DP 625030	Local	I230
Thuddungra	St Luke's Anglican Church	14 Thuddungra Circuit	Lot 63, DP 754603	Local	I231
Thuddungra	Thuddungra Memorial Hall	22 Blayneys Road	Lot 149, DP 754594	Local	I232
Wallah Wallah	Wallah Wallah Village Site (archaeological site)	Off River Road	Lot 58, DP 754144	Local	I233
Wirrimah	Wirrimah Prune Dehydrator (former)	105 Horseferry Road	Lot 457, DP 754605	Local	I235
Wombat	Sisters of the Sacred Heart Convent (former)	1 Rose Street	Lot 1, DP 718023	Local	I236
Wombat	St Colomanus Catholic Church (former)	124 Rose Street	Lot 12 Section 9, DP 759105	Local	I
Wombat	St Matthew's Anglican Church and Hall (former)	27 Hope Street	Lot 1, DP 614460	Local	I
Wombat	Soldier Memorial Hall	Rose Street	Lot 1, DP 316811	Local	I
Wombat	Wombat General Cemetery	Cnr Bibaringa & Caroon Roads	Road Reserve	Local	I
Wombat	Wombat Hotel	95 Wombat Road	Lot 2, DP 1040193	Local	I241
Wombat	Wombat Public School	46 Rose Street	Lot 2, DP 404697; Lot 3, DP 404697	Local	I242

Suburb	Item name	Address	Property description	Significance	Item number
Young	NSW Government Offices (former AMP building)	27 Lynch Street	Lot 1, DP 966841	Local	I243
Young	Anderson Park War Memorial	Lovell Street	Lot 3, DP 838152	Local	I244
Young	Carrington Park and Band Rotunda	Ripon Street	Lot 1, DP 901476	Local	I245
Young	Bank of NSW (former)	130 Boorowa Street	Lot 1, DP 860132; Lot 2, DP 860132	Local	I246
Young	The Bungalow	3551 Moppity Road	Lot 5, DP 622932	Local	I247
Young	Burrangong Lodge St John (former)	26 Zouch Street	Lot 5, DP 654488	Local	I248
Young	Burrangong Shire Council Chambers (former)	26 Lovell Street	Lot 2, DP 931661; Lot 3, DP 660612	Local	I249
Young	Chapel - St Mary's Church	9 Ripon Street	Lot 1, DP 1195788	Local	I250
Young	Chinese Tribute Gardens	59 Pitstone Road	Lot 7009, DP 1021369; Lot 7008, DP 1021369	Local	I251
Young	Church of St John The Evangelist	19 Cloete Street	Lot 9 Section 20, DP 759144	Local	I252
Young	City Bank (former)	91 Boorowa Street	Lot 2, DP 607172	State	I253
Young	Commercial Hotel	167 Boorowa Street	Lot 7 Section 1, DP 759144	Local	I254
Young	Krebs Lane gold diggings	Krebs Road	Lot 2323, DP 754611	Local	I255
Young	Empire Hotel	74 Lovell Street	Lot 1, DP 1109432	Local	I256

Suburb	Item name	Address	Property description	Significance	Item number
Young	Lynch Street Bridge	Lynch Street	Road Reserve	Local	I257
Young	Milkmaids Creek Bridge	Temora Road	Road Reserve	Local	I258
Young	Millard Centre	192 Boorowa Street	Lot 7, DP 657095; Lot 8, DP 657095	Local	I259
Young	Old Courthouse	54 McLerie Street	Lot A, DP 354601	Local	I260
Young	Phil Holmes Packing Shed	455 Olympic Highway North	Lot 2, DP 878117	Local	I261
Young	Public School (former)	2 Campbell Street	Lot 3, DP 40328	Local	I262
Young	Roll Up Banner (moveable item)	2 Campbell Street	Lot 3, DP 40328	Local	I263
Young	St Joseph's School (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I264
Young	St Mary's Catholic Church	9 Ripon Street	Lot 1, DP 1195788	Local	I265
Young	St Marys Presentation Convent (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I266
Young	St Mary's War Memorial School (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I267
Young	St Patrick's School Hall (former)	9 Ripon Street	Lot 1, DP 1195788	Local	I268
Young	St Paul's Presbyterian Church	26 Lynch Street	Lot 1, DP 5354; Lot 2, DP 5354; Lot 3, DP 5354	Local	I269
Young	Sarah Musgrave Bridge	Campbell Street	Road Reserve	Local	I270
Young	Silknet Building (former Small Arms Annex)	212 Boorowa Street	Lot 1, DP 111154	Local	I271

Suburb	Item name	Address	Property description	Significance	Item number
Young	Southern Cross Hall	96 Main Street	Lot A, DP 385383	Local	I272
Young	Strand Theatre (former)	241 Boorowa Street	Lot 2, DP 748427	Local	I273
Young	Temperance Hall	93 Main Street	Lot 1, DP 1133090	Local	I274
Young	Verity Prunes	43 Nasmyth Street	Lot L, DP 403257	Local	I275
Young	Woodonga Uniting Church (former)	1123 Olympic Highway North	Lot 1, DP 326274	Local	I276
Young	Young Co-op Flour Mill	133 Lovell Street	Lot 1, DP 723903; Lot 1, DP 915844; Lot 2, DP 579936; Lot 2, DP 909310; Lot A, DP 909444; Lot B, DP 909444; Lot 5, DP 907118; Lot 20, DP 136178; Lot 21, DP 136178	Local	I277
Young	Young Court House	74 Lynch Street	Lot 6 Section 20, DP 759144	Local	I278
Young	Young Courthouse (former)	9 Campbell Street	Lot 1, DP 799901	Local	I279
Young	Young Fruitgrowers' Cool Stores	154 Nasmyth Street	Lot 1, DP 341756; Lot 1, DP 668618	Local	I280
Young	Young Gaol (former)	20 Caple Street	Lot 1 Section 49, DP 759144	Local	I281
Young	Young General Cemetery	9 Cunich Street	Lot 1, DP 650679; Lot 1, DP 1121582; Lot 7302, DP 1146653	Local	I282
Young	Young Hotel	89 Lynch Street	Lot 1, DP 900954	Local	I283

Suburb	Item name	Address	Property description	Significance	Item number
Young	Young Poultry Chilling Works (former)	19 Clarke Street	Lot B, DP 103800	Local	I284
Young	Young Post Office	66 Lynch Street	Lot 6A, DP 90384	Local	I285
Young	Young Showground Art Hall	4570 Murringo Road	Lot 1895, DP 754611	Local	I286
Young	Young Showground Grandstand	4570 Murringo Road	Lot 1895, DP 754611	Local	I287
Young	Young Showground Main Pavilion	4570 Murringo Road	Lot 1895, DP 754611	Local	I288
Young	Young Showground Sheep Pavilion and Cattle Shed	4570 Murringo Road	Lot 1895, DP 754611	Local	I289
Young	Young Showground Stan Lowe Pavilion	4570 Murringo Road	Lot 1895, DP 754611	Local	I290
Young	Young Town Hall and Civic Offices	189-201 Boorowa Street	Lot 10, DP 1166763	Local	I291
Young	Young Uniting Church	82 Lynch Street	Lot 1, DP 903100	Local	I292
Young	Tennis Club Rooms	5 Lachlan Street	Lot 1, DP 455259; Lot 3, DP 455259; Lot 4, DP 455259	Local	I294

Part 2 Heritage conservation areas

Note—

Heritage conservation areas are shown on the [Heritage Map](#) by a red outline with red hatching and labelled with the relevant map reference number.

Suburb	Name of heritage conservation area	Identification on Heritage Map	Significance
--------	------------------------------------	--	--------------

Boorowa	Boorowa Heritage Conservation Area (Court and Brial Streets)	C4	Local
Boorowa	Boorowa Heritage Conservation Area (Marsden Street)	C5	Local
Galong	Galong Heritage Conservation Area	C3	Local
Harden	Harden Heritage Conservation Area (Neill Street)	C2	Local
Murrumburrah	Murrumburrah Heritage Conservation Area	C1	Local
Young	Young Heritage Conservation Area	C6	Local

Schedule 6 Pond-based and tank-based aquaculture

Part 1 Pond-based and tank-based aquaculture

Division 1 Site location requirements

1 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the [Biodiversity Conservation Act 2016](#),
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.
- (2) Must not be carried out on the following land, except for the purposes of minimal infrastructure to support the extraction of water from, and discharge of water to, the land concerned—
 - (a) land declared as an aquatic reserve under the [Marine Estate Management Act 2014](#),
 - (b) land declared as a marine park under the [Marine Estate Management Act 2014](#).

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

Division 2 Operational requirements

2 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

3 Pond-based aquaculture that is also intensive aquaculture—pond design

For pond-based aquaculture that is also intensive aquaculture—ponds must be capable of being drained or pumped and then completely dried.

4 Pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—freshwater discharges

For pond-based aquaculture and tank-based aquaculture that is also intensive aquaculture—no discharge of freshwater used to intensively cultivate or keep fish to natural waterbodies or wetlands is permitted, except freshwater discharge from open flow through systems.

5 Outlets from culture ponds etc

All outlets from culture ponds, tanks and other culture facilities must be screened to avoid the escape of fish.

6 Definition

In this Division—

intensive aquaculture has the same meaning as it has in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

Part 2 Extensive pond-based aquaculture

Division 1 Site location requirements

7 Conservation exclusion zones

- (1) Must not be carried out on the following land, except to the extent necessary to gain access to water—
 - (a) land declared an area of outstanding biodiversity value under the Biodiversity Conservation Act 2016,
 - (b) vacant Crown land,
 - (c) land within a wetland of international significance declared under the Ramsar Convention on Wetlands.

Note—

Nothing in this clause affects any requirement under an Act relating to land specified in this clause to obtain a licence or other authority under that Act for development of the land.

8 Flood liability

Must be designed or constructed on land so that it will not be inundated by the discharge of a 1:100 ARI (average recurrent interval) flood event.

Division 2 Operational requirements

9 Species selection

Species of fish or marine vegetation cultivated or kept must be consistent with the relevant aquaculture industry development plan (within the meaning of clause 5.19).

10 Pond design

- (1) Must not require the construction of new ponds, water storages, dams or buildings.
- (2) Must not be located on permanent watercourses, creeks, billabongs or isolated outreaches of creeks or rivers.
- (3) Must be capable of preventing the escape of stock into natural waterbodies or wetlands.

11 Culture water

Must use freshwater.

Dictionary

To view the 'Dictionary' of definitions of terms in this draft (Hilltops) Local Environmental Plan Environmental Planning Instrument, please follow the link below—

<https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2006-155a#dict>