

COBAR SHIRE COUNCIL



ORDINARY MEETING SUPPLEMENTARY REPORT

THURSDAY 22 JUNE 2017

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CLAUSE 13A – DRAFT LAND USE MASTER PLAN FOR THE NEWEY
FILE: P1-7 AOP REFERENCE: 4.4.3 ATTACHMENT: YES (PAGE 8-101)
AUTHOR: *Director of Planning and Environmental Services, Garry Ryman*

Purpose

The purpose of this report is to:

- i. provide the supplementary information and recommendation referenced in Clause 11A of the General Manager’s Report; and
- ii. seek authority to publicly exhibit the draft Land Use Master Plan for the Newey.

Background

The plan has been finalised and distributed with this report.

The plan identifies objectives and actions to guide local management decisions relating to the Newey, with specific regard to applicable land use planning controls under the *Environmental Planning and Assessment Act 1979*.

The timeframe nominated in the resolution did not enable the option of a plan of management under the *Crown Lands Act 1989*. Such a plan is not a mandatory requirement unless specifically required by the Minister under the Act.

A number of management issues relevant to the Newey have been identified with objectives and actions developed for each of the issues.

While the plan comments in general terms about potential projects, application of the plan is limited to providing a management framework to assist with future infrastructure decisions.

The plan also includes a breakdown of the Newey into five separate management precincts, again to guide future decision making.

Issues

The plan highlights that the use of the Newey for the purpose of a camping ground (and / or caravan park) is a prohibited land use under the *Cobar Local Environmental Plan 2012*.

There are no higher level planning instruments under the *Environmental Planning and Assessment Act 1979* which overturn or vary this non-discretionary prohibition. Therefore, without legislative change Council cannot consent to camping at the Newey.

The following dot-point summary is provided to outline what would be needed to seek legislative change and secure necessary approvals. The timeline for this at best

will take months, which could become years, given the Crown Land tenure of the Newey.

- Consult with NSW Lands (landowner) to seek its view on a planning proposal to amend the Cobar LEP 2012 to make camping a permissible use.
- Consult with NSW Planning and Environment to seek initial comments regarding preparation of the planning proposal.
- Engage a consultant to prepare the planning proposal.
- Report to Council.
- Seek a gateway determination from NSW Planning and Environment to proceed with the planning proposal.
- Prepare any required studies from the gateway process.
- Consult with required state agencies.
- Exhibition of planning proposal and any associated technical studies.
- Report to Council following exhibition.
- Planning proposal sent back to NSW Planning and Environment requesting approval to prepare draft LEP.
- Prepare final LEP and submit to NSW Planning and Environment.
- LEP made with notice in government gazette.
- Consult with NSW Lands concerning licensing, rent, plans of management, land transfer options and/or requirements for the operation of a camping ground (and/or caravan park).
- Prepare and submit development application and associated construction certificate application for relevant work.
- Prepare application for approval to operate a camping ground (and/or caravan park) under S68 of the *Local Government Act 1993*.
- Receive all required consent and approvals.
- Develop and commission the site.
- Commence operating on receipt of all final approvals.

An alternative approach to address any shortfall in the number and/or variety of camping options in Cobar is for relevant stakeholders to consider alternative sites where camping is a permissible use. For example, the following zones under the Cobar Local Environmental Plan 2012:

- RU1 – Primary Production;
- R1 – General Residential;
- RE 2 – Private Recreation;
- E3 – Environmental Management.

This approach may consider new sites or add to existing activities on established sites. Existing sites may include Cobar Caravan Park, Cobar Camels Rugby Club, Dalton Park Horse Complex and Ward Oval.

The first step for any person or stakeholder considering either a new site or an existing site would be to undertake a planning site analysis to determine the development potential, servicing requirements, likely compliance with relevant standards and compatibility with existing or adjoining land uses.

RECOMMENDATION

- 1. That Council considers the draft “Newey” Land Use Master Plan for the purpose of public exhibition.**
- 2. That Council publicly exhibit the draft “Newey” Land Use Master Plan for a period of at least 28 days.**
- 3. That Council at its Ordinary Meeting on 24 August 2017 consider a further report in respect of the draft “Newey” Land Use Master Plan.**
- 4. That the General Manager and Directors engage with interested stakeholders concerning the promotion and supply of accommodation options for visitors to Cobar and report back to Council.**

ATTACHMENTS



ORDINARY MEETING SUPPLEMENTARY REPORT

THURSDAY 22 JUNE 2017

~ REFERENCE TO ATTACHMENTS ~

PART A – ACTION

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Clause 13A – Draft Land Use Master Plan for the Newey8-101

COBAR SHIRE COUNCIL



DRAFT **“The Newey”** **Land Use Master Plan**

**Responsible Officer: Director of
Planning and Environmental Services**

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DRAFT

1. Introduction

This plan has been developed in response to the following resolution of Council made on 23 March 2017.

42.3.2017 **RESOLVED:** *That Council produce a Master Plan on the use of the Newey Reservoir within 3 months and that signage be erected at the Newey Reservoir restricting parking in the areas of the walking track and around the barbeque area.*

The purpose of this plan is to identify objectives and actions to guide management decisions relating to the Newey, with specific regard to applicable land use planning controls.

In the future consideration may be given to replacing or supplementing this plan with a Plan of Management under the *Crown Lands Act 1989*. The preparation of such a plan is beyond the scope and timeframe of the above resolution. Further information about the preparation of these plans of management is provided in the background information included in this plan.

2. The Land

Land Parcel – Lot 25 in DP837494

Area – 49.53ha

Title System – Crown Land

Crown Reserve – Part of Dedication 630023

Reserve Trust – Cobar Showground Reserve Trust

Trustee – Cobar Shire Council

Legal Access – From Knight Drive via a Crown Public Road being Lot 7050 in DP755649 (Part of Crown Reserve 93731)

Principal Local Environmental Plan – Cobar Local Environmental Plan 2012

Land Use Zone – Zone RE1 Public Recreation

Mining Titles - Refer to Item 9 in Annexure 1

3. Background Information

Background information relating to the Newey is provided in Annexure 1 and includes maps which may be referenced elsewhere within this Plan.

4. Land Use Legislation

Land use in NSW is primarily governed by the *Environmental Planning and Assessment Act 1979* (EP & A Act) which applies to all land, including land owned by the Crown.

Therefore, use of the Newey must be lawful in terms of the EP & A Act as well as complying with relevant crown land legislation. For example, land uses must be consistent with the reserve purpose.

While the EP & A Act and its regulation provide the overarching structure for land use planning in NSW, there are also a number of other statutory documents or planning instruments to support that structure.

The following list of planning controls and instruments have been identified as being relevant to the Newey. This may not be a complete listing and is included in the Plan as a guide to current land use legislation applicable to the Newey.

The EP & A Act in Section 4 specifically defines “development” which in part includes the

- Use of land, and
- Subdivision of land, and
- Erection of a building, and
- Carrying out of a work, and
- Demolition of a building or work

The carrying out of all development is covered by a threefold classification being “development” that either does not need consent, needs consent or is prohibited.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes three Exempt Development Codes which identify types of development that are of minimal environmental impact and may be carried out without the need for consent.

Extracts from this Policy are provided in Annexure 2 to demonstrate examples of exempt development that may be relevant to the Newey.

State Environmental Planning Policy (Infrastructure) 2007 contains provisions relative to exempt development carried out by public authorities and further lists development controls relevant to

- Parks and other public reserves (exempt development and development permitted without consent)
- Soil conservation works (development permitted without consent)
- Stormwater management systems (exempt development and development permitted without consent)
- Waterway or foreshore management activities (development permitted without consent)

Extracts from this policy are provided in Annexure 3 to show examples of how this policy may apply to the Newey.

As previously stated the Principal Local Environmental Plan and Land Use Zone applying to the Newey are the *Cobar Local Environmental Plan 2012* and Zone RE1 Public Recreation respectively.

The Land Use Table for the Zone RE1 Public Recreation and the dictionary from the *Cobar Local Environmental Plan 2012* are provided in Annexure 4.

The *Cobar Local Environmental Plan 2012* is structured in line with the threefold classification for carrying out of development. The following is included to show the permissibility status of a variety of land uses (refer to Dictionary in Annexure 4) on land zoned RE1 Public recreation.

Permitted without consent

Environmental protection works; roads

Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water supply systems

Prohibited

Amusement centres; agriculture; camping grounds; car parks; commercial premises; place of worship; tourist and visitor accommodation; water treatment facilities and others.

Based on the above analysis it is highlighted that the use of the Newey for the purpose of a camping ground (and/or caravan park) is a prohibited land use.

Therefore, it follows that camping at the Newey is a prohibited activity and is contrary to NSW law.

5. Objectives and Actions

The following objectives and actions are included in the Plan to guide the future management of the Newey.

MANAGEMENT ISSUES	OBJECTIVES	ACTIONS	RESPONSIBLE	TIMEFRAME
GENERAL MAINTENANCE	To ensure amenities are clean and tidy. Site infrastructure is safe and well maintained	Routine works are scheduled and undertaken as required The provision of a level of quality of maintenance that is consistent with the activity undertaken	Engineering Services	Weekly to monthly
WATER QUALITY	Monitor water quality for swimming, fishing or other water activities To ensure that the natural drainage line is continued to be managed for stormwater runoff	Undertake water sampling and testing Erect signs if water is unsuitable for recreation activities Undertake routine works that allow for the unencumbered flow of stormwater	Planning and Environmental Services Engineering Services	Yearly or after a heavy rainfall event
LANDSCAPING AND VISUAL AMENITY OF THE SITE	To provide an attractive and useable landscaped area which compliments and encourages the use of the area	Undertake routine maintenance that allow for useable landscape areas The provision of planting which protects the privacy and amenity of adjoining properties	Engineering Services	Monthly
MAINTAIN AND IMPROVE BIODIVERSITY AND EXISTING VEGETATION	To increase the natural biodiversity and the safety of the existing vegetation	Undertake indigenous plantings to increase the biodiversity Remove old, diseased and overhanging branches of existing trees to minimise hazards Release fingerlings to enhance fish stocks in conjunction with Cobar Fishing Club Introduce nesting boxes for bird species to increase and enhance biodiversity	Planning and Environmental Services Engineering Services Stakeholders	Yearly - 5 years
EROSION AND TRACK MAINTENANCE	To eliminate unnecessary dirt tracks and stabilise remaining tracks to minimise erosion	Limit access to dirt tracks with introduction of bollards Rehabilitate unnecessary tracks	Engineering Services	Yearly to 5 years

	To ensure pedestrian areas have minimum trip hazards	Undertake bitumen walking trail maintenance		
PROHIBITED ACTIVITIES	Communicate prohibited activities and land uses to the public	Erect signs Conduct regular patrols Community Education	Planning and Environmental Services	Weekly As needed
COMPLIANCE	To ensure consistent and unbiased exercise of regulatory functions	Staff dealing with unlawful activity to follow Council's compliance and enforcement policy	Planning and Environmental Services	As needed
RISK MANAGMENT	Ensure safety, health and welfare of employees and stakeholders	Undertake risk assessments Evaluate risks and develop treatment plans for non-acceptable risks Prioritise corrective actions	Planning and Environmental Services Engineering Services Stakeholders	As needed
FUTURE DEVELOPMENT	To ensure all new work and land uses are lawful, sustainable and equitable	Project designs consistent with Council's Disability Inclusion Action Plan Analyse life cycle costs Stakeholder consultation Ensure projects are properly budgeted and funded All projects carried out with consent or as development without consent subject to a Part 5 review of environmental factors. Consider projects relative to management precincts identified in Map 4 of Annexure 1	Planning and Environmental Services Engineering Services Stakeholders Council	As needed

Annexure 1 - General Background Information about the Newey

1. The Setting

1.1 Location

The Newey is situated in the town of Cobar, located within the western division of New South Wales. Cobar Shire Council is approximately 45,609 square kilometres and Cobar has a fluctuating population of four to five thousand mainly due to its mining industry.

The following maps are provided as information

Map 1- Locality Plan

Map 2- Aerial View of Land Parcel

Map 3- Aerial View of Infrastructure at the Newey

1.2 Boundaries and Major Towns

The north of the Cobar Shire area is bordered by the Darling River and south the Lachlan River. The closest towns are Bourke north 160km, Nyngan east 132km, Hillston south 250km, and Wilcannia west 261km. Smaller satellite towns with populations of less than 100 surround Cobar including Canbelego, Nymagee, Mt Hope, Euabalong and West Euabalong.

1.3 Catchments

Cobar is in the Western Local Land Services region (Figure 1), formerly known as the Western Catchment Authority and is part of the Upper Darling Catchment area (Figure 2)

Figure 1. Local Land Services Regions

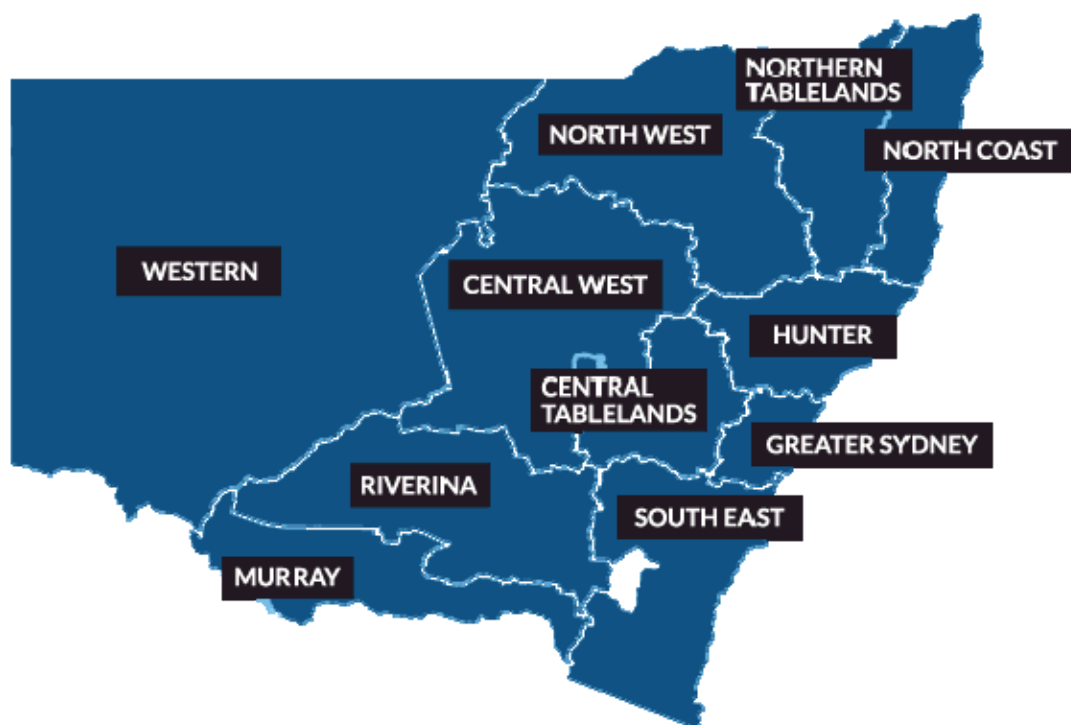
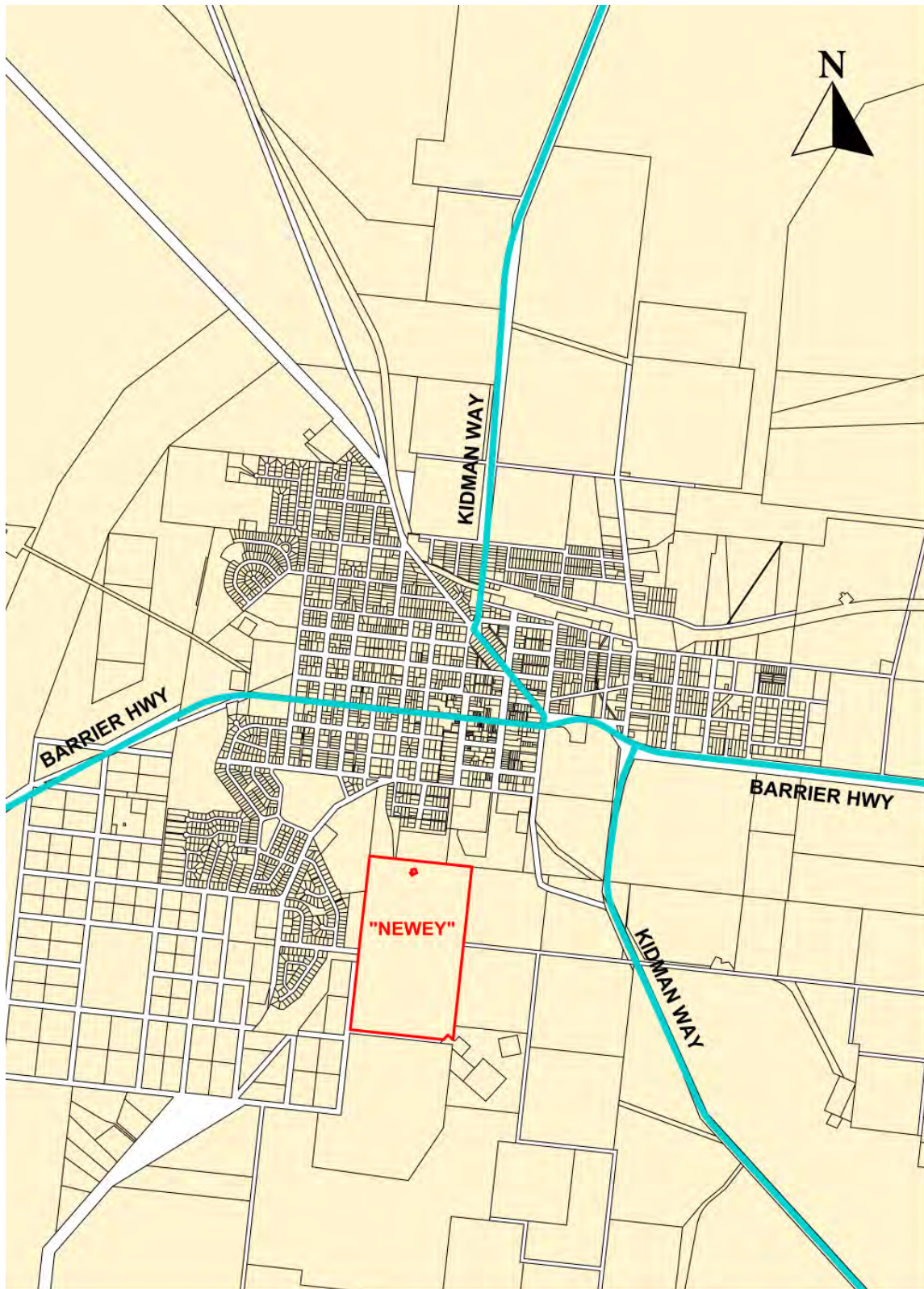


Figure 2. Location of Upper Darling Catchment



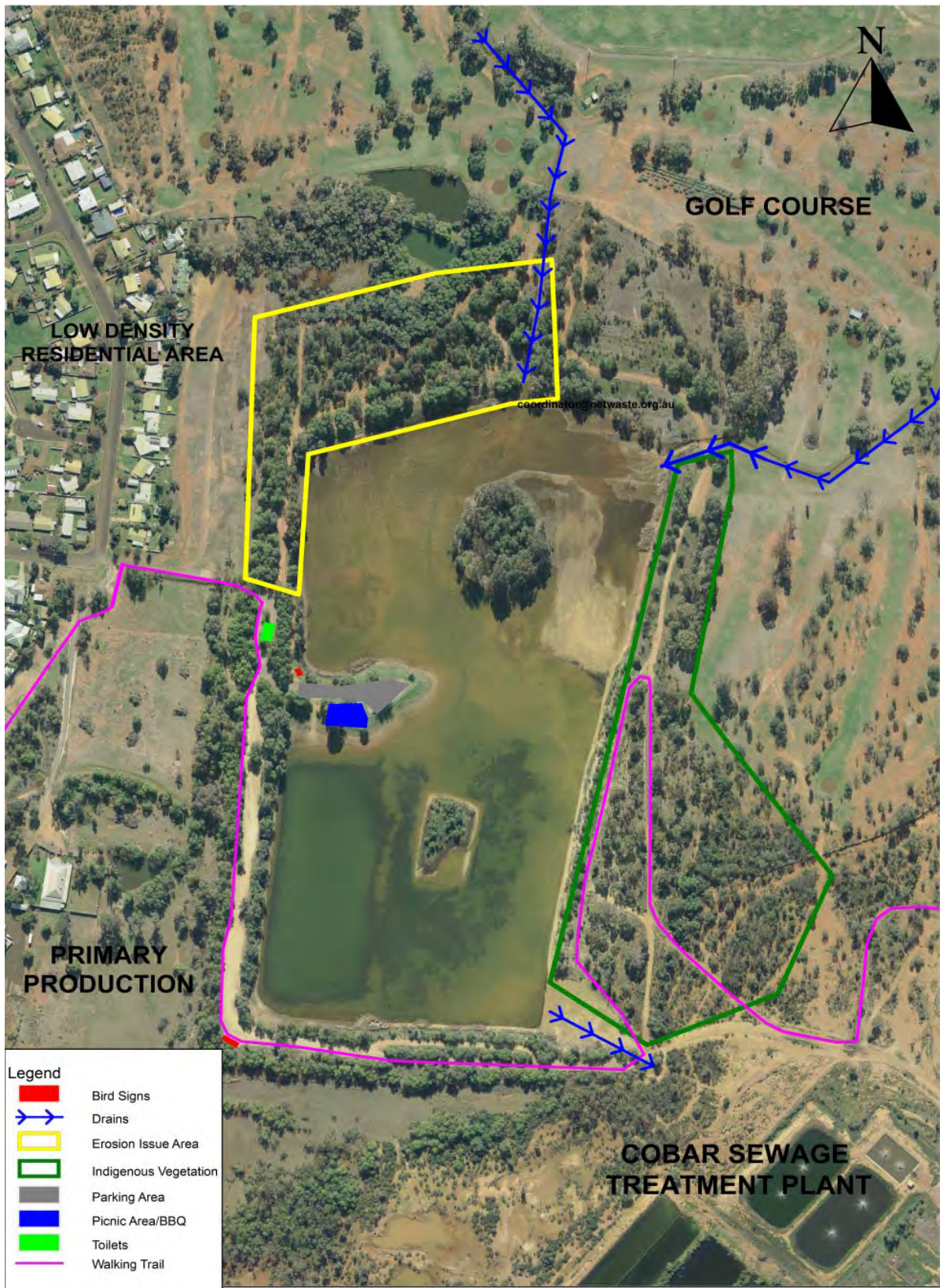
Map 1. Locality Plan



Map 2: Aerial view of land parcel



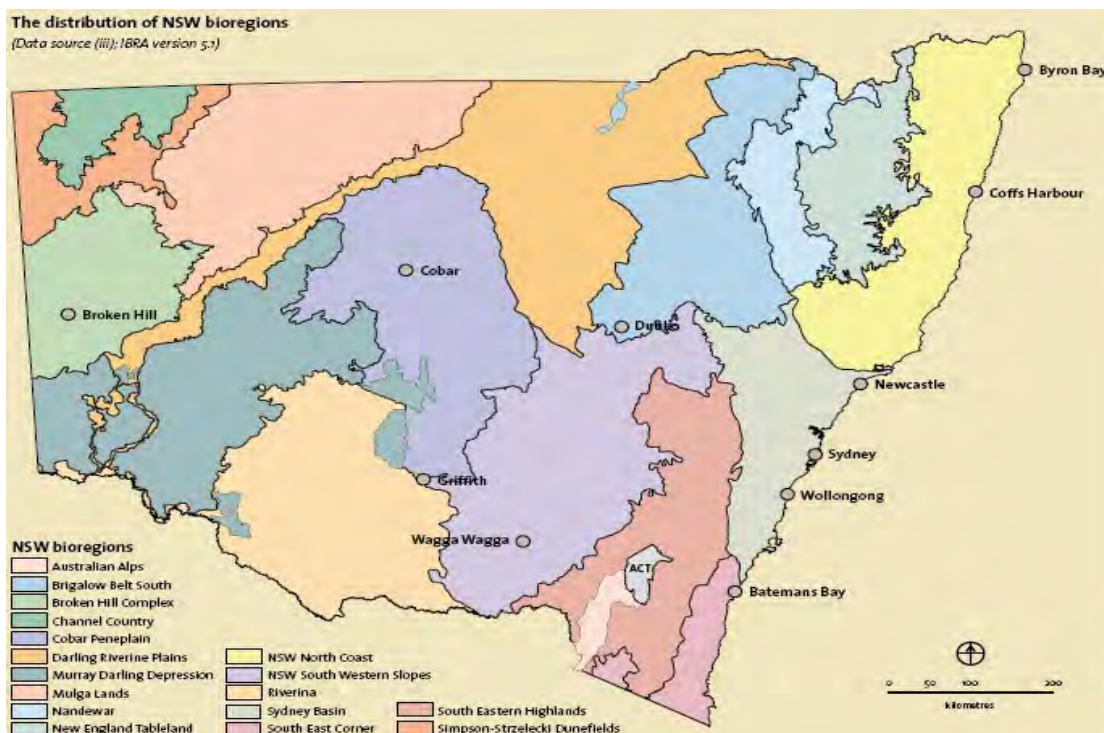
Map 3. Aerial View of Infrastructure at the Newey



1.4 Bioregion

The Newey is in the Cobar Peneplain Bioregion (Figure 3) which covers 9.2% of New South Wales, with over seven million hectares.

Figure 3. Bioregions of NSW



1.5 Neighbouring Land Tenures

The Newey is part of Lot 25 which is 49.53 hectares and is surrounded low density residential, private recreation, general industrial and primary production land uses.

1.6 Management/ Maintenance

The Newey is managed by Cobar Shire Council as Trustees appointed under the *Crown land Act 1989*. Council’s Engineering Services Department is responsible for routine maintenance. The Planning and Environmental Services Department oversees the control of any noxious weeds and monitoring water quality. Council faces the challenges of financial constraints in maintaining existing infrastructure and future developments.

2. Existing Infrastructure and Management Practices

2.1 Access and Parking

There are no formal car parks but there are bitumen areas designated for parking. It is a shared pedestrian and vehicle zone with 20km per hour traffic speed signs at entry and throughout the Newey. These are in fair condition and future consideration is needed to improve these designated areas.

Figure 4. Shared Speed Zone Signs



2.2 Picnic and Barbecues

The area has been designed to encourage recreation activities with a shade shelter with three picnic tables, two gas Barbecues surrounded by lawn and protected from traffic by white log bollards.

Figure 5. Barbecue Shelter Area



Figure 6. Bollard and lawn area



2.3 Walking / Bikes

There is a bitumen walking/biking track around part of water area. Future considerations to extend the trail completely around the water depends on funding. The location of walking track conflicts with vehicle movement in places and should be redesigned. The track is used extensively for walkers, bike riding and dog walking.

Figure 7. Walking Trail



2.4 Water Activities

The area permits water recreational crafts but direction and speed must be adhered by the requirements of the Road and Maritime Authority (RMS). Signs erected near the picnic area display relevant boating rules. Water levels vary due to sediment build-up and vegetation growth which restrict the use of use of power boats. Two existing launching areas are at the Newey.

Fishing is permitted only when a NSW Recreational Fishing Fee has been paid for and issued. Go to www.service.nsw.gov.au to purchase a licence. Cobar Shire has continued to stock the Newey Water with fingerlings from NSW Recreational Fishing Trusts.

Figure 8. RMS Vessel Operations Signs



Figure 9. NSW Fisheries Sign



Figure 10. Existing Launching areas



2.5 Signs

In 2011 funding was granted to the Cobar Shire Council to erect signs of the bird species that inhabit the area. Other signs are present to regulate Alcohol consumption and to remind people to properly dispose of their dog's droppings with bags provided.

Figure 11. Educational bird signs

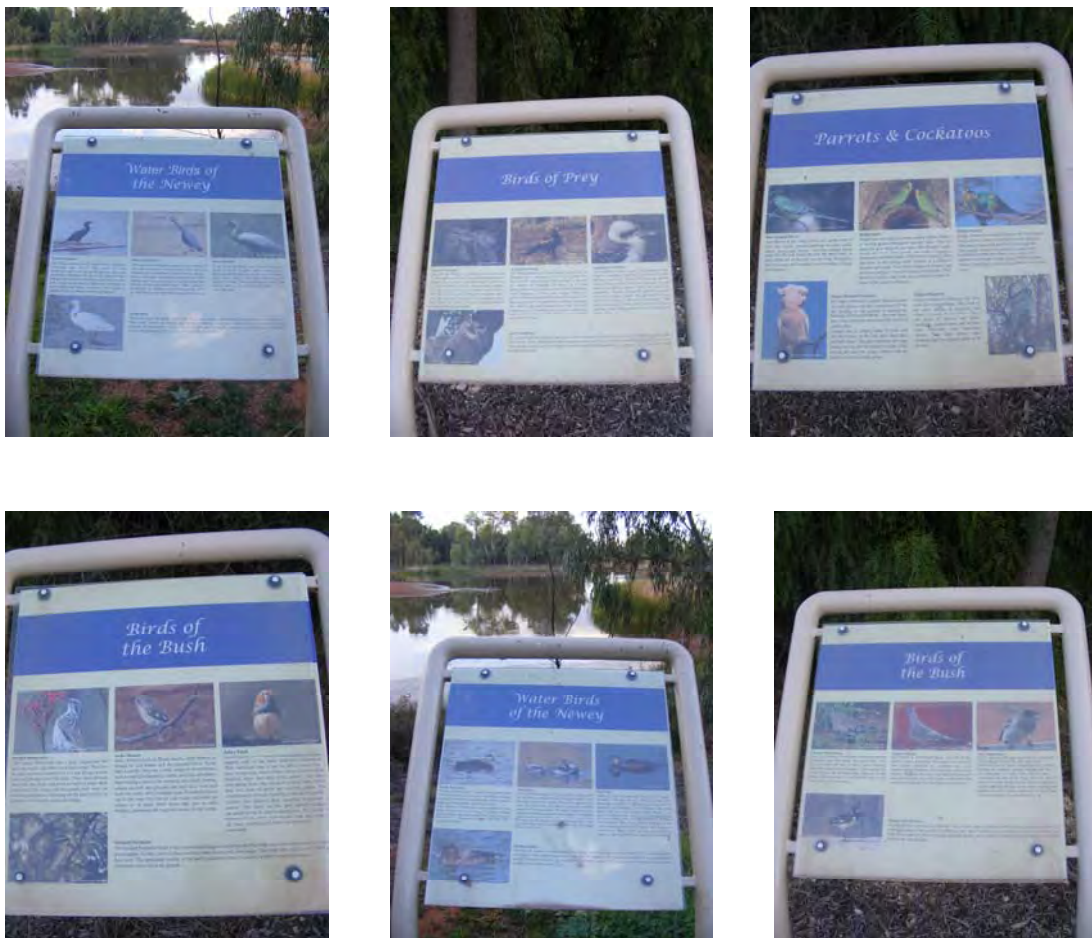


Figure 12. Dog Dropping Signs



Figure 13. Alcohol time permission sign



2.6 Toilet Block

Male and female toilets each containing one toilet compartment and hand basin with cold water. No electricity or artificial lighting is provided in the building. There are no accessible toilet facilities at the Newey.

Figure 14. Toilet Block



2.7 Fires

As the area is close to residential areas and is a public place, no fires are permitted. Fines may be issued.

2.8 Events, Commercial Activities and Conditions of Hire

Prior approval from Cobar Shire Council is required to hold any event and other activities specified as:

- Engaging in a trade or business
- Directing or procuring a theatrical, musical or other entertainment for the public
- Constructing a temporary enclosure for the purpose of entertainment
- For fee or reward, playing a musical instrument or singing
- Setting up, operating or using a loudspeaker or sound amplifying device
- Delivering a public address or holding a religious service or public meeting.

Any activities which carry a high risk of injury and/or which may disrupt other users of the reserve are not permissible. Examples include trail or motorbike riding and horse riding.

3. Previous works and Events

Works for the removal of over-hanging or diseased trees were undertaken in a hazard reduction program in 2008 to ensure safety along the walking track. The area will continually be assessed for future hazards.

Water quality that is safe to swim in and consume fish from is a high priority. In March of 2014 after a large rain event, many fish were found dead along the banks. Cobar Shire Council staff conducted water quality tests and found that with the ‘stirring’ up of the nutrients after the rain diminished the oxygen levels, hence killing many fish. Unfortunately these types of events cannot be stopped, but being mindful and notifying the public immediately with signs to ensure no swimming or consumption of fish. Continual maintenance of drains will ensure they are cleaned of debris and vegetation to allow a clean easy flow of water into the Newey. Continual water quality testing will occur and notices places around the entry point at the Newey to notify the community of any danger to health.

Boating and vessel safety is a risk identified by Cobar Shire Council. With use of the Newey by many different stakeholders there is a risk of injury or accident occurring. When the water reservoir is at capacity many boats and traffic use the area at the same time creating a risk due to the limited space. Vessel management plans has been developed the Road Maritime Service to minimise the risks (Figure 8). Existing signs for boating rules are prominent at the Newey.

There are several dirt tracks found on the northern side of the Newey, which are eroding away due to irresponsible use when the area is wet. Erosion and disturbance to tracks is caused as new tracks are made as traffic try and avoid the mud. Extra bollards or gates to limit access to these areas during these flood events will cease further erosion and maintain track conditions.

Cobar Shire Council in conjunction with the Cobar Fishing Club has previously released fingerlings into the water to ensure fish stocks and this will continue when needed.

Vegetation consists primarily of exotic species with limited indigenous species. Map 3 shows the indigenous vegetation section. The local community has requested to plant endemic species to honour past and present people of the Cobar community.

The walking track is extensively used by the local community. It was constructed with funding from the RMS under the Bike Network program. The track should be routinely checked to ensure that the bitumen is intact and imposes no risks.

The Newey has not been part of Cobar being accepted as an “RV Friendly Town”.

June 2017 the toilet block was refurbished with new stainless steel basins and cisterns, new sky light sheets and interior painting.

4. Flora and Fauna

The Newey is a regenerated man-made area with a mixture of both exotic and native species. Peppercorn trees (*Schinus molle*) are prolific at the Newey with commonly found natives of the bioregion such as Red Ironbark (*Eucalyptus sideroxylon*), Hill Red Gum (*Eucalyptus dealbata*) and Grey Box (*Eucalyptus microcarpa*). The understorey is made up of wattle species such as Mulga (*Acacia aneura*) and low shrubs of *Dodonaea* and *Senna* spp.

Bird species have been surveyed extensively through Eremaea Birdline, listing 89 species of birds. Table 1 shows the extensive list of birds seen at the Newey (Bird Species Survey 2013). Funding was granted by the Road and Maritime Authority to erect signs highlighting commonly seen birds at the Newey as an educational tool.

No survey has been undertaken on the invertebrate fauna of the Newey. Commonly found species around Cobar Peneplain and Cobar Township include short-beaked echidna (*Tachyglossus aculeatus*), Eastern grey kangaroo (*Macropus giganteus*), Inland mastiff-bat (*Mormopterus* sp) and Shingle Back Lizard (*Tiliqua* spp) (Cobar Peneplain Bioregion 2011).

Table 1. Bird Species list from Eremaea

Species	Scientific Name	Reporting Rate
Black Swan	<i>Cygnus atratus</i>	15
Maned Duck	<i>Chenonetta jubata</i>	15
Pacific Black Duck	<i>Anas superciliosa</i>	46
Gray Teal	<i>Anas gracilis</i>	31
Pink-eared Duck	<i>Malacorhynchus membranaceus</i>	23
White-eyed Duck	<i>Aythya australis</i>	54
Blue-billed Duck	<i>Oxyura australis</i>	8
Musk Duck	<i>Biziura lobata</i>	23
Australasian Grebe	<i>Tachybaptus novaehollandiae</i>	38
Hoary-headed Grebe	<i>Poliiocephalus</i>	8
Little Black Cormorant	<i>Phalacrocorax sulcirostris</i>	46
Great Cormorant	<i>Phalacrocorax carbo</i>	31
Pied Cormorant	<i>Phalacrocorax varius</i>	8
Little Pied Cormorant	<i>Phalacrocorax melanoleucos</i>	38
Australasian Darter	<i>Anhinga novaehollandiae</i>	38
Australian Pelican	<i>Pelecanus conspicillatus</i>	15
Pacific Heron	<i>Ardea pacifica</i>	8
Great Egret	<i>Ardea alba</i>	23
Intermediate Egret	<i>Mesophoyx intermedia</i>	8
White-faced Heron	<i>Egretta novaehollandiae</i>	23
Rufous Night-Heron	<i>Nycticorax caledonicus</i>	8
Glossy Ibis	<i>Plegadis falcinellus</i>	8
Straw-necked Ibis	<i>Threskiornis spinicollis</i>	8
Royal Spoonbill	<i>Platalea regia</i>	15
Yellow-billed Spoonbill	<i>Platalea flavipes</i>	15
Australian Kite	<i>Elanus axillaris</i>	8
Brown Goshawk	<i>Accipiter fasciatus</i>	8
Whistling Kite	<i>Haliastur sphenurus</i>	23
Australian Crake	<i>Porzana fluminea</i>	8
Purple Swamphen	<i>Porphyrio</i>	8
Dusky Moorhen	<i>Gallinula tenebrosa</i>	15
Black-tailed Native-hen	<i>Tribonyx ventralis</i>	8
Eurasian Coot	<i>Fulica atra</i>	62
Pied Stilt	<i>Himantopus leucocephalus</i>	15

Masked Lapwing	<i>Vanellus miles</i>	23
Red-kneed Dotterel	<i>Erythrogonys cinctus</i>	15
Black-fronted Dotterel	<i>Elseyornis melanops</i>	23
Australian Painted-Snipe	<i>Rostratula australis</i>	8
Common Sandpiper	<i>Actitis hypoleucos</i>	8
Sharp-tailed Sandpiper	<i>Calidris acuminata</i>	8
Silver Gull	<i>Chroicocephalus novaehollandiae</i>	8
Caspian Tern	<i>Hydroprogne caspia</i>	8
Crested Pigeon	<i>Ocyphaps lophotes</i>	15
Peaceful Dove	<i>Geopelia placida</i>	8
Bar-shouldered Dove	<i>Geopelia humeralis</i>	15
Horsfield's Bronze-Cuckoo	<i>Chrysococcyx basalis</i>	8
Sacred Kingfisher	<i>Todiramphus sanctus</i>	15
Mallee Ringneck	<i>Barnardius barnardi</i>	15
Bluebonnet	<i>Northiella haematogaster</i>	8
Red-winged Parrot	<i>Aprosmictus erythropterus</i>	8
Spotted Bowerbird	<i>Chlamydera maculata</i>	38
Variegated Fairywren	<i>Malurus lamberti</i>	23
Splendid Fairywren	<i>Malurus splendens</i>	8
White-plumed Honeyeater	<i>Lichenostomus penicillatus</i>	15
Yellow-throated Miner	<i>Manorina flavigula</i>	23
Spiny-cheeked Honeyeater	<i>Acanthagenys rufogularis</i>	38
Crimson Chat	<i>Epthianura tricolor</i>	8
Blue-faced Honeyeater	<i>Entomyzon cyanotis</i>	8
Little Friarbird	<i>Philemon citreogularis</i>	8
Painted Honeyeater	<i>Grantiella picta</i>	8
Spotted Pardalote	<i>Pardalotus punctatus</i>	15
Masked Woodswallow	<i>Artamus personatus</i>	8
White-browed Woodswallow	<i>Artamus superciliosus</i>	15
Dusky Woodswallow	<i>Artamus cyanopterus</i>	8
Little Woodswallow	<i>Artamus minor</i>	8
Gray Butcherbird	<i>Cracticus torquatus</i>	8
Pied Butcherbird	<i>Cracticus nigrogularis</i>	8
Australasian Magpie	<i>Gymnorhina tibicen</i>	15
White-winged Triller	<i>Lalage tricolor</i>	8
Gray Shrike-Thrush	<i>Colluricincla harmonica</i>	8
Willie-wagtail	<i>Rhipidura leucophrys</i>	31
Gray Fantail	<i>Rhipidura albiscapa</i>	15
Magpie-lark	<i>Grallina cyanoleuca</i>	54
Restless Flycatcher	<i>Myiagra inquieta</i>	15
Australian Raven	<i>Corvus coronoides</i>	23
Little Raven	<i>Corvus mellori</i>	15
Jacky-winter	<i>Microeca fascians</i>	8
Welcome Swallow	<i>Hirundo neoxena</i>	46
Fairy Martin	<i>Petrochelidon ariel</i>	23
Tree Martin	<i>Petrochelidon nigricans</i>	8
Australian Reed-Warbler	<i>Acrocephalus australis</i>	15
Brown Songlark	<i>Megalurus cruralis</i>	8
Rufous Songlark	<i>Megalurus mathewsi</i>	8
Eurasian Blackbird	<i>Turdus merula</i>	23
European Starling	<i>Sturnus vulgaris</i>	8
Mistletoebird	<i>Dicaeum hirundinaceum</i>	8
House Sparrow	<i>Passer domesticus</i>	23
Plum-headed Finch	<i>Neochmia modesta</i>	15
Double-barred Finch	<i>Taeniopygia bichenovii</i>	23

5. Weeds

The Newey has declared noxious weeds such as African Boxthorn (*Lycium ferocissimum*), Blue Heliotrope (*Heliotropium amplexicaule*) and Noogoora Burr (*Xanthium pungens*). General weeds such as Fierce Thornapple (*Datura ferox*), Khaki weed (*Alternanthera caracasana*) and others species are found throughout the Newey.

6. Topography and Geomorphology

The Newey has red earth clay soils typical of the area. Two main inlet drains flow into the water storage (Map 3). These drains allow for stormwater from the town's streets and golf course to flow into the Newey.

The Cobar Peneplain is described as semi-arid, low undulating plains, with soils of red earth and well drained red loams. There are a number of outlining rocky ridges are present around the Shire while the township of Cobar itself is relatively flat (Cobar Peneplain Bioregion 2011).

7. Cultural and Heritage

Cobar is part of the central semi-arid land of Australia, consisting of hot summers and low rainfall which has meant that water resources are limited. Mining began in the late 1870's in Cobar and continues today. Mining uses large amounts of water and this has burdened the town's water supply. The Newey water reservoir was built for water storage in 1910 and later used in the 1940's again for the Cobar town water storage. A pipeline was built from Nyngan to Cobar which secured Cobar water supply in 1966. The water from Burrendong Dam and the Macquarie River is pumped to Nyngan. The Newey has been used for recreational activities by the community.

The Ngiyampaa are the local Aboriginal people of the Cobar area. The name Cobar is derived from the word 'Kabbur' meaning red earth. The Newey being a man-made structure in the early 1900's has no known significant indigenous areas at the Newey.

8. Stakeholders

The stakeholders of the Newey are listed below-

- Local community
- Cobar Fishing Club
- Cobar Shire Council
- Cobar Bowling and Golf Club
- Crown Land
- Boat Owners
- Visitors/Tourists
- Peak Gold Mine Pty Ltd

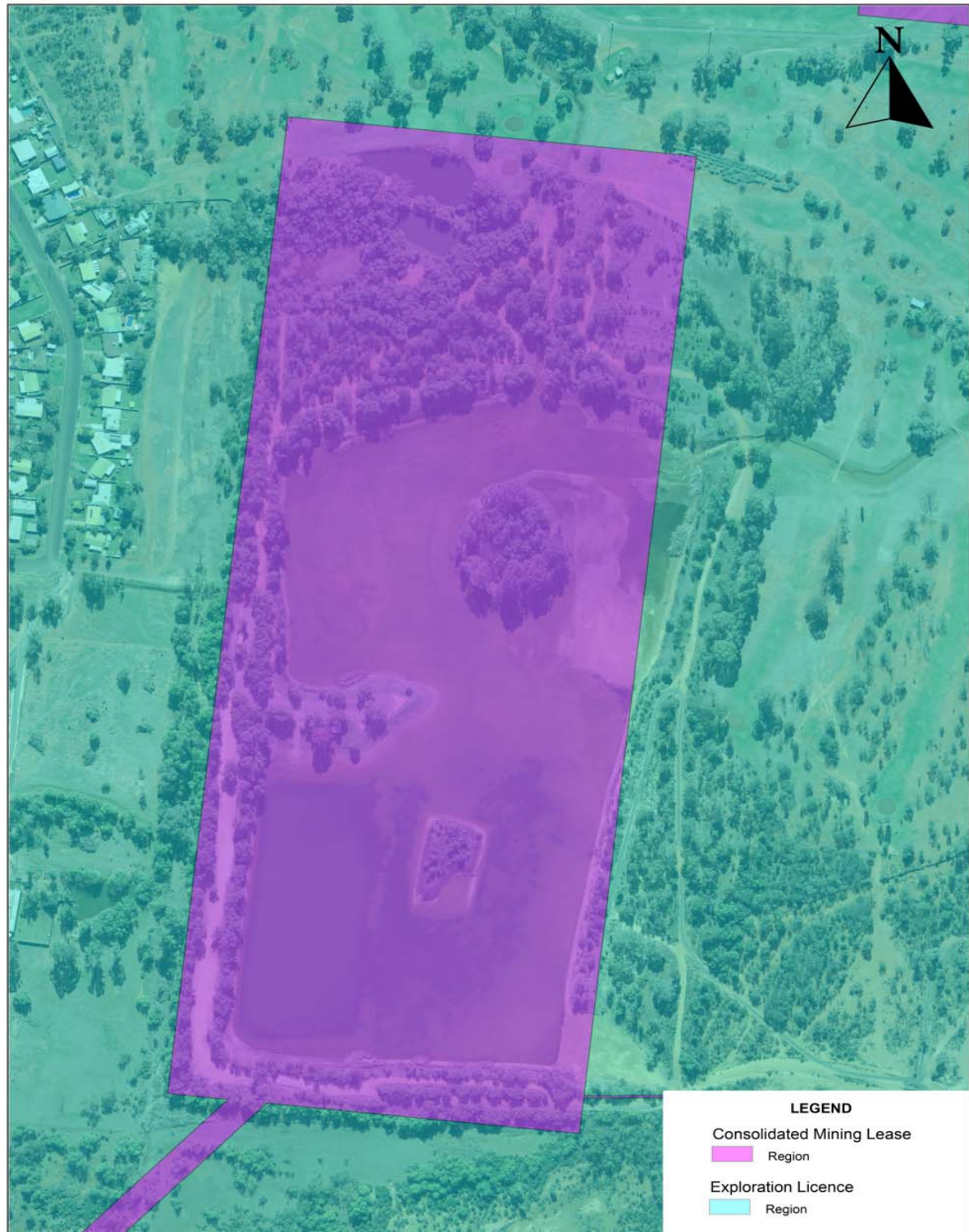
9. Mining/Exploration

Peak Gold Mine Pty Ltd hold both a Consolidated Mining Lease and Exploration Licence over part of the Newey.

Table 2. Mining and Exploration

Type	Reference	Granted	Renewed	Expires	Company	Minerals
Consolidated Mining Lease	CML0006	29/04/1996	15/06/2015	27/02/2034	Peak Gold Mine Pty Ltd	Antimony, Arsenic, Bismuth, Cadmium, Cobalt, Copper, Germanium, Gold, Indium, Iron Minerals, Lead, Nickel, Selenium, Silver, Sulphur, Zinc
Exploration Licence	EL5933	17/04/2002	06/10/2015	16/04/2020	Peak Gold Mine Pty Ltd	Group 1

Map 4. Mining Lease and Exploration Licence



10. Management Precincts

The Newey may be broken up into management precincts to facilitate future management and development of the site. For example:

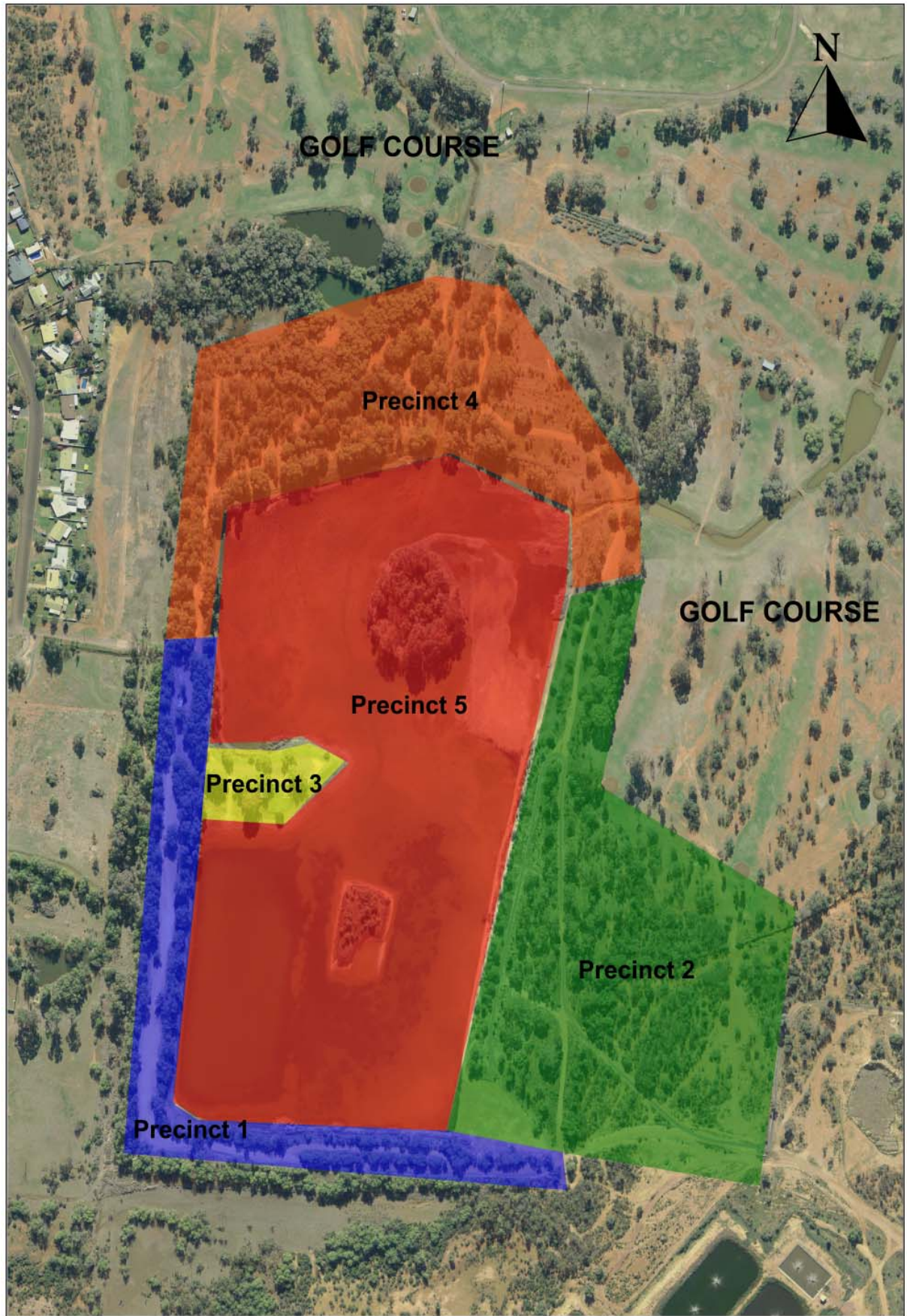
Precinct 1- Recreational Precinct primarily for activities such as walking, fishing, swimming, picnics. Barbeques and associated vehicle parking.

Precinct 2- Biodiversity and Conservation Precinct to protect existing native vegetation and improve/enhance the area by arranging community based revegetation and conservation programs.

Precinct 3- Dedicated picnic area

Precinct 4- Erosion Control Precinct identified for rehabilitation works and management to address soil erosion and maintenance of water management and storage structures.

Precinct 5- Water Storage area.



11. Plans of Management under the Crown Land Act 1989

The following extracts from Chapter 5 of the Crown Land Trust Handbook are provided as information.

5 Plans of management

Plans of management consolidate information about the reserve and its users, and clearly state what, why, how and by whom the values of a reserve are being managed.

Each reserve may not require a formal plan of management to be adopted. However, the principles discussed in this chapter should be used to develop a comprehensive management strategy and business plan.

Plans of management do not need to be lengthy documents. In some cases they might be a short written statement about how the reserve is to be managed in line with its purpose. In other cases a more detailed document may be required to resolve differing opinions as to how the reserve should be managed.

5.1 What is a plan of management?

A plan of management is the document which defines the value, use, management practices and intent for the broad public purpose for which the land has been reserved or dedicated. The plan of management should be consistent with the public purpose for the reserve and the principles of Crown land management, as well as other guidelines, policies, and legal requirements which may apply to the reserve such as the provisions of environmental planning instruments (for example a local environmental plan) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of management are to be prepared in accordance with the Crown Lands Act and adopted by the Minister.

A single plan can be prepared for a number of reserves or commons, if they are managed by one trust and are of the same type or within the same geographical area.

Simple plans of management will tend to include the same content as more complex plans of management, but in varying levels of detail. Content will generally include:

- the values of the reserve i.e. what does the community see as important or valuable about the reserve
- a map of the reserve - showing cadastral (boundaries) and other information
- location map
- description of the reserve and its current purpose and uses
- any legislative restrictions on the reserve such as local zoning requirements
- the presence of native vegetation, or important or threatened natural features or species
- whether the land is subject to specific controls on clearing relating to erosion protection (see Chapter 11)
- any particular risk matters such as flooding, bushfire or hazardous terrain

-
- proposed additional uses if appropriate (see section 5.6,below)
 - locational context, i.e. surrounding land uses
 - acceptable uses (if a use additional to the existing purpose is proposed, a clear statement is required as to why the additional purpose is appropriate)
 - strategies
 - an action plan.

5.2 Why prepare a plan of management

A plan of management may fulfil many purposes. A reserve trust may use a plan of management to, for example:

- set out strategic directions
- outline operational and day-to-day use and management
- act as a conservation tool
- contain directions for development and provision of infrastructure
- specify how broader legal and policy requirements are to be applied to the particular reserve
- create a concept design for future developments
- provide a landscape master plan
- collate information in a single document for ease of reference
- identify and minimise any risks, including any potential emergencies
- develop a budgeted program for maintenance and development work
- ensure the environment is appropriately managed
- define and resolve tenure matters
- provide for an additional purpose for a reserve {see section 5.6, below}.

Plans of management are therefore a good way of setting directions and providing a framework for the strategic and operational use and management of a reserve.

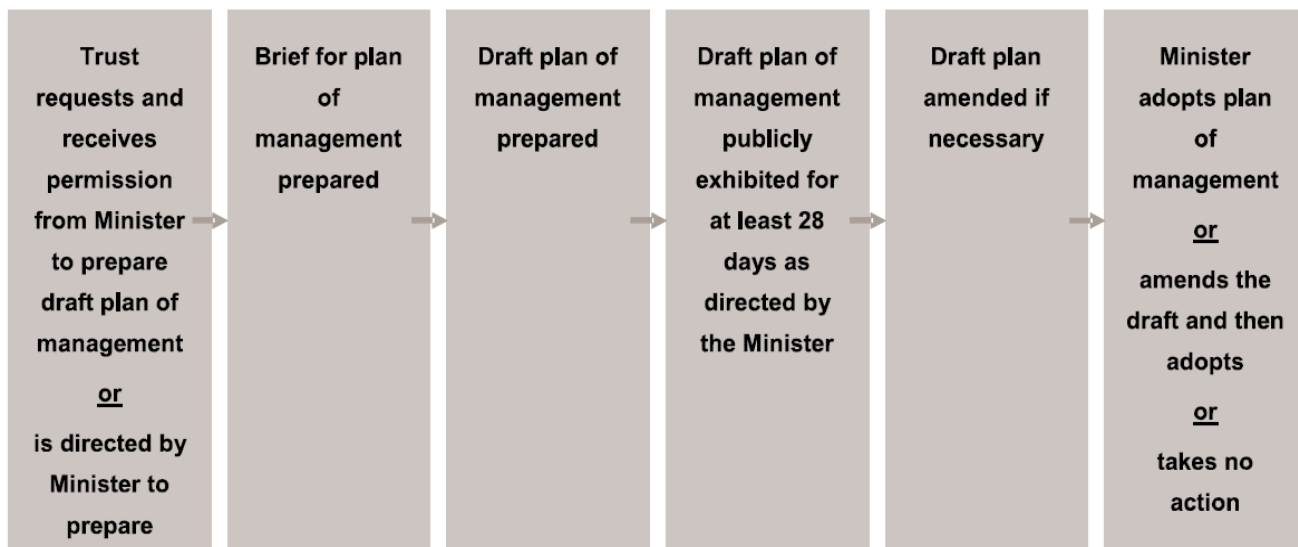
Note: Under the *Local Government Act 1993* it is mandatory to prepare a plan of management for land defined as "community land" under that Act. Community lands are owned directly by a Council. As such, Crown land is not part of a local council's holding of "community land" and is therefore not captured by this Local Government Act requirement.

5.3 Requirements of the Crown Lands Act 1989

The Crown Lands Act does not specify when a plan of management is to be prepared. A reserve trust may, with the consent of the Minister, prepare a plan of management when it deems a plan to be appropriate. However, the Minister may also require a reserve trust to prepare one. If a plan of management is prepared, it must be done in accordance with the legal requirements of the Crown Lands Act. These requirements are summarised below and in Figure 5.1.

- A draft plan of management may be prepared by the reserve trust (with the prior consent of the Minister) or by the Minister.
- The Minister may prescribe the content of the plan and a time limit for its completion. Alternatively, the Minister can prepare a draft, but must refer a copy to the reserve trust for its consideration. The Minister rarely uses this power.
- The draft plan of management must be exhibited for at least 28 days and notified in the Government Gazette and a newspaper with local or state circulation, to give people the opportunity to submit their views on its form and content.
- The Minister has the final say regarding the content of the plan. If the Minister adopts the final version, the reserve trust must comply with it. This means the reserve trust is not permitted to undertake developments or activities that are not included in the plan.
- The Minister has the right to amend or revoke the plan at any time. Any proposal to amend the adopted plan requires public exhibition of the amended plan for a period of at least 28 days

Figure 5.1- Preparing a plan of management under the Crown Lands Act 1989



5.4 How to prepare a plan of management

Before preparing a plan of management you should liaise with your local Crown Lands office. The reserve trust MUST seek prior consent from the Minister to prepare a plan of management. Appendix A sets out various sources of information that may be helpful in preparing the plan. The following steps should be followed:

Preparation

1. Determine the aim of your plan of management.
2. Determine the resources required to draft the plan (both people and money).
3. Identify and collect together the information available on the reserve.
4. Identify any sources of funding available to prepare a plan of management. Funding may be available through, for example, the Public Reserves Management Fund (see Chapter 19).

People resources and community consultation

5. Identify who will manage the plan of management process. Will it be the reserve trust as a whole, a subcommittee, an employee, or a steering committee with representatives from the community (which may include a Crown Lands representative). On-site staff should always be involved, as they hold valuable local knowledge of the reserve.
6. Prepare a project brief to guide those responsible for drafting the plan. The project brief should describe the scope of the proposed plan of management, including the major issues which should be addressed, and should include provision for a community involvement program. A draft outline brief is found in Appendix A
7. The reserve trust should forward the draft project brief to the local office of Crown Lands for review and keep Crown Lands informed of the progress of the work and the content and proposals in the plan.
8. Select the person(s) responsible for preparing the plan of management. An external consultant may be selected to undertake research, write the document and conduct community consultation.

Community consultation

9. The general community should be involved in the preparation of the plan so that visitors' expectations can be identified and considered (see Chapter 6). Community involvement may include identifying the values of the reserve. It is important to consult the community at the time the draft plan is prepared; not at the end of the process.

Development

10. The plan is drafted to include:

- the reserve purpose and values
- desired outcomes
- strategies based on identified values and issues
- appropriate actions to be undertaken, clearly indicating by whom, within what timeframes, indicative cost and priority.

Exhibition, consideration of submissions, and Adoption

11. The draft plan of management is made available for comment by the public through exhibition, notice of which must be given by:

- publishing a Notice in the Government Gazette and
- advertising in the local newspapers.

12. The reserve trust should consider all comments received and decide whether the draft plan should be altered in order to address any identified issues.

13. The reserve trust submits the plan, plus any comments received from the public exhibition, for Ministerial approval.

Implementation and monitoring

14. Once a plan of management has been approved and adopted by the Minister, the reserve trust must ensure (as required by the Crown Lands Act) that it is implemented.

Trust boards should regularly monitor and evaluate the progress of the implementation and review the action plan, for example annually. This may involve staff supervision to check that actions are undertaken, regular site inspections, the collection of data, and a review of the reserve trust's financial statements. The results of this monitoring can then be measured against the intended outcomes of the plan of management, in order to assess the overall success of the implementation.

If the proposals set out in the plan are not being met, the reserve trust should consider either devoting more resources to its implementation or, where this is not feasible, proposing certain amendments to the plan with the permission of the Minister.

Updating of plans of management

15. The desired outcomes of the plan of management should be relevant for five (5) to ten (10) years. At regular intervals, as per the timeframe of the plan, the management strategies should be reviewed and updated if required. The fact that a plan of management has Ministerial approval does not mean that the management direction cannot change in the future. Ministerial approval can be given to amend a plan provided the proposed changes have firstly been exhibited for public comment.

5.5 Content of the plan of management

Following are some guidelines as to content of a plan of management:

Introduction

The introduction should cover:

- the legal status of the land i.e. whether it is reserved or dedicated, and what the reserve purpose is
- a description of the land that the plan covers {this could be as simple as the lot and deposited plan number}
- a map of the land and a location map
- the principles of Crown land management
- the process of developing the plan and community consultation undertaken
- the main legislative and policy requirements which apply to the reserve e.g. the Crown Lands Act.
-

Aim or desired outcomes

Generally the aim of the plan of management should be to clearly articulate (in one place) how the reserve is to be managed.

There may be other outcomes that the reserve trust desires such as to provide the framework for developing the land, to deal with specific issues, to improve the financial position of the reserve and so on. (Refer to section 5.2 Why prepare a plan of management'.)

Reserve purpose and value

The first thing to clarify when developing a plan of management is the purpose of the reserve. The purpose for which the land is reserved will point to the value of the reserve and provide the basis for relevant management activities. There is no nexus, for example, in establishing a child care facility at a reserve where the purpose is environmental conservation.

In addition, the plan of management should clarify the values of the reserve. For example, is the reserve's value primarily because of its natural resources e.g. vegetation; or its cultural values

e.g. historic houses; or social values e.g. a showground. Other values include education, recreation, visual, scientific, or as a resource for future generations etc.

The plan of management must be based on the purpose of the reserve and its values. There are always management issues associated with a reserve, and while it is important that a plan of management clarifies how these issues will be resolved, the plan should not be based on these issues per se.

Timeframe

A plan of management should have a timeframe (usually of 5 or 10 years) and this should be clearly specified. The priorities for reserve management often change over time, and this is why the timeframe of the plan should not be too long.

Experience has shown that preparation of the first plan of management for a reserve may take up to two years to finalise. However, once the reserve trust has completed its first plan of management, review and update of this plan should not be a difficult or time consuming process because a large part of the contents will not change.

Nevertheless, it may also be that while, for example, the purpose of the reserve will stay the same, the values and expectations the community puts on the reserve may change over time. The process of reviewing plans of management helps to articulate such changes in value and may lead to a proposal to change the purpose of the reserve.

Visitor management and facilities

Public use and enjoyment of the reserve is consistent with the purpose of most reserves managed by reserve trusts. The plan of management should outline

- what activities are and are not allowed on the reserve
- what facilities are required now and within the timeframe of the plan of management to provide for those activities.

Disabled access requirements and other special services {if required) should be addressed.

Where activities are additional to the purpose for which the land was set aside, it needs to be clear that the plan of management is authorising an additional purpose or purposes to permit those activities (see 5.6).

Environmental Management

The plan of management should indicate the environmental values that need to be protected and how this will be achieved.

Common issues to address include management of bushfire risk, weeds, feral animals, threatened species, heritage structures, Aboriginal cultural heritage. Further issues are outlined in Chapter 11.

The plan of management should also address sustainable use of resources, for example recycling programs and water conservation.

Commercial management

Income-producing avenues for the reserve should be explored in the plan of management. Funding is an issue for many reserves and therefore income-producing opportunities need to be maximised. Any commercial use of a reserve must be consistent with the reserve purpose unless an additional purpose is authorised in a plan of management, a lease granted by the Minister, or by other separate authorisation by the Minister.

It may be that areas of the reserve can be leased or licensed. Details of any existing or proposed new leases or licences should be incorporated in the plan. The plan should also include a statement that the granting of any commercial lease or licence opportunities will be dealt with by way of public competition.

Reserve trusts should indicate whether a percentage of the income from the reserve trust is being diverted to the Public Reserves Management Fund.

(See also Chapter 14 - Leases and Licences, and the following section "Leasing and Licensing Issues").

Leasing and licensing issues

Where plans of management are to make provision for the leasing and licensing of facilities to commercial operators or special interest groups, they need to address:

- the sustainable use and management of the reserve;
- the size and scale of the proposed area or facility in relation to the size of the reserve;

-
- the relationship of the proposal to development on adjoining land or on other land in the locality;
 - landscaping provisions, including the preservation of trees and other vegetation and enhancement of the visual experience and amenity values of the reserve;
 - provision of adequate infrastructure, water, electricity and sewerage;
 - provision for adequate protection and management of environmental features and/or hazards such as landform stability, coastal erosion, erosion control, drainage & flooding, bushfire, buffer zones, vegetation and landscaping, waste control and noise and lighting;
 - the social and economic effect of the proposal on the reserve and the locality;
 - the character, siting, scale, shape, size, height, design and external appearance of the proposal;
 - provisions for the protection and maintenance of any heritage buildings, archaeological values or sites, indigenous values or sites, or threatened species critical habitat;
 - criteria for the erection of signs for the proposed use. Preferably the aim should be for minimal signage, and for product advertising and sponsorship signage to have minimal impact on the landscape or amenity of the reserve and surrounding locality; and
 - the amount of traffic, parking, loading unloading and manoeuvring likely to be generated by the proposal and how it can be provided without compromising other uses and users of the reserve.

Refer to Chapter 14 for further information on matters relating to leases and licences.

Financial Management

There have been examples where proposed plans of management have little chance of being implemented because funds are not available to carry out the intentions and/or the plan does not address how such funds will be sourced.

A plan of management should indicate the level of current income and expenditure available to the reserve trust, the likely source of other available funds (both current and proposed), and how these might be used to implement the plan of management.

Risk Management

The plan of management should outline how risks are and will be managed. For example, if a risk assessment has not been completed, this could be a high priority action in the plan of management. Alternatively (and preferably) the risk assessment should be undertaken at the same time as the plan of management and actions for addressing identified risks included in the Action Plan.

A risk management checklist can assist in identifying risks and appropriate response strategies. Risk management should include how the reserve will be maintained in a safe manner and include bushfire management (if appropriate) - see chapters 9 and 11.

Action Plan

The areas of management mentioned above provide the strategic framework for the management of the reserve. An Action Plan is also required to set out how the strategies will be achieved. The Action Plan should identify for each of the above strategies (and any other strategies included in the plan of management):

- actions required
- priority
- indicative cost
- timeframe for achievement
- person(s) responsible for implementation.

5.6 Plans of management that provide for an additional reserve purpose

A plan of management may authorise a purpose additional to the public purpose for which the land was dedicated or reserved.

The Crown Lands Act sets out the consultation and other processes that must be followed in the preparation of a plan of management that authorises an additional purpose. The community will have a say in the proposal through the community consultation and public exhibition components in the preparation of the plan of management.

If the reserve trust is seeking to prepare a plan of management that proposes an additional purpose, the reserve trust must advise the Minister of the proposal when seeking the Minister's prior approval to prepare the plan of management.

The Minister may also direct a trust to prepare a plan of management that considers an additional purpose. The Minister can specify the matters that must be addressed within the draft plan of management and can also impose conditions.

The Minister may require the reserve trust to consult on the draft plan with any persons or bodies, and to exhibit the draft plan in accordance with the notice. The Minister may alter or amend the plan at any stage prior to adoption, and may stop the preparation of a plan of management that authorises additional uses or not adopt the plan.

In deciding whether to adopt a plan of management that authorises an additional purpose, the Minister must have regard to the declared purpose of the reserve, the compatibility of the additional purpose with the declared purpose, the principles of Crown land management, impacts on Native Title and the public interest. See Chapter 124 for information on Native Title.

5.7 Helpful hints and common pitfalls

It is important to keep plans of management as simple as possible. While it is important to collect and keep detailed information about the reserve, this is probably best placed in an appendix to the plan of management or a resource document on the reserve.

It is a good idea to have workshop sessions with the community (perhaps facilitated by an independent consultant) so that the community's views and expectations can be used to help determine the future directions of the reserve and its management.

The preparation of a plan of management does not need to be an expensive or complicated process. Some reserve trusts might find it easier to first work through the items covered by this handbook and determine how they relate to the management of the reserve. The outcome could then provide a draft of a management plan which could then be finessed through public consultation to an adopted plan of management.

Most importantly, remember to consult with the Crown Lands Reserves Team should you require any assistance.

Regulatory requirements

- Crown Lands Act 1989 - Part 5, Division 6 (sections 112 - 116)
- Crown Lands Regulation 2006 - clause 34

Further guidance

- State legislation (e.g. Acts and Regulations) relating to reserve trusts, including the Crown Lands Act 1989, can be found at: www.legislation.nsw.gov.au
- There are many sources of information, including other plans, guidelines and policies, that you might find helpful when preparing a plan of management. These are listed in Appendix A.

Annexure 2 - Extracts from State Environmental Planning Policy (Exempt and Complying Development) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Current version for 5 August 2016 to date (accessed 19 June 2017 at 10:07)

Division 2 Exempt and complying development

1.15 What development is exempt development?

- (1) Development that is specified in an exempt development code that meets the standards specified for that development and that complies with the requirements of this Division for exempt development is exempt development for the purposes of this Policy.
- (2) For the purposes of subclause (1), development that is specified includes any specified limitations as to the land on which that development may be carried out.

Note.

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#)), and
- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).

1.16 General requirements for exempt development

- (1) To be exempt development for the purposes of this Policy, 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 carried out on land that is, 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 that Act.
 - (d) (Repealed)
- (1A) Despite subclause (1) (c), if development meets the requirements and standards specified by this Policy and that development:
 - (a) has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or
 - (b) is subject to an exemption under section 57 (1A) or (3) of that Act,the development is exempt development under this Policy.
- (1B) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (c) applies only to the part of the land that is described and mapped on that register.
- (1C) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, any restriction on carrying out development on the relevant land on which the item is located applies only to the part of the land that is described and mapped on that instrument.
- (2) 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 for the purposes of this Policy 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.
- (3) To be exempt development for the purposes of this Policy, the development must:

-
- (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note.

A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#).

- (4) (Repealed)

Subdivision 1 Access ramps

2.1 Specified development

The construction or installation of an access ramp is development specified for this code.

2.2 Development standards

The standards specified for that development are that the development must:

- (a) be not more than 1m above ground level (existing), and
- (b) be located at least 450mm from each side boundary and the rear boundary, and
- (c) not interfere with the functioning of existing drainage fixtures or the natural surface flow of water, and
- (d) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
- (e) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Note.

See AS 1428.1—2009, *Design for access and mobility—General requirements for access—New building work* and the [Disability \(Access to Premises—Buildings\) Standards 2010](#) under the [Disability Discrimination Act 1992](#) of the Commonwealth which specifies the design requirements for new building work to provide access for people with disabilities.

Subdivision 2 Aerials, antennae and communication dishes

2.3 Specified development

The construction or installation of an aerial, antenna or a satellite communications dish (including any supporting mast) is development specified for this code if the construction or installation does not comprise fire alarm communication link works within the meaning of the [Environmental Planning and Assessment Regulation 2000](#).

2.4 Development standards

- (1) The standards specified for that development are that:
 - (a) if the development is attached to an existing building, either by being mounted on the roof or attached to an external wall of a building:
 - (i) the development must not have a diameter of more than 900mm if the development is installed in connection with the use of a dwelling on the lot, and
 - (ii) the development must not have a diameter of more than 1.8m if installed for any other purpose, and
 - (iii) the development must not be higher than 1.8m above the highest point of the roof of the building, and
 - (iv) if the development is constructed or installed on a heritage item or draft heritage item—the development must only be attached to the rear wall and roof plane of the existing building and must not be higher than the highest point of the roof of the building, and
 - (b) if the development is located at ground level (existing), the development:
 - (i) must not have a diameter of more than 1.8m, and
 - (ii) must not be higher than 1.8m above ground level (existing), and
 - (iii) must be located at least 900mm from each lot boundary, and
 - (iv) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4,

RU6 or R5, and

(v) must resist loads in accordance with AS/NZS 1170.0:2002 *Structural design actions, Part 0: General Principles* and AS/NZS 1170.2:2011 *Structural design actions, Part 2: Wind actions*, and

(vi) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 *Concrete structures*, and

(c) if the development is a mast or attached to a mast, the mast:

(i) must not have a diameter of more than 100mm, if a solid mast or 500mm if constructed as an open lattice frame, and

(ii) must not be higher than 10m above ground level (existing) inclusive of the mast and any attachments, and

(iii) must be located at least 5m from each lot boundary, if the mast is over 5m in height, and 2m from each lot boundary, if the mast is 5m or less in height, and

(iv) must not be constructed or installed on or in a heritage item or draft heritage item, and

(v) must be located at the rear of the lot if it is not on land within Zone RU1, RU2, RU3, RU4, RU6 or R5, and

(vi) must resist loads in accordance with AS/NZS 1170.0:2002 *Structural design actions, Part 0: General Principles* and AS/NZS 1170.2:2011 *Structural design actions, Part 2: Wind actions*, and

(vii) must be anchored by a concrete slab or footing designed in accordance with AS 3600—2009 *Concrete structures*.

(2) For subclause (1), there must be:

(a) no more than 3 developments per lot, and

(b) not more than 1 mast or antenna located at ground level (existing) on the lot.

(3) Despite subclause (2), development in connection with the use of dwellings in a residential flat building on the lot may comprise 1 (but not more than 1) dish, aerial or antenna per dwelling.

Note.

There are other existing legislative requirements relating to the clearance of power lines and Obstacle Limitation Surfaces near airport flight paths.

Subdivision 7 Barbecues and other outdoor cooking structures

2.13 Specified development

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this code.

2.14 Development standards

The standards specified for that development are that the development must:

(a) not have an area of more than 4m², and

(b) be not higher than 1.8m above ground level (existing), and

(c) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6—be located behind the building line of any road frontage, and

(d) be located at least 450mm from each lot boundary, and

(e) not be used for commercial purposes.

Subdivision 8A Bollards

2.16A Specified development

The construction or installation of a bollard is development specified for this code.

2.16B Development standards

The standards specified for that development are that the development must:

(a) be not higher than 1.4m above ground level (existing), and

(b) not have a diameter of more than 600mm, and

(c) be associated with any of the following development:

(i) (Repealed)

-
- (ii) commercial premises,
 - (iii) premises used for light industry,
 - (iv) warehouse or distribution centre, and
 - (d) not reduce any existing means of entry to, or exit from, any such associated development or the lot on which it is situated.

Subdivision 13 Demolition

2.25 Specified development

Demolition of development that would be exempt development under this code if it were being constructed or installed is development specified for this code if it is not carried out on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.26 Development standards

The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

Note.

A building constructed before 1987 may contain asbestos. Businesses are licensed to undertake asbestos removal work under the [Occupational Health and Safety Regulation 2001](#) (refer to *Working with Asbestos: Guide 2008* (ISBN 0 7310 5159 9) published by the WorkCover Authority). If the work is not undertaken by a licensed contractor it should still be undertaken in a manner that minimises risks (refer to *Fibro & Asbestos—A Renovator and Homeowner's Guide* at <http://more.nsw.gov.au>). Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Subdivision 15 Earthworks, retaining walls and structural support

2.29 Specified development

Earthworks and the construction or installation of a retaining wall or other form of structural support is development specified for this code if it is not carried out, constructed or installed on or in a heritage item or a draft heritage item, on a flood control lot or in an environmentally sensitive area.

2.30 Development standards

The standards specified for that development are that the development must:

- (a) not be a cut or fill of more than 600mm below or above ground level (existing), and
- (b) be located at least 1m from each lot boundary, and
- (c) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (d) be located at least 40m from a waterbody (natural), and
- (e) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (f) if it is a retaining wall or structural support for excavation or fill, or a combination of both:
 - (i) be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and
 - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
 - (iii) be located at least 1m from any registered easement, sewer main or water main, and
 - (iv) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (g) if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#).

Subdivision 15AA Emergency work and temporary repairs

2.30AA Specified development

The temporary repair of any damage to a building or structure caused by an event that constitutes a significant and widespread danger to life or property in any zone in an area declared by an order under section 33 of the [State Emergency and Rescue Management Act 1989](#) to be an area where a state of emergency exists is development specified for this code.

2.30AB Development standards

The standards specified for that development are that the development must:

- (a) be carried out within 6 months of the declaration being made, and
- (b) not change the configuration of the floor space of the building or structure being repaired, and
- (c) not increase the floor space of the building or structure being repaired, and
- (d) be to make the building or structure weatherproof and, if a dwelling, suitable for habitation.

Subdivision 20 Flagpoles

2.39 Specified development

The construction or installation of a free-standing flagpole is development specified for this code.

2.40 Development standards

(1) The standards specified for that development are that the development must:

- (a) be not higher than 6m above ground level (existing), and
 - (b) not have a diameter of more than 90mm, and
 - (c) be located at least 3m from each side and rear boundary.
- (2) There must not be more than 1 development per lot.
- (3) Any flag flown from the development must not have an area of more than 2.5m² and must not be used for advertising.

Subdivision 24 Landscaping structures

2.47 Specified development

The construction or installation of a landscaping structure (including a garden arch), other than a retaining wall is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.

2.48 Development standards

The standards specified for that development are that the development must:

- (a) be not higher than 2.1m above ground level (existing), and
- (b) be not wider than 1.5m, and
- (c) be located at least 900mm from each lot boundary, and
- (d) not comprise masonry construction higher than 1m from ground level (existing), and
- (e) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard.

Subdivision 26 Minor building alterations (internal)

2.51 Specified development

(1) A minor internal building alteration for the replacement or renovation of:

- (a) a doorway, wall, ceiling or floor lining, or
- (b) a deteriorated frame member, including stairs and stairwells, or
- (c) a bathroom or kitchen, or
- (d) a built in fixture such as a vanity, a cupboard or a wardrobe, or
- (e) an existing sanitary fixture, such as a grease trap or the like, or
- (f) shelving or racking that is not higher than 2.7m, or
- (g) a work station or counter,

is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.

(2) The installation of new or replacement insulation material in the ceiling, floor or wall of a

building is development specified for this code.

2.52 Development standards

The standards specified for that development are that the development must:

- (aa) not be an alteration to a food preparation area in food and drink premises, and
- (a) if it is the replacement or renovation of a deteriorated frame member—be of equivalent or improved quality materials, and
- (b) not include a change to the configuration of a room, whether by removal of an existing wall, partition or other means, and
- (c) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (d) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (e) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (f) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*.

Subdivision 27 Minor building alterations (external)

2.53 Specified development

A minor external non-structural building alteration, such as the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (c) the repair to or replacement of a non-structural wall or roof cladding,
- (d) the installation of a security screen or grill to a door or window or a security door,
- (e) the repair to or replacement of a balustrade,
- (f) restumping or repairing structure foundations without increasing the height of the structure, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

2.54 Development standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (b) not reduce the existing fire resistance level of a wall or roof, and
- (c) if located on bush fire prone land:
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (d) not affect any existing fire resisting components of the building, and
- (e) not affect the means of egress from the building in an emergency, and
- (f) if it is the installation of a security screen or grill to a door or window or a security door:
 - (i) be for the purposes of a dwelling, or
 - (ii) be for any other purpose so long as:
 - (A) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
 - (B) the security door is installed at least 5m from the boundary of any road.

Note.

See separate entry for skylights.

Subdivision 27A Mobile food and drink outlets

2.54A Specified development

The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code.

2.54B Development standards

The standards specified for that development are that the development must:

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day, and
- (g) if located on a public place—have any approval required under section 68 of the [Local Government Act 1993](#), and
- (h) if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Note.

A registrable vehicle within the meaning of the [Road Transport \(Vehicle Registration\) Regulation 2007](#), or a cart, bicycle cart or the like must operate in accordance with the *Guidelines for mobile food vending vehicles* (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the [Food Act 2003](#).

Subdivision 28 Pathways and paving

2.55 Specified development

- (1) The construction or installation of a pathway or paving, including any paving of a deck, pergola, patio or terrace is development specified for this code.
- (2) Subclause (1) does not include any paving of a driveway, hard stand space or turning or parking area to be used by vehicles for any purpose, including the delivery or loading of goods.

2.56 Development standards

The standards specified for that development are that the development must:

- (a) be constructed or installed so that any surface water or runoff is disposed of by a drainage system that is connected to the existing stormwater drainage system, and
- (b) if constructed or installed in a residential zone or Zone RU5:
 - (i) not require cut or fill more than 600mm below or above ground level (existing), and
 - (ii) not result in the total area of all paved areas (including driveways and hardstand areas) on the lot exceeding 15% of the area of the lot or 150m², whichever is the lesser, and
- (c) if constructed or installed in a residential zone:
 - (i) on a lot that has a width at the front building line of not more than 18m—have at least 25% of the area forward of the building line as landscaped area, and
 - (ii) on a lot that has a width at the front building line of more than 18m—have at least 50% of the area forward of the building line as landscaped area, and
- (d) if constructed or installed in a zone (other than a residential zone or Zone RU5):
 - (i) not require cut or fill more than 1m below or above ground level (existing), and
 - (ii) not reduce any required landscaped area along a boundary with a road or an adjoining lot on which a dwelling is located.

Note.

The Standard Instrument defines *landscaped area* as a part of a site used for growing plants, grasses and trees, but not including any building, structure or hard paved area.

Subdivision 29 Playground equipment

2.57 Specified development

The construction or installation of playground equipment is development specified for this code.

2.58 Development standards

The standards specified for that development are that the development must:

- (a) (Repealed)
- (b) be not higher than 2.5m above ground level (existing), and
- (b1) be located at least 450mm from each side and rear boundary, and
- (c) if it is on land in Zone R1, R2, R3 or R4—be located in the rear yard.
- (d) (Repealed)

Subdivision 32 Rainwater tanks (above ground)

2.63 Specified development

The construction or installation of a rainwater tank above ground is development specified for this code if it is not constructed or installed on land in a foreshore area or in an environmentally sensitive area.

2.64 Development standards

(1) The standards specified for that development are that the development must:

- (a) if it is on land other than land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4:
 - (i) for an educational establishment—not have a capacity of more than 25,000 L, and
 - (ii) in any other case—not have a capacity more than 10,000 L, and
 - (iii) be located at least 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing), and
 - (b) if it is on land in Zone RU1, RU2, RU3, RU4, RU6, R5, E2, E3 or E4—be located at least 10m from each lot boundary, and
 - (c) be located behind the building line of any road frontage, and
 - (d) not rest on the footings of an existing building for support, and
 - (e) not require cut and fill of more than 1m below or above ground level (existing), and
 - (f) be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and
 - (g) be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and
 - (h) be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and
 - (i) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
 - (j) have a sign affixed to it with a statement to the effect that the water in the tank is rainwater, and
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.
- (2) Pumps attached to the development must be housed in an enclosure that is soundproofed.
- (3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.
- (4) In this clause:

educational establishment means a building or place used for education (including teaching) and includes a pre-school, a school, a tertiary institution that provides formal education (such as a university or TAFE establishment) and an art gallery or museum that is not used to sell the items displayed in it (whether or not the building or place is also used for accommodation for staff or students).

Subdivision 33 Rainwater tanks (below ground)

2.65 Specified development

The construction or installation of a rainwater tank below ground is development specified for this code if:

- (a) it is constructed or installed on land in Zone RU1, RU2, RU3, RU4, RU6 or R5, and
- (b) it is not constructed or installed on land that is identified on an Acid Sulfate Map as being Class 1–5, and
- (c) it is not constructed or installed on land that is identified as an environmentally sensitive area.

2.66 Development standards

(1) The standards specified for that development are that the development must:

- (a) be fitted with a first-flush device that causes initial run-off rainwater to bypass the tank, and
- (b) have a sign affixed to it stating the water in it is rainwater, and
- (c) be constructed or installed to prevent mosquitoes breeding in it, and
- (d) have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and
- (e) if it is constructed or installed on or in a heritage item or a draft heritage item—be located in the rear yard.

(2) Pumps attached to the development must be housed in an enclosure that is soundproofed.

(3) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.

Subdivision 36 Shade structures of canvas, fabric, mesh or the like

2.71 Specified development

The construction or installation of a shade structure of canvas, fabric, mesh or the like is development specified for this code if it is not constructed or installed on land in a foreshore area.

Note.

See separate entry for awnings, blinds and canopies.

2.72 Development standards

The standards specified for that development are that the development must:

- (a) (Repealed)
- (b) not have an area more than:
 - (i) if for residential uses—20m², or
 - (ii) if it is constructed or installed for the purposes of a child care centre in a residential zone—40m², or
 - (iii) if it is constructed or installed for the purposes of a child care centre in a zone other than a residential zone—60m², or
 - (iv) if it is constructed or installed for the purposes of any other use—30m², and
- (c) not cause the total area of all such structures on the lot to be more than 15% of the ground floor area of all buildings on the lot, and
- (d) not be higher than 3m from ground level (existing), and
- (e) be located at a distance from each lot boundary of at least:
 - (i) if the development is carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or
 - (ii) in any other case—900mm, and
- (f) be located behind the building line of any road frontage, and

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- (g) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials, and
 - (h) if it is connected to a fascia—be connected in accordance with a professional engineer’s specifications, and
 - (i) not interfere with the functioning of existing drainage fixtures or flow paths, and
 - (j) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and
 - (k) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
 - (l) if it is constructed or installed for the purposes of a child care centre—be constructed of non-combustible material.

Subdivision 39 Sculptures and artworks

2.77 Specified development

The installation and display of any outdoor sculpture or other form of freestanding artwork is development specified for this code if it is not constructed or installed on or in a heritage item or draft heritage item, in a heritage conservation area or draft heritage conservation area or on land in a foreshore area.

2.78 Development standards

The standards specified for that development are that the development must:

- (a) be approved by the owner of the land on which it is installed or, if it is installed on a public road, be approved by the relevant roads authority (within the meaning of the [Roads Act 1993](#)), and
- (b) be structurally sound and securely fixed with any moveable parts securely attached, and
- (c) not give rise to any noise or other nuisance to any adjoining property, and
- (d) if installed on land in a residential zone—be not more than 3m in height and 3m in diameter, and
- (e) if installed on land in any other zone—be not more than 6m in height, and
- (f) if installed on land adjoining land in a residential zone—must be wholly located at least 3m from the boundary with that adjoining land.

Subdivision 39C Waste storage containers

2.78E Specified development

The installation of a waste storage container in a public place (within the meaning of the [Local Government Act 1993](#)) is development specified for this code.

2.78F Development standards

The standards specified for that development are that the development must be located in accordance with an approval granted under the [Local Government Act 1993](#).

Subdivision 40A Waterways structures—minor alterations

2.80A Specified development

The following works to existing lawful boat sheds, jetties, marinas, pontoons, water recreation structures and wharf or boating facilities are development specified for this code if the works are not carried out on or in a heritage item or a draft heritage item:

- (a) the repair or replacement of the following:
 - (i) decking on a boardwalk, gangway, ramp, jetty, landing, landing steps, pontoon or wharf or on any stairs, steps or skids,
 - (ii) a handrail or ladder,
 - (iii) non-load bearing members,
- (b) non-structural internal or external alterations to an existing lawful boat shed, including painting, plastering, cement rendering, cladding, attachment of fittings and decorative work,
- (c) the installation of the following:
 - (i) emergency items such as lifebuoys and any associated signage,

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- (ii) lighting,
 - (iii) service pedestals,
 - (d) painting or other similarly applied surface treatment that is intended to protect a structure from corrosion or weathering.

2.80B Development standards

The standards specified for that development are that the development must:

- (a) if it is for the repair or replacement of non-load bearing members:
 - (i) use members of like dimension to the members being repaired or replaced, and
 - (ii) not modify the footprint for the structure concerned, and
 - (iii) use materials that are equivalent to the quality of the existing approved materials being repaired or replaced, and
- (b) if it is for a non-structural internal or external alteration to a boat shed—not affect the load bearing capacity of any component of the boat shed, and
- (c) not result in a pile being left exposed within the waterway, and
- (d) if it relates to the surfaces of pontoons, ramps or jetties (including the tops of piles)—be untreated, or stained or painted in recessive colours sympathetic to the existing natural landscape and built form, unless otherwise required for safety reasons, and
- (e) if it is the installation of lighting:
 - (i) be for the purpose of aiding pedestrian movement to, from and on the facility and be fixed to the existing structure at a height of no more than 1.5m above the surface used for pedestrian movement, and
 - (ii) not exceed 15 lux (being a unit of measurement for illumination) measured at the area to which the lighting is directed, and
 - (iii) be designed and located so as not to affect safe navigation or cause any nuisance to neighbours or users of the waterway, and
- (f) if it is the installation of service pedestals:
 - (i) be attached to an existing structure and installed in accordance with the manufacturer’s specifications, and
 - (ii) not be higher than 1.4m above the level of any wharf or deck on or near which it is located, and
 - (iii) not exceed a width or depth of 300mm, and
- (g) if it is pollution control facilities, occupational health and safety measures and environmental management works:
 - (i) satisfy any applicable legislative requirements relating to pollution control, and
 - (ii) not be undertaken for the purpose of remediating contaminated land, and
- (h) not reduce the amount of light penetration to any water below, and
- (i) not increase the area of the existing footprint of any building, and
- (j) not change the classification of any building under the *Building Code of Australia*, and
- (k) not involve disturbance of, or injury to, the bed of any waterway or marine vegetation (within the meaning of the [Fisheries Management Act 1994](#)), and
- (l) not include a change to the fire resisting components of, or interfere with the entry to or exit from, or the fire safety measures contained within, any building, and
- (m) use recessive colours sympathetic to the existing natural landscape and built form, and
- (n) be consistent with the terms of any applicable development consent, and
- (o) if an approval is required under the [Fisheries Management Act 1994](#)—be approved under that Act, and
- (p) if a licence is required under the [Protection of the Environment Operations Act 1997](#)—be licenced under that Act.

Annexure 3 - Extracts from State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007

Current version for 6 January 2017 to date (accessed 19 June 2017 at 10:29)

[Part 2](#) Division 4

Division 4 Exempt development

Note 1.

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

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#)), and
- (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).

Note 2.

In addition to the requirements set out in this Policy in relation to exempt development, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply. For example, requirements relevant to the kind of exempt development concerned may be contained in the Act, the [Environmental Planning and Assessment Regulation 2000](#), various State environmental planning policies, the [Protection of the Environment Operations Act 1997](#), the [Roads Act 1993](#) and Acts applying to various infrastructure authorities. If the development is in proximity to infrastructure, including water, stormwater and sewer mains, electricity power lines and telecommunications facilities, the relevant infrastructure authority should be contacted before commencing the development.

20 General requirements for exempt development

(1) This clause applies to any development that this Policy provides is exempt development.

Note.

Clause 20A and other provisions of this Policy identify kinds of development that are exempt development if they meet the requirements of this clause.

(2) 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:
 - (i) cause the building to contravene the *Building Code of Australia*, or
 - (ii) compromise the fire safety of the building or affect access to any fire exit, and
- (c) must be carried out in accordance with all relevant requirements of the Blue Book, and
- (d) must not be designated development, and

Note.

Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and
- (f) must be installed in accordance with the manufacturer's specifications, if applicable, and
- (g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

Note.

A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#).

20A Exempt development carried out by public authorities for purposes in Schedule 1

Development for a purpose specified in Schedule 1 is exempt development if:

- (a) it is carried out by or on behalf of a public authority, and
- (b) it meets the development standards for the development specified in Schedule 1, and
- (c) it complies with clause 20.

Schedule 1 Exempt development—general

(clause 20A)

Development purpose**Development standards****General provisions**

Access ramps for persons with a disability

- Ramps must provide access to public transport, outdoor recreational areas or the ground floor of buildings or car parks.

- Grade must not exceed 1:14 and must comply with AS 1428.1–2001, *Design for access and mobility—General requirements for access—New building work*.

- Ramp structures must not create a traffic or pedestrian hazard or be part of a State or local heritage item.

Air conditioning units

- Must have a Minimum Energy Performance Standard consistent with AS/NZS 3823.2:2005, *Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standard (MEPS) requirements*.

- Noise level must not exceed 5dB(A) above ambient background noise level measured at property boundary.

Awnings, canopies, pergolas and storm blinds

- Surface area must not exceed 20m² (except for an educational establishment).

- Height must not exceed 2.4m above ground level (existing).

- Must maintain all required boundary setbacks for the associated building and no part of structure must be within 900mm of any property boundary.

Building external alterations including re-cladding roofs or walls

- Must involve only repair or renovation, or painting, plastering or other decoration, of building.

- Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building.

- Any re-cladding must involve only replacing existing materials with similar materials and not involve structural alterations.

Building internal alterations

- Must be non-structural alterations to existing building only, such as:

- (i) replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or
- (ii) inclusion of built-in fixtures.

- Must not affect load-bearing capacity of any load-bearing

	component of building.
Car parks	<ul style="list-style-type: none"> • Must be open (unenclosed) car parking (but may include associated gates including security booths and boom gates). • Must not be carried out on land within a growth centre (within the meaning of State Environmental Planning Policy (Sydney Region Growth Centres) 2006) that is not subject land within the meaning of clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995.
Carports associated with an existing building	<ul style="list-style-type: none"> • Surface area must not exceed 20m². • Height must not exceed 2.4m above ground level (existing). • Must be located behind any relevant building setback. • Must be no part of structure within 500mm of any side or rear boundary. • Stormwater drainage or run-off must be via connection to existing stormwater system.
Decks (unroofed and attached to a building that is not located on bush fire prone land)	<ul style="list-style-type: none"> • Surface area must not exceed 10m². • Finished surface level must not be more than 1m above ground level (existing). • Boundary setbacks for existing building to be maintained.
Demolition of buildings or structures (unless part of a heritage item or within a heritage conservation area) the erection of which is exempt development under this Policy	<ul style="list-style-type: none"> • Must be carried out in accordance with AS 2601—2001, <i>Demolition of structures</i> and must not cover an area of more than 100m².
Fences—erection of security fences	<ul style="list-style-type: none"> • Must be for infrastructure facility and erected along road frontage or non-road boundary. • Height must not exceed 2.15m above ground level (existing).
Fences (other than security fences or fences covered by the Swimming Pools Act 1992)	<ul style="list-style-type: none"> • Must be constructed so as not to prevent natural flow of stormwater drainage or run-off. • If in a residential zone, height of boundary fence must not exceed 1.8m above ground level (existing) if behind front building line and 1.2m if forward of that line. • Must not include masonry construction to a height of more than 900mm above ground level (existing).
Fire fighting emergency equipment—construction or maintenance of emergency equipment including fire sprinkler system replacement or augmentation of fire systems and fire water tanks	<ul style="list-style-type: none"> • If located within a residential care facility for seniors (within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004), a fire sprinkler system must comply with the Fire Sprinkler Standard (within the meaning of Division 7B in Part 9 of the Environmental Planning and Assessment Regulation 2000).
Flagpoles	<ul style="list-style-type: none"> • Height must not exceed 6m above ground level (existing) or above an existing building. • Must not display commercial advertising. • Flagpole structure and any attached flag must not project over public road.

Hoardings to restrict unauthorised entry to construction sites—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a building or carrying out of maintenance or repairs (for which, in each case, any required consent has been obtained)

• Must not encroach onto footpath or public thoroughfare.
• Must be removed immediately on completion of work if removal will not give rise to safety risk.

Landscaping (including paving and turfing and access tracks) carried out in conjunction with other development which is exempt under this Policy

Lighting—construction maintenance

or • Construction and maintenance of external lighting if light spill is contained within site and in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*.

• Construction and maintenance of lighting at or in vicinity of air transport facilities if consistent with *Manual of Standards (MOS)—Part 139—Aerodromes* published by the Civil Aviation Safety Authority (established under [Civil Aviation Act 1988](#) of the Commonwealth).

Offices—portable

• Height must not exceed 1 storey.
• Setbacks must be in accordance with any applicable setback provisions of development control plan applying to site.

• Must not be carried out on land within a growth centre (within the meaning of [State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006](#)) that is not **subject land** within the meaning of clause 17 of Schedule 7 to the [Threatened Species Conservation Act 1995](#).

Rainwater and bore water tanks

• Height (including any stand) must not exceed 2.4m above ground level (existing).

• No part of structure must be within 450mm of any property boundary or situated no closer to street than any associated building.

• Rainwater tank must be fitted with first-flush device that causes initial run-off of any rain to bypass tank to reduce pollutants entering tank.

• Installation must not involve excavation of more than 1m from ground level (existing), or filling of more than 1m above ground level (existing).

• Must not be installed over any structure or fittings used by public authority to maintain water or sewer main.

• Must be sign affixed to tank, clearly stating that water in tank is rainwater or bore water (as appropriate).

Retaining walls

- Must not provide for retaining of fill to height above ground level (existing) of more than 2m or excavation to depth below ground level (existing) of more than 1m.
- Must not prevent the natural flow of stormwater drainage/run-off.

Scaffolding—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a building or carrying out of maintenance or repairs which, in each case, any required consent has been obtained)

- Must not encroach onto footpath or public thoroughfare.
- Temporary fencing must be provided to restrict unauthorised access to site if scaffolding is within 3m of any boundary.
- Must be removed immediately on completion of work if removal will not give rise to safety risk.

Security cameras—installation for security purposes

Sheds

- Must be free-standing, prefabricated and constructed of non-reflective materials.
- Development must not result in shed with a total floor area exceeding 30m².
- Height must not exceed 2.5m above ground level (existing).
- Must be located in rear of infrastructure facility.

Skylight or roof windows

- Area of skylight must not exceed 2m².
- Must not be located within 900mm of any property boundary or within 900mm of any wall separating attached dwellings.
- Work must not reduce structural integrity of building or involve structural alterations.

General provisions: signs

Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)

- Surface area must not exceed 3.5m².
- Must be located wholly within property boundary or attached to existing boundary fence and not projecting more than 100mm from fence.

Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*.

Identification, directional, community information or safety signs associated with the purpose of this provision and published in the Gazette. use of road infrastructure

- Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Secretary for the safety signs associated with the purpose of this provision and published in the Gazette.

Temporary signs advertising an event and associated details including sponsorship of the event

- Surface area must not exceed 3.5m².
- Must be located wholly within property boundary.
- Must not be displayed earlier than 28 days before event and must be removed within 14 days after event.

- Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*.

General provisions: subdivision

Boundaries—adjustment to the • Must not result in:

- boundary of a lot (including to (i) creation of any additional lot or legal right to erect
widen a public road or create a dwelling, or
public reserve) (ii) creation of lot that depends on use of services provided
to, or utilities of, another lot, or
(iii) change in area of any lot by more than 10 per cent, or
(iv) increased bush fire risk to existing buildings.

Division 12 Parks and other public reserves

64 Definition

In this Division:

public reserve has the same meaning as it has in the [Local Government Act 1993](#), but does not include a Crown reserve that is dedicated or reserved for a public cemetery.

65 Development permitted without consent

(1) Development for any purpose may be carried out without consent:

- (a) on land reserved under the [National Parks and Wildlife Act 1974](#), if the development is for a use authorised under that Act, or
(b) on land declared under the [Marine Estate Management Act 2014](#) to be a marine park if the development is for a use authorised under that Act, or
(c) on land declared under the [Fisheries Management Act 1994](#) to be an aquatic reserve if the development is for a use authorised under that Act.

(2) Development for any purpose may be carried out without consent:

- (a) on Trust lands within the meaning of the [Centennial Park and Moore Park Trust Act 1983](#), by or on behalf of the Centennial Park and Moore Park Trust, or
(b) on trust lands within the meaning of the [Parramatta Park Trust Act 2001](#), by or on behalf of the Parramatta Park Trust, or
(c) (Repealed)

(d) in the case of land that is a reserve within the meaning of Part 5 of the [Crown Lands Act 1989](#), by or on behalf of the Director-General of the Department of Lands, a trustee of the reserve or (if appointed under that Act to manage the reserve) the Ministerial Corporation constituted under that Act or an administrator,

if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land.

(3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- (a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,
(b) outdoor recreational facilities, including playing fields, but not including grandstands,
(c) information facilities such as visitors' centres and information boards,
(d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,
(e) landscaping, including irrigation schemes (whether they use recycled or other water),
(f) amenity facilities,
(g) maintenance depots,
(h) environmental management works.

66 Exempt development

(1) Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a public reserve or on land referred to in clause 65 (1), and if it complies with clause 20:

- (a) construction, maintenance and repair of:

-
- (i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,
 - (ii) viewing platforms with an area not exceeding 100m², or
 - (iii) sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or
 - (iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence,
- (b) routine maintenance (including earthworks associated with playing field regrading or landscaping and maintenance of existing access roads).
- (2) Development of a kind referred to in subclause (1) is exempt development if it is carried out on land referred to in clause 65 (2) by or on behalf of the person specified in respect of that land in that subclause, if the development:
- (a) complies with clause 20, and
 - (b) involves no greater disturbance of native vegetation than necessary, and
 - (c) does not result in an increase in stormwater run-off or erosion, and
 - (d) for the purposes of implementing a plan of management adopted for the land under the Act referred to in clause 65 (2) in relation to the land.

Division 19 Soil conservation works

108 Definition

In this Division:

soil conservation works means development necessary:

- (a) to avoid, manage or mitigate the effects of salinity, acid sulfate soils, acid soils or sodic soils, or
- (b) to avoid, manage or mitigate the effects of erosion.

109 Development permitted without consent

(1) Development for the purpose of soil conservation works may be carried out by or on behalf of a public authority without consent on any land.

(2) A reference in this clause to development for the purpose of soil conservation works includes a reference to development for any of the following purposes if the development is in connection with soil conservation works:

- (a) construction works,
- (b) routine maintenance works,
- (c) emergency works, including works associated with landslides,
- (d) environmental management works.

Division 20 Stormwater management systems

110 Definition

In this Division:

stormwater management system means:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and
- (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and
- (c) stormwater reuse schemes.

111 Development permitted without consent

(1) Development for the purpose of stormwater management systems may be carried out by or on behalf of a public authority without consent on any land.

(2) A reference in this clause to development for the purpose of stormwater management systems includes a reference to development for any of the following purposes if the development is in connection with a stormwater management system:

- (a) construction works,

-
- (b) routine maintenance works, including maintenance dredging to remove sediment build-up in a stormwater canal or at exit points into natural waterways that affects the efficiency of the stormwater management system,
 - (c) environmental management works.

112 Exempt development

Development for any of the following purposes carried out by or on behalf of a public authority is exempt development if the development is in connection with a stormwater management system and complies with clause 20 if the development involves no greater soil or vegetation disturbance than necessary and does not involve any increase in stormwater drainage or run-off from the site concerned:

- (a) emergency works or emergency maintenance or repairs to protect a stormwater management system,
- (b) investigation for system development or to establish the condition or safety of existing infrastructure (including geotechnical and other testing, surveying and sampling) at, above or below the surface of the ground,
- (c) routine maintenance or associated landscaping works, including the following:
 - (i) removal of litter or debris from stormwater quality improvement devices,
 - (ii) harvesting of macrophytes associated with a treatment system,
 - (iii) excavations to expose a pipeline for inspection or testing and temporary stockpiles associated with pipeline maintenance or repair,
 - (iv) flushing or relining of a pipeline where access is by a manhole,
 - (v) maintenance of access tracks along corridors, pipelines and other infrastructure,
 - (vi) painting, servicing or minor alteration of existing equipment,
 - (vii) alterations to existing enclosures or buildings,
- (d) installation, maintenance, repair or replacement of a trunk drainage channel, pipeline marker or cathodic protection system,
- (e) works for safety or security, such as:
 - (i) construction, maintenance or realignment of security fencing that has a height above ground level (existing) of not more than 3.2m, or
 - (ii) temporary fencing around work sites or around open excavations, or
 - (iii) maintenance or repair of existing gates or installation of new gates,
- (f) temporary structures associated with maintenance projects, but only if the structure has only one storey.

Division 25 Waterway or foreshore management activities

128 Definitions

In this Division:

coastal lake has the same meaning as in [State Environmental Planning Policy No 71—Coastal Protection](#).

Coastal Panel means the NSW Coastal Panel established under Part 2A of the [Coastal Protection Act 1979](#).

coastal protection works has the same meaning as in the [Coastal Protection Act 1979](#).

coastal zone management plan has the same meaning as in the [Coastal Protection Act 1979](#).

waterway or foreshore management activities means:

- (a) riparian corridor and bank management, including erosion control, bank stabilisation, resnagging, weed management, revegetation and the creation of foreshore access ways, and
- (b) instream management or dredging to rehabilitate aquatic habitat or to maintain or restore environmental flows or tidal flows for ecological purposes, and
- (c) coastal management and beach nourishment, including erosion control, dune or foreshore stabilisation works, headland management, weed management, revegetation activities and foreshore access ways, and
- (d) coastal protection works, and
- (e) salt interception schemes to improve water quality in surface freshwater systems, and

(f) installation or upgrade of waterway gauging stations for water accounting purposes.

129 Development permitted without consent

(1) Despite clause 129A, development for the purpose of waterway or foreshore management activities may be carried out by or on behalf of a public authority without consent on any land.

(1A) To avoid doubt, subclause (1) does not permit the subdivision of any land.

(2) In this clause, a reference to development for the purpose of waterway or foreshore management activities includes a reference to development for any of the following purposes if the development is in connection with waterway or foreshore management activities:

(a) construction works,

(b) routine maintenance works,

(c) emergency works, including works required as a result of flooding, storms or coastal erosion,

Note.

Temporary coastal protection works within the meaning of the [Coastal Protection Act 1979](#) are excluded from the operation of the EP&A Act and therefore are not development to which this clause applies.

(d) environmental management works.

(2A) The following provisions apply in relation to the carrying out of new coastal protection works by or on behalf of a public authority on the open coast or entrance to a coastal lake:

(a) if a coastal zone management plan is in force in relation to the land on which the development is to be carried out—the public authority (or person carrying out the works on behalf of the public authority) must consider the provisions of that plan before carrying out the development,

(b) if a coastal zone management plan is not in force in relation to the land on which the development is to be carried out—the public authority (or person carrying out the works on behalf of the public authority) must:

(i) notify the Coastal Panel before carrying out the development, and

(ii) take into consideration any response received from the Coastal Panel within 21 days of the notification.

(2B) For the purposes of subclause (2A):

new coastal protection works means coastal protection works other than:

(a) the placement of sand (including for beach nourishment) or sandbags, or

(b) the replacement, repair or maintenance of any such works.

(3) Development for the purpose of temporary works for or associated with drought relief may be carried out by or on behalf of a public authority without consent, but only if the development is:

(a) carried out on land publicly identified by the Minister for Primary Industries as being in drought, and

(b) removed, and the area rehabilitated, within 4 months after the date on which the area is no longer so identified.

Note.

Areas of NSW that are in drought are identified on the website of the Department of Primary Industries.

Annexure 4 - Extracts from Cobar Local Environmental Plan 2012

Cobar Local Environmental Plan 2012

Current version for 5 August 2016 to date (accessed 19 June 2017 at 10:40)

[Land Use Table](#) Zone RE1

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.

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water supply systems

4 Prohibited

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

Dictionary

(Clause 1.4)

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

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

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note.

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

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

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

advertisement has the same meaning as in the Act.

Note.

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

advertising structure has the same meaning as in the Act.

Note.

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

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

affordable housing has the same meaning as in the Act.

Note.

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

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

Note.

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

agriculture means any of the following:

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

Note.

Part 6 of the [Plantations and Reafforestation Act 1999](#) provides that exempt farm forestry within the meaning of that Act is not subject to the [Environmental Planning and Assessment Act 1979](#).

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

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

Note.

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

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

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

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

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

aquaculture has the same meaning as in the [Fisheries Management Act 1994](#).

Note.

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

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

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

- (a) each dwelling is attached to another dwelling by a common wall, and

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

Note.

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

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

backpackers' accommodation means a building or place that:

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

Note.

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

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

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

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

Note.

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

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

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

Note.

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

biodiversity means biological diversity.

biological diversity has the same meaning as in the [Threatened Species Conservation Act 1995](#).

Note.

The term is defined as follows:

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

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

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

Note.

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

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
 - (b) provides lodgers with a principal place of residence for 3 months or more, and
 - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note.

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

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

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

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

brothel has the same meaning as in the Act.

Note.

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

building has the same meaning as in the Act.

Note.

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

building height (or **height of building**) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
 - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,
- including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

Note.

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

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

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

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

(a) a large area for handling, display or storage, and

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note.

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

bush fire hazard reduction work has the same meaning as in the [Rural Fires Act 1997](#).

Note.

The term is defined as follows:

bush fire hazard reduction work means:

(a) the establishment or maintenance of fire breaks on land, and

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

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

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

Note.

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

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

business identification sign means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

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

Note.

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

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

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

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

Note.

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

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

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

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

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

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

catchment action plan has the same meaning as in the [Catchment Management Authorities Act 2003](#).

Note.

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

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

Note.

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

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

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

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

(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and

(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

(c) a building or place used for home-based child care, or

(d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or

(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or

(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or

(h) a service that is concerned primarily with the provision of:

(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or

(ii) private tutoring, or

(i) a school, or

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

classified road has the same meaning as in the [Roads Act 1993](#).

Note.

The term is defined as follows:

classified road means any of the following:

(a) a main road,

(b) a highway,

(c) a freeway,

(d) a controlled access road,

(e) a secondary road,

(f) a tourist road,

(g) a tollway,

(h) a transitway,

(i) a State work.

(See [Roads Act 1993](#) for meanings of these terms.)

clearing native vegetation has the same meaning as in the [Native Vegetation Act 2003](#).

Note.

The term is defined as follows:

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

(a) cutting down, felling, thinning, logging or removing native vegetation,

(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

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

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

coastal hazard has the same meaning as in the [Coastal Protection Act 1979](#).

coastal lake means a body of water specified in Schedule 1 to [State Environmental Planning Policy No 71—Coastal Protection](#).

coastal protection works has the same meaning as in the [Coastal Protection Act 1979](#).

coastal waters of the State—see section 58 of the [Interpretation Act 1987](#).

coastal zone has the same meaning as in the [Coastal Protection Act 1979](#).

Note.

The term is defined as follows:

coastal zone means:

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

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

commercial premises means any of the following:

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

community facility means a building or place:

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

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

community land has the same meaning as in the [Local Government Act 1993](#).

correctional centre means:

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

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

Council means the Cobar Shire Council.

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

Crown reserve means:

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

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

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

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

Note.

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

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

Note.

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

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

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

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

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

Note.

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

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

Note.

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

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

Note.

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

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

dwelling house means a building containing only one dwelling.

Note.

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

earthworks means excavation or filling.

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

eco-tourist facility means a building or place that:

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

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

Note.

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

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

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

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

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

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

emergency services organisation means any of the following:

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

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

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

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

estuary has the same meaning as in the [Water Management Act 2000](#).

Note.

The term is defined as follows:

estuary means:

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

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

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

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

extensive agriculture means any of the following:

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

Note.

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

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

Note.

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

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

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

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

Note.

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

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

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

Note.

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

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

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

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

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

fish has the same meaning as in the [Fisheries Management Act 1994](#).

Note.

The term is defined as follows:

Definition of “fish”

(1)

Fish means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2)

Fish includes:

- (a) oysters and other aquatic molluscs, and
- (b) crustaceans, and
- (c) echinoderms, and
- (d) beachworms and other aquatic polychaetes.

(3)

Fish also includes any part of a fish.

(4)

However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the [Fisheries Management Act 1994](#).

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

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the [Cobar Local Environmental Plan 2012 Floor Space Ratio Map](#). [Not adopted. See clause 4.4.]

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

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

Note.

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

forestry has the same meaning as **forestry operations** has for the purposes of Part 5A of the [Forestry Act 2012](#).

Note.

The term is defined as follows:

forestry operations means:

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

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

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

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

Note.

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

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

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

Note.

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

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

Note.

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

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

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:

-
- (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

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

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

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

Groundwater Vulnerability Map means the [Cobar Local Environmental Plan 2012 Groundwater Vulnerability Map](#).

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

Note.

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

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

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

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

Note.

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

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

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

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

Note.

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

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

Note.

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

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

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

Note.

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

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

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

Note.

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

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

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

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

Note.

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

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

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

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

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

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

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

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

Note.

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

Height of Buildings Map means the [Cobar Local Environmental Plan 2012 Height of Buildings Map](#). [Not adopted. See clause 4.3.]

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

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

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

Note.

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

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

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

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

heritage impact statement means a document consisting of:

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

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

Note.

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

heritage management document means:

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

Heritage Map means the [Cobar Local Environmental Plan 2012 Heritage Map](#).

heritage significance means historical, scientific, cultural, social, archaeological, architectural,

natural or aesthetic value.

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

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

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

Note.

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

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

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

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

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

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

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

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

Note.

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

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

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

Note.

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

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

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

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

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

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

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

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

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

Note.

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

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

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,

-
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
 - (e) patient transport facilities, including helipads, ambulance facilities and car parking,
 - (f) educational purposes or any other health-related use,
 - (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
 - (h) chapels,
 - (i) hospices,
 - (j) mortuaries.

Note.

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

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

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

Note.

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

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

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

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

Note.

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

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

industrial retail outlet means a building or place that:

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

but does not include a warehouse or distribution centre.

Note.

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

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

industry means any of the following:

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

-
- (c) light industry,
but does not include:
 - (d) rural industry, or
 - (e) extractive industry, or
 - (f) mining.

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

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

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

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

Note.

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

intensive plant agriculture means any of the following:

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

Note.

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

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

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

Note.

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

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

Land Application Map means the [Cobar Local Environmental Plan 2012 Land Application Map](#).

Land Reservation Acquisition Map means the [Cobar Local Environmental Plan 2012 Land Reservation Acquisition Map](#).

Land Zoning Map means the [Cobar Local Environmental Plan 2012 Land Zoning Map](#).

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

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

Note.

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

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

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

Note.

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

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

Note.

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

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woollscours and rendering plants.

Note.

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

Lot Size Map means the [Cobar Local Environmental Plan 2012 Lot Size Map](#).

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

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

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

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

Note.

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

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

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

Note.

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

mezzanine means an intermediate floor within a room.

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

mine subsidence district means a mine subsidence district proclaimed under section 15 of the [Mine Subsidence Compensation Act 1961](#).

mining means mining carried out under the [Mining Act 1992](#) or the recovery of minerals under the [Offshore Minerals Act 1999](#), and includes:

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

Note.

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

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

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

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

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

moveable dwelling has the same meaning as in the [Local Government Act 1993](#).

Note.

The term is defined as follows:

moveable dwelling means:

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

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

Note.

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

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

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

native vegetation has the same meaning as in the [Native Vegetation Act 2003](#).

Note.

The term is defined as follows:

Meaning of “native vegetation”

(1)

Native vegetation means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2)

Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3)

Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the [Fisheries Management Act 1994](#) applies.

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

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

Note.

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

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

nominated State heritage item means a heritage item that:

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

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

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

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

Note.

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

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

Note.

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

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

Note.

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

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

operational land has the same meaning as in the [Local Government Act 1993](#).

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

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

people who are socially disadvantaged means:

(a) people who are disadvantaged because of their alcohol or drug dependence, extreme poverty, psychological disorder or other similar disadvantage, or

(b) people who require protection because of domestic violence or upheaval.

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

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

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

Note.

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

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

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

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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

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

property vegetation plan has the same meaning as in the [Native Vegetation Act 2003](#).

Note.

The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the [Native Vegetation Act 2003](#).

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

Note.

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

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

public authority has the same meaning as in the Act.

public land has the same meaning as in the [Local Government Act 1993](#).

Note.

The term is defined as follows:

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

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

public reserve has the same meaning as in the [Local Government Act 1993](#).

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

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

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

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

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

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

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

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

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

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

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

registered club means a club that holds a club licence under the [Liquor Act 2007](#).

relic has the same meaning as in the [Heritage Act 1977](#).

Note.

The term is defined as follows:

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

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

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

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

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

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

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

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

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, but does not include a dwelling, hostel, hospital or psychiatric facility.

Note.

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

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

Note.

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

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

Note.

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

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

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

Note.

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

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

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

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

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

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises,

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

Note.

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

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

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

Note.

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

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

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

(a) agricultural produce industries,

(b) livestock processing industries,

(c) composting facilities and works (including the production of mushroom substrate),

(d) sawmill or log processing works,

(e) stock and sale yards,

(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note.

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

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

Note.

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

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

Note.

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

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

Note.

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

school means a government school or non-government school within the meaning of the [Education Act 1990](#).

Note.

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

secondary dwelling means a self-contained dwelling that:

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

Note.

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

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

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

Note.

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

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

Note.

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

seniors housing means a building or place that is:

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

Note.

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

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

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel

beating, spray painting, or chassis restoration),

(e) the ancillary retail selling or hiring of general merchandise or services or both.

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

Note.

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

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

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

Note.

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

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

Note.

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

sewerage system means any of the following:

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

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

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

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

Note.

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

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

Note.

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

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

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

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

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

Note.

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

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

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

small bar means a small bar within the meaning of the [Liquor Act 2007](#).

Note.

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

spa pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note.

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

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

Note.

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

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

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

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

swimming pool has the same meaning as in the [Swimming Pools Act 1992](#).

Note.

The term is defined as follows:

swimming pool means an excavation, structure or vessel:

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

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

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

Note.

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

telecommunications facility means:

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

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

temporary structure has the same meaning as in the Act.

Note.

The term is defined as follows:

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

Terrestrial Biodiversity Map means the [Cobar Local Environmental Plan 2012 Terrestrial Biodiversity Map](#).

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

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

Note.

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

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

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

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or

(h) eco-tourist facilities.

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

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

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

Note.

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

underground mining means:

(a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

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

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

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

Note.

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

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

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

Note.

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

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

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

Note.

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

waste or resource management facility means any of the following:

(a) a resource recovery facility,

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

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

Note.

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

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

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

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

Note.

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

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

Note.

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

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

Note.

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

water supply system means any of the following:

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

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

Note.

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

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

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

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

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

Watercourse Map means the [Cobar Local Environmental Plan 2012 Watercourse Map](#).

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

wetland means:

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

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

Wetlands Map means the [Cobar Local Environmental Plan 2012 Wetlands Map](#).

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

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

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

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