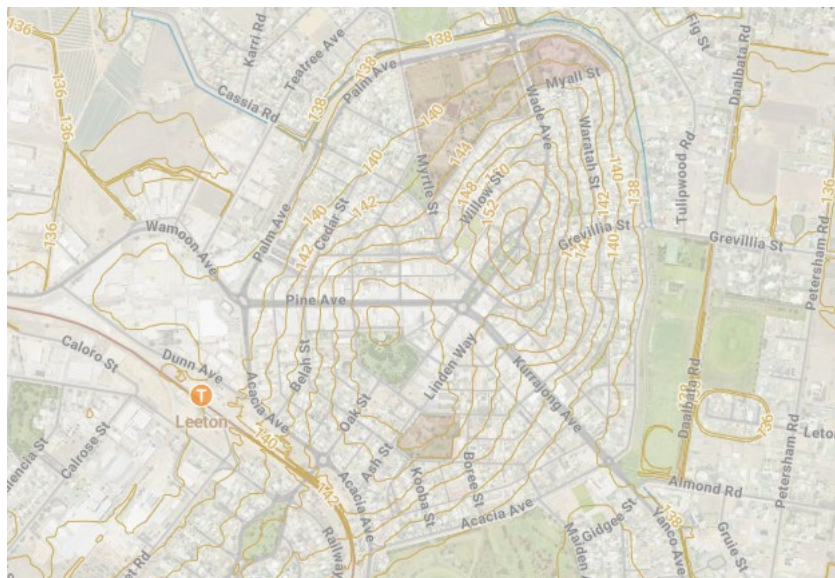

Planning proposal to amend Leeton Local Environmental Plan 2014

Amendments to RU5 Village zone Land Use Table

For and on behalf of Leeton Shire Council



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TOWN PLANNING

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Document Details & History

| | |
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Part 1 – Objectives and intended outcomes

This Planning Proposal has been prepared in response to a resolution by Leeton Shire Council on 27 July 2022 to prepare a planning proposal to amend *Leeton Local Environmental Plan (LEP) 2014*. The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*.

The purpose of the Planning Proposal is to amend *Leeton Local Environmental Plan (LEP) 2014* to replace the 'closed zone' land use table of zone RU5 Village with an 'open zone' table.

The intended outcomes of the Planning Proposal are:

- To support the development of housing diversity in the small villages of Leeton local government area to cater to all sectors and life stages of the population and to address housing affordability. This is to be achieved by amending the land use table to zone RU5 Village to permit a greater range of housing types in zone RU5 Village,
- To enable greater access to community, health and commercial services in small villages,
- To encourage economic and tourism business development in the small villages by permitting a greater range of commercial land uses in zone RU5 Village, and
- To correct anomalies in the land use table to zone RU5 Village regarding the permissibility of certain land uses.

The Planning Proposal is categorised as 'Standard'. The proposed amendment to *Leeton LEP 2014* relates to the arrangement and permissibility of land uses in zone RU5 Village and the Planning Proposal is consistent with the strategic framework of Leeton Shire Council including the *Leeton Shire Council Housing Strategy 2021-2041* and the *Leeton Shire Council Local Strategic Planning Statement June 2020*.

The report to the Ordinary Council Meeting held on Wednesday 27 July 2022, the current land use table for zone RU5 Village and the resolution by Leeton Shire Council are appended as Attachment A.

Part 2 – Explanation of provisions

The objectives and intended outcomes will be achieved by amending *Leeton LEP 2014* as follows:

- Removing certain specific uses from *4 Prohibited* so that those uses are captured by the group term *Residential accommodation* in *3 Permitted with consent*. These uses are:
 - Boarding houses
 - Group homes
 - Hostels
 - Multi dwelling housing
 - Residential care facilities (a type of seniors housing which is currently permitted with consent)
 - Residential flat buildings
 - Secondary dwellings
 - Semi-detached dwellings
 - Serviced apartments
 - Shop top housing
- Removing the use *Specialized retail premises* from *4 Prohibited* so that this use is captured by the group term *Commercial premises* in *3 Permitted with consent*
- Removing the uses *Hotel and motel accommodation* and *Serviced apartments* from *4 Prohibited* so that these uses are captured by the group term *Tourist and visitor accommodation* in *3 Permitted with consent*
- Removing the use Agriculture that is a group term including aquaculture (comprising oyster aquaculture, pond-based aquaculture and tank-based aquaculture) which is currently permitted with consent) and extensive agriculture, intensive livestock agriculture and intensive plant agriculture (which are currently prohibited except bee keeping, horticulture and viticulture which are currently permitted without consent) from *3 Permitted with consent* so that those uses are included in *4 Prohibited*. Bee keeping, horticulture and viticulture are to continue to be permitted without consent
- Including the use Industries that is a group term including general industry and heavy industry in *4 Prohibited*

- Including the following uses that are associated with a waterway or use of a waterways in *4 prohibited*:
 - Boat launching ramps
 - Boat sheds
 - Charter and tourism boating facilities
 - Jetties
 - Water recreation structures
- Opening the land use table to zone RU5 Village by removing the words '*Any other development not specified in item 2 or 3*' from *4 Prohibited* of the land use table and inserting the words '*Any other development no specified in item 2 or 4*' at the end of *3 Permitted with consent* so that uses that are not specified in the land use table are permitted with consent. This will have the effect of making the following uses that are not specified in *4 Prohibited* as uses that are *3 Permitted with consent* as '*Any other development not specified in item 2 or 4*':
 - Amusement centres
 - Boat building or repair facilities
 - Depots
 - Early education and care facility (group term including a centre-based child care facility, home-based childcare and school-based child care)
 - Emergency services facility
 - Entertainment facility
 - Exhibition homes
 - Exhibition villages
 - Freight transport facilities
 - Function centres
 - Health services facilities (group term including health consulting rooms, hospital and, medical centres)
 - Industrial retail outlets
 - Industrial training facilities
 - Light industries (group term including artisan food and drink industries, creative industries, data centres, high technology industries and home industries. Home industries are currently permitted with consent)
 - Mortuaries

- Passenger transport facilities
 - Research stations
 - Storage premises (group term including self-storage units)
 - Transport depots
 - Truck depots
 - Vehicle body repair workshops
 - Warehouse or distribution centres
 - Wholesale supplies
- Rationalizing *3 Permitted with consent* by including group terms where all subsets and land uses that fall under that group term are or are proposed to be permitted with consent, other than where a subset or land use is permitted with consent and the group term is prohibited. This involves removing certain specific uses from *3 Permitted with consent* that are uses captured by a group term, for example, *homes industries* which are included in the subset *light industries*, *neighbourhood shops* which are a type of *shop* and a subset of *retail premises*, and *water recycling facilities* which are included in the group term *sewerage systems* which are currently permitted with consent. This also involves including uses that fall outside of group terms. The exceptions to this change are those uses mandated to be specifically included in the land use table under the Standard Instrument.

The proposed amended land use table for zone RU5 Village and a schedule of current and proposed uses are appended as Attachment B and Attachment C respectively.

PART 3 - JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Justification for the proposed amendment to *Leeton LEP 2014* is presented by way of a response to each of the questions posed in the *Local Environmental Plan Making Guideline* issued by the NSW Department of Planning, Industry and Environment in December 2021.

SECTION A- NEED FOR THE PLANNING PROPOSAL

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal has been prepared in response to a staff report to the Ordinary Council Meeting of Leeton Shire Council held on Wednesday 27 July 2022. Although a review of the land use table to zone RU5 Village is not identified as an action in *Leeton Shire Council Local Strategic Planning Statement*, the Planning Proposal will implement objectives of the LSPS regarding the provision of housing diversity to address affordability.

In reviewing the land use table to replace the current arrangements with an 'open zone' the opportunity has also been taken to rationalise permissible uses to correct anomalies and to identify uses that would promote business development and access to community, health and commercial services.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendment to *Leeton LEP 2014* to apply an 'open zone' to RU5 Village is considered the best means of achieving the objectives of the planning proposal. The proposal will facilitate a wider range of developments to be permitted and developed.

An alternative is to list a greater number of uses to be permitted with consent in the land use table to zone RU5 Village. However, this would not achieve the objectives and intended outcomes because other proposed development types that are not included as permissible would remain prohibited. This would continue to restrict development that may occur in zone RU5 Village by limit residential and business development opportunities that sustain small villages across Leeton local government area.

SECTION B- RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Riverina Murray Regional Plan 2041

The *Riverina Murray Regional Plan 2041* is an update of the *Riverina Murray Regional Plan 2036*.

The plan contains the vision for the region *A diversified economy founded on Australia's food bowl, iconic waterways and a network of vibrant connected communities.*

Objective 5 of the draft plan is to *ensure housing supply, diversity, affordability and resilience*. To meet these challenges the draft plan supports infill opportunities and other low impact residential products such as villas and townhouses in towns and villages near main streets, open spaces and services.

Objective 16 is *support the visitor economy*. A strategy to achieve this is *ensure that planning controls support and enable tourism development in appropriate locations*.

Q4. is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with the *Liveable Leeton Community Strategic Plan 2035* and the *Leeton Shire Council Local Strategic Planning Statement June 2020* for the reasons described below.

Liveable Leeton Community Strategic Plan 2035

Liveable Leeton Community Strategic Plan 2035 contains five areas of focus. Of relevance is *Focus Area 2. A safe, active and healthy community*. This includes outcome *Sc3. We have access to health and support services that cater for all our needs*. This is to be achieved by providing and supporting health, community and emergency services that meet community needs. The Planning proposal supports this outcome by making uses such as health services facilities and emergency services facilities permissible in small villages. This may facilitate the development of these services as the need arises.

Also of relevance is *Focus Area 3. A thriving regional economy* which includes outcomes *we attract and retain new business and residents and our population is growing* (Ec2) and to *have access to a range of housing options that suit the needs of short- and long-term residents* (Ec5).

Ec2 is to be achieved supporting business development opportunities throughout Leeton Shire. The Planning Proposal will increase business development opportunities, including in the tourism sector, by making a greater range of commercial land uses permitted in small villages.

Ec5 is in recognition of the high proportion of detached houses in Leeton local government area and the need for housing diversity to accommodate the aging population and seasonal workers, and to assist to alleviate housing stress.

Strategies to achieve this outcome are to encourage and facilitate the development of land for affordable housing in suitable locations and provide housing for retirees. The Planning Proposal gives effect to these strategies by aiming to provide opportunities for the development of alternative housing types in the small villages of Leeton Shire.

Leeton Shire Council Local Strategic Planning Statement June 2020

Leeton Shire Council Local Strategic Planning Statement June 2020 is a community-driven document that identifies, shapes and acknowledges planning objectives. The LSPS gives effect to Leeton's *Community Strategic Plan* by setting the framework for economic, social and environmental land use needs over the next 20 years. The document outlines planning priorities by describing what will be needed, where these are located and when they will be delivered.

Priority Five – Housing of the LSPS is to *ensure the community has access to diverse housing options*. It is noted in the LSPS that the population of Leeton is expected to grow by 8.9% by 2036 with a 10% increase in people aged over 65 and over. Leeton also experiences seasonal population growth due to itinerant workers employed in the agricultural industry and processing. Housing is dominated by low-rise detached dwellings which represent 87% of private dwellings. A greater range of housing types is needed to accommodate diverse lifestyles and the changing demographics such as housing for retirees to downsize and for rental accommodation. Any future housing within Leeton Shire should be appropriately located, with easy access to community facilities, adequate infrastructure and avoid environmental impacts where possible.

Action 3 of the LSPS is a short-term action to *review local planning controls to provide greater housing choice by investigation existing density standards and minimum lot sizes*. This Planning Proposal implements Action 3 by aiming to make a greater range of housing types permissible in small villages as an alternative to separated detached dwellings and to cater for differing life stages and seasonal workers.

Leeton Shire Council Housing Strategy 2021-2041

The *Leeton Shire Council Housing Strategy 2021-2041* aims to support the supply and diversity of housing to meet the needs of residents and the future community. Increases in working age and retirement age cohorts are expected to drive increased demand for a range of housing types. In addition, the increase in lone person households will drive demand for smaller and medium density housing alternatives.

Affordability has also become an issue as very low, low and medium income households compete for limited private rental housing.

Actions are to update residential zones to allow for second dwellings, to identify underutilised sites that are public land to develop as affordable housing or medium density dwellings, and to optimise residential opportunities in villages. The Planning Proposal will facilitate a greater range of housing types in villages to cater for diverse needs.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Regional Housing Taskforce

The Regional Housing Taskforce was formally announced in June 2021 by the Minister for Planning and Public Spaces to identify challenges in the planning system that are preventing the delivery of housing supply and formulate recommendations to improve housing outcomes in regional NSW.

The Taskforce has released two reports – the first a Findings Report which provides details of stakeholder engagement which took place during July and August 2021. The second is a Recommendations Report to address housing issues within the NSW planning system. These recommendations are:

1. Support measures that bring forward a supply of “development ready” land
2. Increase the availability of affordable and diverse housing across regional NSW
3. Provide more certainty about where, when and what types of homes will be built
4. Investigate planning levers to facilitate the delivery of housing that meets short term needs
5. Improve monitoring of housing and policy outcomes and demand indicators

Further recommendations include supporting the preparation of local housing strategies with clear implementation plans which address how development constraints can be managed, the planned sequence of land release, the use of public land to provide housing, and assessment timeframe targets. Consideration should be given to how public land can be used to help meet the biodiversity offset requirements to facilitate new development.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 1 below identifies the applicability and consistency of the Planning Proposal with all State Environmental Planning Policies. It is noted in Table 1 that the provisions of certain SEPPs may need to be considered during assessment of development applications for land uses that are permitted with consent.

Table 1: The Planning Proposal and SEPPs

| Policy | Applicability | Consistency |
|---|----------------|---|
| SEPP (Biodiversity and Conservation) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Building Sustainability Index Basix) 2004 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Exempt and Complying Development Codes) 2008 | Not applicable | N/A |
| SEPP (Housing) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Industry and Employment) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP 65 –Design Quality of Residential Apartment Development | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Planning Systems) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Precincts – Central River City) 2021 | Not applicable | N/A |
| SEPP (Precincts – Eastern Harbour City) 2021 | Not applicable | N/A |
| SEPP (Precincts) – Regional) 2021 | Not applicable | N/A |
| SEPP (Precincts – Western Parkland City) 2021 | Not applicable | N/A |
| SEPP (Primary Production) 2021 | Not applicable | N/A |

| Policy | Applicability | Consistency |
|--|----------------|---|
| SEPP (Resilience and Hazards) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Resources and Energy) 2021 | Not applicable | To be considered with DAs for permissible land uses |
| SEPP (Transport and Infrastructure) 2021 | Not applicable | To be considered with DAs for permissible land uses. This SEPP prevails over Leeton LEP 2014. Uses that are identified as prohibited in SEPP (Transport and Infrastructure) 2021 are not permitted with or without consent in zone RU5 Village notwithstanding the proposed amended land use table for zone RU5 Village |

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Table 2 below identifies the consistency of the Planning Proposal with relevant Local Planning Directions.

Table 2: Evaluation of Ministerial Directions.

| | |
|----------------------|---|
| Direction 1.1 | Implementation of Regional Plans |
| Objectives | to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans |
| Actions | Planning proposals must be consistent with a regional strategy released by the Minister for Planning |
| Comment | The proposal is consistent with the <i>Riverina Murray Regional Plan 2036</i> by promoting tourism, building housing capacity to meet demand and providing greater housing choice |
| Direction 6.1 | Residential Zones |
| Objectives | (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. |
| Actions | (1) A planning proposal must include provisions that encourage the provision of housing that will: |

| | |
|----------------------|---|
| | <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p> |
| Comment | The proposal is consistent with this direction which applies to zone RU5 Village. Amending the land use table will broaden the range of housing types that are permitted thereby making more efficient use of available infrastructure. Leeton LEP 2014 contains provision that ensure that adequate services area available to a development proposal. |
| Direction 9.1 | Rural Zones |
| Objectives | to protect the agricultural production value of rural land |
| Actions | A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. |
| Comment | The Planning Proposal is consistent with this direction. It is not proposed to rezone land or to change zone boundaries. The Planning Proposal seeks to amend the land use table to zone RU5 Village. |
| Direction 9.2 | Rural Lands |
| Objectives | <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</p> <p>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</p> |
| Actions | <p>(1) A planning proposal must:</p> <p>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement</p> <p>(b) consider the significance of agriculture and primary production to the State and rural communities</p> <p>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</p> |

| | |
|-----------------------|--|
| | <p>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</p> <p>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</p> <p>(f) support farmers in exercising their right to farm</p> <p>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use</p> <p>(h) consider State significant agricultural land identified in chapter 2 of the <i>State Environmental Planning Policy (Primary Production) 2021</i> for the purpose of ensuring the ongoing viability of this land</p> <p>(i) consider the social, economic and environmental interests of the community.</p> <p>(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:</p> <p>(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses</p> <p>(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains</p> <p>(c) where it is for rural residential purposes:</p> <p>i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres</p> <p>ii. is necessary taking account of existing and future demand and supply of rural residential land.</p> |
| <p>Comment</p> | <p>The proposal is consistent with this direction which applies to rural land. It is consistent with the strategic planning framework set by the Riverina Murray Regional Plan 2036, draft Riverina Murray Regional Plan 2041, Leeton LSPS and Leeton Shire Council Housing Strategy by supporting the tourism sector, business development and housing diversity, capacity and affordability. The planning proposal applies only to land zoned RU5 Village and will not impact on primary production including agricultural uses, rural lands generally or the right to farm. It is not proposed to amend minimum lot sizes that apply to land zoned RU5 Village.</p> |

SECTION C- ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because the proposal?

It is not expected that the Planning Proposal would cause adverse effects to threatened species, populations or ecological communities or their habitats. However, a test of significance is required to be

carried out under the *Biodiversity Conservation Act 2016* and submitted with an application for new development on land zoned RU5 Village to determine whether there are any likely effects on biodiversity.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

There are no likely environmental impacts that would result from the Planning Proposal. Environmental impacts would be identified and assessed for new development on land zoned RU5 Village and any necessary safeguards would be implemented.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will bring positive social and economic effects to Leeton Shire by providing opportunities for a greater range of land uses and development types to be proposed and developed within the small villages. Housing diversity will be improved by permitting a variety of dwelling types to be developed that would cater to different life stages and budgets. New business opportunities would be generated by making commercial and tourism land uses permissible. The community would have increased access to community facilities, and health and commercial services as these are developed.

SECTION D- STATE AND COMMONWEALTH INTERESTS

Q11. Is there adequate public infrastructure for the planning proposal?

The adequate provision of services is considered at the time of assessment of a development application. Clause 6.12 *Essential services* of *Leeton LEP 2014* ensures that the essential services of water supply, electricity supply, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access are provided or able to be provided to new development.

Details of the provision of water and sewer services to the three towns that are zoned RU5 Village are given below. Maps of the reticulation networks in each of these settlements are provided in Attachment E.

Whitton

The entire village of Whitton is provided with Council reticulated water network. Approximately 80% of properties in Whitton are provided with reticulated sewerage services. Owners of those properties that

are not connected to the network may opt to connect at their own cost. There is capacity in both water and sewer systems to cater for growth in Whitton.

Murrami

The entire village of Murrami is serviced with reticulated water and there is capacity to service new development. Only onsite sewage systems are provided in Murrami and at this stage Council does not plan to install a reticulated sewage system. There are only about 10 dwellings in Murrami and medium density or commercial development is not foreseen to be proposed in the near future. The management of wastewater for any new development proposals would be assessed on merit by considering the capacity of soils and land area to adequately treat and dispose of effluent on site.

Wamoon

The entire village of Murrami is serviced with reticulated water and there is capacity to service new development. Wastewater is currently managed using only onsite sewage systems. However, Leeton Shire Council is proposing the install a reticulated sewerage system during 2023 which should available for connection within 12 months.

Q11. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Preliminary consultation with the regional manager of the NSW Planning and Environment Regional Office has taken place. Discussion points included the categorisation of the Planning Proposal as 'standard', any specialist studies or reports that would be required, the inclusion of a land use matrix that indicates uses that are currently permitted or prohibited and proposed changes to these arrangements, and consistency of the Planning Proposal with Council's Local Housing Strategy and Local Strategic Planning Statement.

Consultation will be carried out with other public authorities as specified in the Gateway determination.

PART 4: MAPS

The land affected by this planning proposal is all land within Leeton local government area that is zoned RU5 Village. There are no changes to the maps that form part of *Leeton LEP 2014*.

The settlements of Whitton, Murrami and Wamoon are zoned RU5 Village. The extent of these zones is spatially represented in Attachment F.

PART 5: COMMUNITY CONSULTATION

Consultation will be carried out in accordance with provisions of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

The Planning Proposal is categorised as 'standard' which means that the period of public exhibition be 20 days.

Notification and display of the Planning Proposal will be on council's website www.leeton.nsw.gov.au/Your-Council/Contact-Council/Documents-on-Exhibition and on the Planning Portal. Documentation will be available for viewing in hard copy for at Council's offices. The notice will include a description of:

- The objectives and intended outcomes,
- the land affected by the Planning Proposal,
- Information on where and when the Planning Proposal can be inspected,
- contact details for submissions and the date that submissions close, and
- whether Leeton Shire Council is the Local Plan-Making Authority.

The following material will be available for inspection during the public exhibition period:

- The planning proposal,
- The Gateway determination, and
- Relevant strategies, e.g. the local housing strategy and local strategic planning statement.

Public agency consultation with the NSW Rural Fire Service as specified in the Gateway determination has been carried out prior to the public exhibition period.

PART 6: PROJECT TIMELINE

The following project timeline is proposed, noting that the period from the issue of a gateway determination to the date of notification is subject to matters raised in submissions received during the exhibition period and at the public hearing (if required), and the subsequent decisions of Council regarding the content of the planning proposal. Detailed drafting of the legal instrument will be carried out by Parliamentary Counsels Office.

Table 3: Project timeline

| Action | Month/year |
|---|------------------------|
| Consideration by Council and resolution to submit for Gateway determination | 28 September 2022 |
| Gateway determination | 7 February 2023 |
| Agency consultation (RFS) | 15 March 2023 |
| Public exhibition | March/April 2023 |
| Public hearing (if required) | April 2023 |
| Consideration of submissions & finalisation of document | May 2023 |
| Council endorsement | June 2023 |
| Submission to Department of Planning & Environment | July 2023 |
| Drafting of legal instrument by PCO | August 2023 |
| Gazettal of LEP amendment | September/October 2023 |

**Attachment A - Report to Ordinary Meeting of Leeton Shire
Council 27 July 2022 and Council resolution**

ACTIVATION MATTERS

ITEM 7.7 PLANNING PROPOSAL TO AMEND LAND USE TABLE FOR RU 5 ZONE

| | |
|----------------------------|---------------------------------------|
| RECORD NUMBER | 22/306 |
| RELATED FILE NUMBER | EF21/277 |
| AUTHOR/S | Manager Planning, Building and Health |
| APPROVER/S | Group Manager Shire Activation |

SUMMARY/PURPOSE

The purpose of this report is to propose an amendment to the land use table associated with the RU 5 – Village Zone, in the Leeton Local Environmental Plan 2014 (LEP).

This will enable improved residential development and flexibility that supports the objectives in the Leeton Local Strategic Planning Statement and Leeton Shire Council Housing Strategy.

The RU5 Zoning is defined by the village boundaries of Murrami, Wamoon and Whitton.

RECOMMENDATION

THAT Council resolves to:

1. Prepare and resource a Planning Proposal to amend the land use table associated with the RU 5 - Village zone in the Leeton Local Environmental Plan 2014 (LEP), as follows:
 - a. Allow for boarding houses, dual occupancy housing, multi dwelling housing, secondary dwellings and semi-detached dwellings as development permissible with consent and;
 - b. Change the RU 5 - Village Zone to an "open zone".
2. Request the NSW Department of Planning and Environment to permit Council to exercise its delegations in relation to this matter.
3. Authorise the Mayor and General Manager to sign necessary documents in relation to this Planning Proposal.
4. Submit the Planning Proposal to the Minister for Planning and Environment for finalisation and notification of the amendment to the *Leeton Local Environmental Plan 2014*, in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Note: In making its decision a division must be called by Council in accordance with S375A of the *Local Government Act 1993*.

REPORT

(a) Background

The Local Strategic Planning Statement (LSPS) and the Leeton Shire Council Housing Strategy identified the availability of affordable housing as a priority for the local community.

Action no 11 in the LSPS states the following *“Complete a local housing strategy to ensure adequate supply of diverse housing choices and should include a review of current residential zoned land against the Flood Plain Risk Management Study”*.

Action no 13 in the LSPS states the following *“Review local planning controls to provide greater housing choices by investigating existing density standards and minimum lot sizes”*.

Action 4.1.6 in the Leeton Housing Strategy mandates the development of a marketing plan to encourage investment in the Leeton residential market.

A review of the land use tables in the Leeton LEP 2014 revealed that residential development within the RU5 – Village Zone is very restricted. Currently, the development of boarding houses, group homes, hostels, hotel and motel development, multi dwelling housing, secondary dwellings, semi-detached dwellings etc are listed as prohibited development.

Council is obligated to adhere to the LEP and will not be able to approve any of the above residential development should investors be interested to invest in this zone. The RU 5 zone is also classified as a closed zone, which means any form of development that is not listed as permissible with consent or permissible without consent will be prohibited. This places an additional restriction on development options in the RU 5 zone.

(b) Discussion

Below is an excerpt from the land use table for the RU 5 zone in the Leeton LEP 2014:

2 Permitted without consent

Bee keeping; Environmental protection works; Home occupations; Horticulture; Roads; Viticulture; Water reticulation systems

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Self-storage units; Service stations; Sewerage systems; Signage; Tank-based aquaculture; Tourist and

visitor accommodation; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recycling facilities; Water supply systems

4 Prohibited

Boarding houses; Extensive agriculture; Funeral homes; Group homes; Hostels; Hotel or motel accommodation; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential care facilities; Residential flat buildings; Resource recovery facilities; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Serviced apartments; Shop top housing; Specialised retail premises; Waste disposal facilities; Any other development not specified in item 2 or 3

Most forms of residential development other than single dwellings are prohibited in the RU 5 zone. Options are available to promote residential development within the villages due to its affordability and favourable location. Council recently received enquiries from investors, however, they are not interested in single dwelling development. It is of the utmost importance for Council to investigate the options to amend the land use table and to "open" the RU 5 zone for residential development.

Consultation with the NSW Planning Department - Council's Manager Planning Building and Health consulted with the NSW Planning Department to discuss above matter. In response to the country wide housing shortage, the Department is generally in favour of the proposal to amend the land use table to "open" the RU 5 zone for more residential development options.

It should be noted that Temora Shire Council was able to secure a similar amendment to the Temora Local Environmental Plan 2010, which was approved by the department in March 2022. The department recommended the adoption of a similar land use table to the one approved for Temora.

(c) Options

Option 1 – Prepare a planning proposal to amend the land use table for RU 5 zones to allow for all forms of residential development and to make the zone an "open zone". **This the preferred option.**

Option 2 – Amend the Leeton LEP 2014 by adding only certain allotments to schedule 1 of the LEP 2014 to allow for additional permitted land use. This option is very site specific and will not address the entire zone.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The resources required to prepare a planning proposal are included in the 2022/23 Operational Plan. Initial quotes indicate the cost of preparing the planning proposal are in the range of approximately \$9k - \$13k.

Aside from providing residents with options to address the housing shortage, securing this update to the land use tables will also improve the marketability of Council's

own land at Benerembah Street Whitton and the allotment for development at Conapaira Street Whitton.

(b) Policy

Leeton Community Participation Plan 2019
Leeton Shire Council Local Strategic Planning Statement
Leeton Shire Council Housing Strategy

(c) Legislative/Statutory

Environmental Planning and Assessment Act 1979
Local Government Act 1993

(d) Risk

If Leeton Shire Council do not address the restrictions on the RU 5 zone, affordable housing options in the Village Zone will be severely limited.

CONSULTATION

(a) External

Department of Planning and Environment

(b) Internal

General Manager
Group Manager Activation
Economic and Community Development Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area Outcome Five: A QUALITY BUILT ENVIRONMENT within Council's adopted Delivery Program/Operational Plan – 17 - A community that enjoys attractive towns and parks - 17 d - Deliver development planning services that signal Leeton is 'open for business' - Plan and prepare for a review of the Leeton Local Environmental Plan (LEP), including preparation of a Rural Land Use Study".

ATTACHMENTS

1 [↓](#) Temora Shire Council LEP RU5 land use

Item 7.6 TRANSFER OF LAND FROM PUBLIC WORKS ADVISORY AND CROWN LANDS TO COUNCIL - FIVEBOUGH MATURATION PONDS AND WATER TREATMENT PLANT

22/098

Resolved

THAT Council:

1. Approves the transfer to Council of Lot 22 DP 914401, Lot 18/1168885 and Lot 19/914401 from the Minister of Public Works, if approved, for a peppercorn sum.
2. Approves the licence of Lot 1 DP 786496 from Department of Industry Crown Lands for the minimum Crown Land rent for an initial period of 5 years or until such time as the transfer is completed.
3. Approves the acquisition and subsequent transfer of Lot 1 DP 786496 being Reserve 1030008 for Future Public Requirements from Department of Industry Crown Lands, if approved for a peppercorn sum.
4. Upon transfer of the land classifies Lot 22 DP 914401, Lot 1 DP 786496, Lot 18/1168885 and 19/914401 as Operational land gives 28 days public notice of the classification under section 34 of the Local Government Act 1993.
5. Authorises the Mayor and General Manager to execute all documents in relation to the lease and acquisition and transfer of Lot 1 DP786946 and the acquisition and transfer of Lot 22 DP 914401, Lot 18 DP 1168885 and Lot 19 DP 914401 from Public Works Advisory.

(Moved Cr Smith, seconded Cr Kidd)

ACTIVATION MATTERS

Item 7.7 PLANNING PROPOSAL TO AMEND LAND USE TABLE FOR RU 5 ZONE

22/099

Resolved

THAT Council:

1. Prepares and resources a Planning Proposal to amend the land use table associated with the RU 5 - Village zone in the Leeton Local Environmental Plan 2014 (LEP), as follows:
 - a. Allow for boarding houses, dual occupancy housing, multi dwelling housing, secondary dwellings and semi-detached dwellings as development permissible with consent and;
 - b. Change the RU 5 - Village Zone to an "open zone".
2. Requests the NSW Department of Planning and Environment to permit Council to exercise its delegations in relation to this matter.

3. Authorises the Mayor and General Manager to sign necessary documents in relation to this Planning Proposal.
4. Submits the Planning Proposal to the Minister for Planning and Environment for finalisation and notification of the amendment to the *Leeton Local Environmental Plan 2014*, in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

For the Motion

Cr P Kidd
Cr G Weston
Cr K Maytom
Cr M Holt
Cr T Morris
Cr T Ciccica
Cr S Nardi
Cr T Reneker
Cr P Smith

Against the Motion

Nil

Carried Unanimously (9 votes – 0)

(Moved Cr Nardi, seconded Cr Kidd)

**Item 7.8 MINUTES OF THE YANCO TOWN IMPROVEMENT COMMITTEE MEETING
- 4 JULY 2022**

22/100

Resolved

THAT Council receives for information the Minutes of the Yanco Town Improvement Committee meeting held on Monday 4 July 2022.

(Moved Cr Smith, seconded Cr Maytom)

8. NOTICES OF MOTION

**Item 8.1 POTENTIAL MOTIONS FOR SUBMISSION TO THE LOCAL GOVERNMENT
NSW ANNUAL CONFERENCE 2022**

22/101

Resolved

THAT Council:

1. Notes the registration of the Mayor, Deputy Mayor and General Manager for the 2022 LGNSW Annual Conference.
2. Confirms the two voting delegates at the LGNSW Conference to be the Mayor and Deputy Mayor and the substitute voting delegate, should one be required, to be the General Manger.

Attachment B - Current RU5 Village zone Land Use Table

Leeton Local Environmental Plan 2014

Current version for 30 June 2022 to date (accessed 18 August 2022 at 15:07)

[Part](#) > pt-cg1.Zone_RU5

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the village boundaries of Murrami, Wamoon and Whitton.
- To protect and conserve the rural atmosphere of village areas.
- To ensure that development in village areas is compatible with the environmental capability of the land, particularly in terms of the capacity of that land to accommodate on-site effluent disposal.

2 Permitted without consent

Bee keeping; Environmental protection works; Home occupations; Horticulture; Roads; Viticulture; Water reticulation systems

3 Permitted with consent

Agriculture; Animal boarding or training establishments; Camping grounds; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Schools; Self-storage units; Service stations; Sewerage systems; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Water recycling facilities; Water supply systems

4 Prohibited

Boarding houses; Extensive agriculture; Funeral homes; Group homes; Hostels; Hotel or motel accommodation; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential care facilities; Residential flat buildings; Resource recovery facilities; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Serviced apartments; Shop top housing; Specialised retail premises; Waste disposal facilities; Any other development not specified in item 2 or 3

Attachment C - Proposed amended RU5 Village zone Land Use Table

Zone RU5 Village – proposed land use table**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To define the village boundaries of Murrami, Wamoon and Whitton.
- To protect and conserve the rural atmosphere of village areas.
- To ensure that development in village areas is compatible with the environmental capability of the land, particularly in terms of the capacity of that land to accommodate on-site effluent disposal.

2 Permitted without consent

Bee keeping; Environmental protection works; Home occupations; Horticulture; Roads; Viticulture; Water reticulation systems

3 Permitted with consent

Animal boarding or training establishments; Boat building or repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Child care facilities; Commercial premises; Community facilities; Depots; Dwelling houses; Early education and care facilities; Eco-tourist facilities; Educational establishments; Environmental facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Flood mitigation works; Freight transport facilities; Function centres; Health Services Facilities; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities;; Local distribution premises; Light industries; Mortuaries; Neighbourhood shops; Neighbourhood supermarkets; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Schools; Service stations; Sewerage systems; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair station; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water supply systems; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrip; Boat launching ramps, Boat sheds; Charter and tourism boating facilities; Correctional centres; Crematoriums; Electricity generating works; Extractive industries; Forestry; Funeral homes; Heavy industrial storage establishments; Helipads; Highway Service Centres; Industries; Jetties; Marinas; Mining; Moorings; Mooring pens; Port facilities; Recreation facilities (major); Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Sex service premises; Underground mining; Waste disposal facilities; Water recreation structures; Wharf or boating facilities

Attachment D - Current and proposed permitted and prohibited uses

Leeton LEP 2014

Proposed changes to zone RU5 Village land use table

Green – expressly permitted in LEP and remaining permitted in PP – NO CHANGE

Purple – expressly prohibited in LEP to be permitted in PP - CHANGE

Blue – unspecified use to be permitted in PP - CHANGE

Black – expressly permitted in LEP to be prohibited in PP - CHANGE

Orange – expressly prohibited in LEP and remaining prohibited in PP – NO CHANGE

Red – unspecified use prohibited in LEP and remaining prohibited in PP – NO CHANGE

[Justification of changes to the permissibility of defined uses are in italics, underlined and within brackets]

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.

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*.

[Justification – generally not suitable for consideration in village zone]

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.

draft - exhibition version

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

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

[Justification – generally not suitable for consideration in village zone]

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Note. See clause 5.4 for controls in certain zones relating to the retail floor area of an artisan food and drink industry. Artisan food and drink industries are a type of ***light industry***—see the definition of that term in this Dictionary.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

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).

draft - exhibition version

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

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.

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 or place—

- (a) that provides residents with a principal place of residence for at least 3 months, and
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (c) that contains rooms, some or all of which may have private kitchen and bathroom facilities, and
- (d) used to provide affordable housing, and
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,

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

[Justification – suitable for consideration in a village zone. Would address affordability issue]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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

draft - exhibition version

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 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.

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.

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 **funeral homes**, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but

draft - exhibition version

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.

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.

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.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

draft - exhibition version

- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Note. Centre-based child care facilities are a type of *early education and care facility*—see the definition of that term in this Dictionary.

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.

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.

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.

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

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

[Justification – suitable for consideration in village zone. Would promote business development]

crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.

draft - exhibition version

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 generally feed by grazing on living grasses and other plants on the land and 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.

data centre means a building or place the principal purpose of which is to collect, distribute, process or store electronic data using information technology.

Note. Data centres are a type of **high technology industry**—see the definition of that term in this Dictionary.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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 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.

draft - exhibition version

early education and care facility means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

[Justification – suitable for consideration in village zone. Would address need for child-care in local areas]

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—

- (a) making or generating electricity, or
- (b) electricity storage.

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.

[Justification – suitable for consideration in village zone. Would address ability to respond to emergency situations]

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

[Justification – suitable for consideration in village zone. Would promote economic development and tourism]

draft - exhibition version

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.

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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 (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

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.

draft - exhibition version

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, but does not include a poultry farm, dairy or pig farm.

Note. Feedlots are a type of **intensive livestock agriculture**. Intensive livestock agriculture does not include **extensive agriculture**. See the definitions of those terms in this Dictionary.'

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.

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 means forestry operations within the meaning of the *Forestry Act 2012* or Part 5B of the *Local Land Services Act 2013*.

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

draft - exhibition version

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 include a restaurant or cafe and the sale of any of the following—

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

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

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

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

goods repair and reuse premises means a building or place the principal purpose of which is to collect, repair or refurbish goods, including furniture and appliances, for the purposes of sale, hire or swap, and includes premises known as op shops.

Note. Goods repair and reuse premises are a type of **business premises**—see the definition of that term in this Dictionary.

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.

[Justification – suitable for consideration in village zone. Would address affordability issue]

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) 2021*, Chapter 3, Part 5 applies.

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

[Justification – suitable for consideration in village zone. Would address affordability issue]

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

draft - exhibition version

- (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) 2021*, Chapter 3, Part 5 applies.

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

[Justification – suitable for consideration in village zone. Would address affordability issue]

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.

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.

draft - exhibition version

[Justification – suitable for consideration in village zone. Would promote community wellbeing and access to local medical services]

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.

[Justification – suitable for consideration in village zone. Would promote community wellbeing and access to local medical services]

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.

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.

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,

draft - exhibition version

- (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, and includes a data centre, 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.

[Justification – suitable for consideration in village zone. Would promote business development]

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 family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

Note 1. A family day care residence is a residence at which a family day care educator educates and cares for children as part of a family day care service—see the *Children (Education and Care Services) National Law (NSW)*.

Note 2. Home-based child care is a type of *early education and care facility*—see the definition of that term in this Dictionary.

home business means a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
 - (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
 - (d) the exhibition of signage, other than a business identification sign,
 - (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

draft - exhibition version

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

home industry means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—

- (a) the employment of more than 2 persons other than the residents,
 - (b) interference with the amenity of the neighbourhood because 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 adjacent premises or from a public place, of unsightly matter,
 - (d) the exhibition of signage, other than a business identification sign,
 - (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,
- 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.

draft - exhibition version

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.

[Justification – suitable for consideration in village zone. Would promote community wellbeing and access to local medical services]

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.

[Justification – suitable for consideration in village zone. Would address affordability issue]

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.

[Justification – suitable for consideration in a village zone. Would promote business development]

industrial retail outlet means a building or place that—

draft - exhibition version

- (a) is used in conjunction with an industry (other than an artisan food and drink 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.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

[Justification – light industry suitable for consideration in village zone. Would promote business development]

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, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (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—

draft - exhibition version

- (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.

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.

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,
- (c) artisan food and drink industry,
- (d) creative industry.

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

[Justification – suitable for consideration in village zone. Would promote business development]

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.

draft - exhibition version

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

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.

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.

[Justification – suitable for consideration in village zone. Would promote community wellbeing and access to local medical services]

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.

[Justification – suitable for consideration in village zone. Would promote access to local services]

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.

draft - exhibition version

[Justification – suitable for consideration in a village zone. Would provide housing diversity]

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, but does not include neighbourhood supermarkets or 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.

neighbourhood supermarket means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note. See clause 5.4 for controls relating to the gross floor area of neighbourhood supermarkets.

[Justification – suitable for consideration in village zone. Would promote business development]

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.

oyster aquaculture means the cultivation of any species of edible oyster for a commercial purpose.

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

[Justification – not suitable for consideration in village zone]

draft - exhibition version

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.

[Justification – suitable for consideration in village zone. Would promote business development]

pig farm means land that is used to keep or breed pigs for animal production, whether an indoor, outdoor, free-range or other type of operation.

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

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.

pond-based aquaculture means aquaculture undertaken predominantly in ponds, raceways or dams (including any part of the aquaculture undertaken in tanks such as during the hatchery or depuration phases), but not including natural water-based aquaculture.

Note. Pond-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

[Justification – not suitable for consideration in village zone]

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

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

draft - exhibition version

poultry farm means land that is used to keep or breed poultry for animal production, whether for meat or egg production (or both) and whether an indoor, outdoor, free-range or other type of operation.

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

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.

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).

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

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.

draft - exhibition version

[Justification – suitable for consideration in village zone. Would promote business development]

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,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (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, co-living housing or multi dwelling housing.

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

[Justification – suitable for consideration in a village zone. Would provide housing diversity]

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.

draft - exhibition version

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.

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) (Repealed)
- (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,
- (la) specialised retail premises,**
- (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.

[Justification – specialised retail premises suitable for consideration in village zone. Would promote business development]

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

draft - exhibition version

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.

school-based child care means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

Note 1. Accordingly, a building or place within a school that is used to provide out-of-school-hours care for both school children and pre-school children is not school-based child care.

Note 2. School-based child care is a type of **early education and care facility**—see the definition of that term in this Dictionary.

draft - exhibition version

[Justification – suitable for consideration in village zone. Would address need for child-care in local areas]

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 clauses 5.4 and 5.5 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.

[Justification – suitable for consideration in a village zone. Would address provide housing diversity]

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.

[Justification – suitable for consideration in a village zone. Would provide housing diversity]

seniors housing means a building or place that is—

- (a) a residential care facility, or
 - (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
 - (c) a group of independent living units, 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,

draft - exhibition version

- (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.

[Justification – suitable for consideration in a village zone. Would promote business development]

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 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 and neighbourhood supermarket, 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.

draft - exhibition version

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

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

[Justification – suitable for consideration in a village zone. Would provide housing diversity]

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.

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.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
 - (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,
- but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

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

[Justification – suitable for consideration in a village zone. Would promote business development]

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, local distribution premises or a warehouse or distribution centre.

draft - exhibition version

[Justification – suitable for consideration in village zone. Would promote business development. Self-storage units are permitted with consent in Leeton LEP]

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.

tank-based aquaculture means aquaculture undertaken exclusively in tanks, but not including natural water-based aquaculture.

Note. Tank-based aquaculture is a type of **aquaculture**—see the definition of that term in this Dictionary. Typical tank-based aquaculture is the tank culture of barramundi or abalone.

[Justification – not suitable for consideration in village zone]

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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

[Justification – suitable for consideration in village zone. Would promote business development]

draft - exhibition version

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.

[Justification – suitable for consideration in village zone. Would promote business development]

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, but does not include local distribution premises.

[Justification – suitable for consideration in village zone. Would promote business development]

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

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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 and dosing facilities.

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,

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- (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.

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

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

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

[Justification – suitable for consideration in village zone. Would promote business development]

**Attachment E - Maps showing reticulated water and
sewerage services**

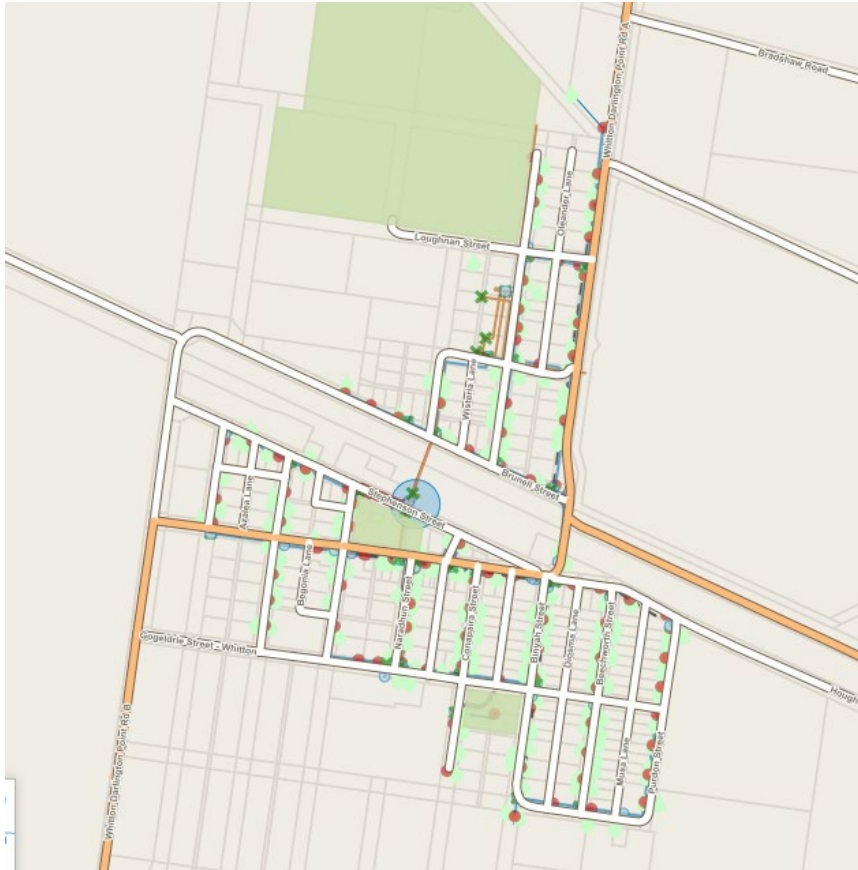


Figure AE1 – Reticulated water network, Whitton

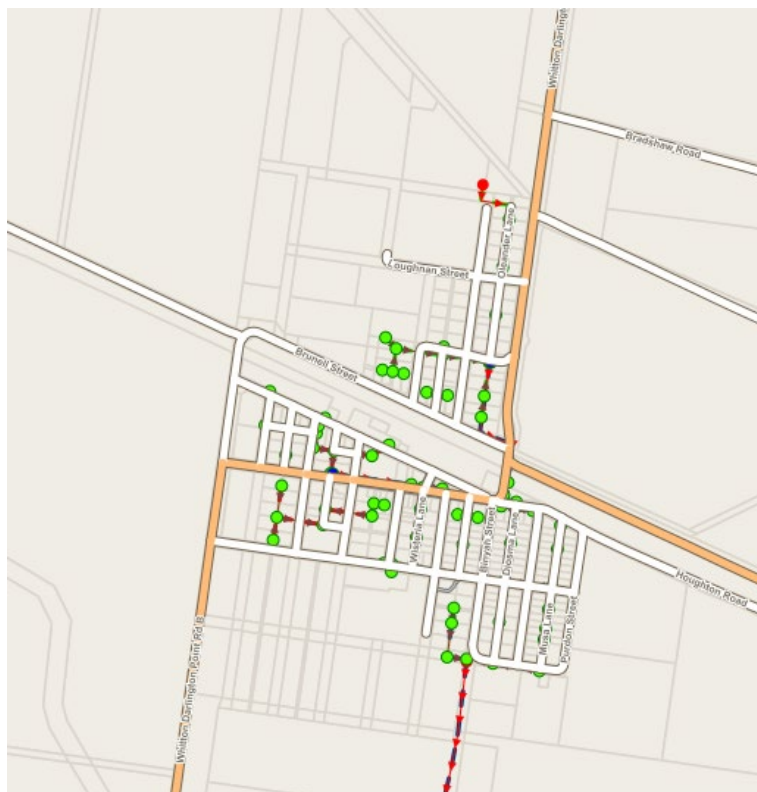


Figure AE2 – Reticulated sewer network, Whitton

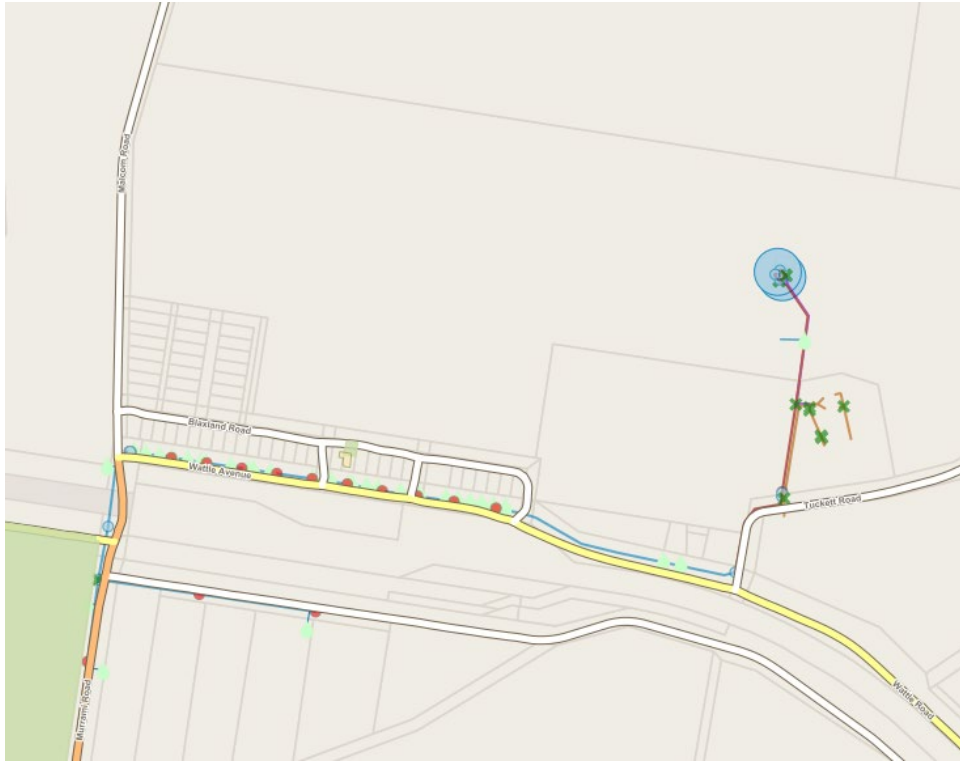


Figure AE3 – Reticulated water network, Murrumbidgee

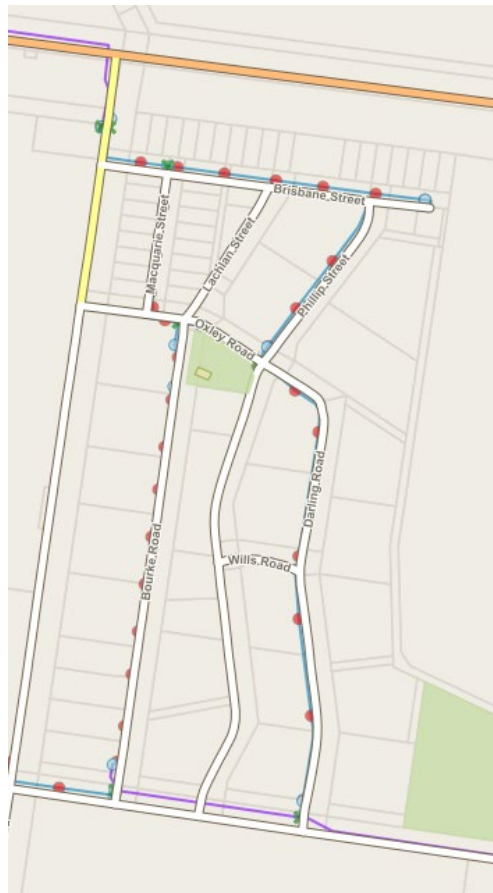


Figure AE4 – Reticulated water network, Wamboyn

**Attachment F - RU5 Village land zone maps (Whitton,
Murrumbidgee, Wamboon)**

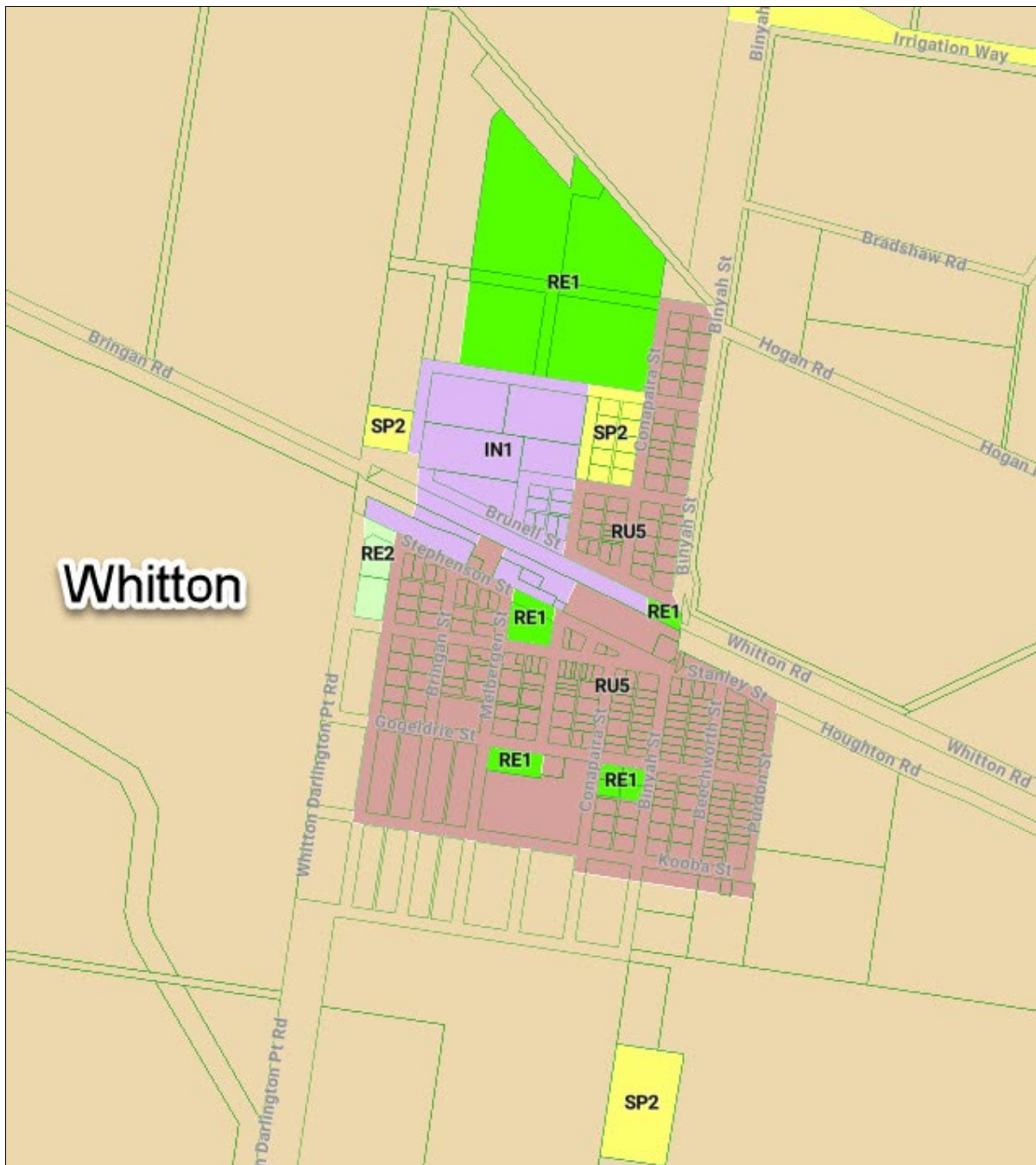


Figure AF1 – Whitton land zones

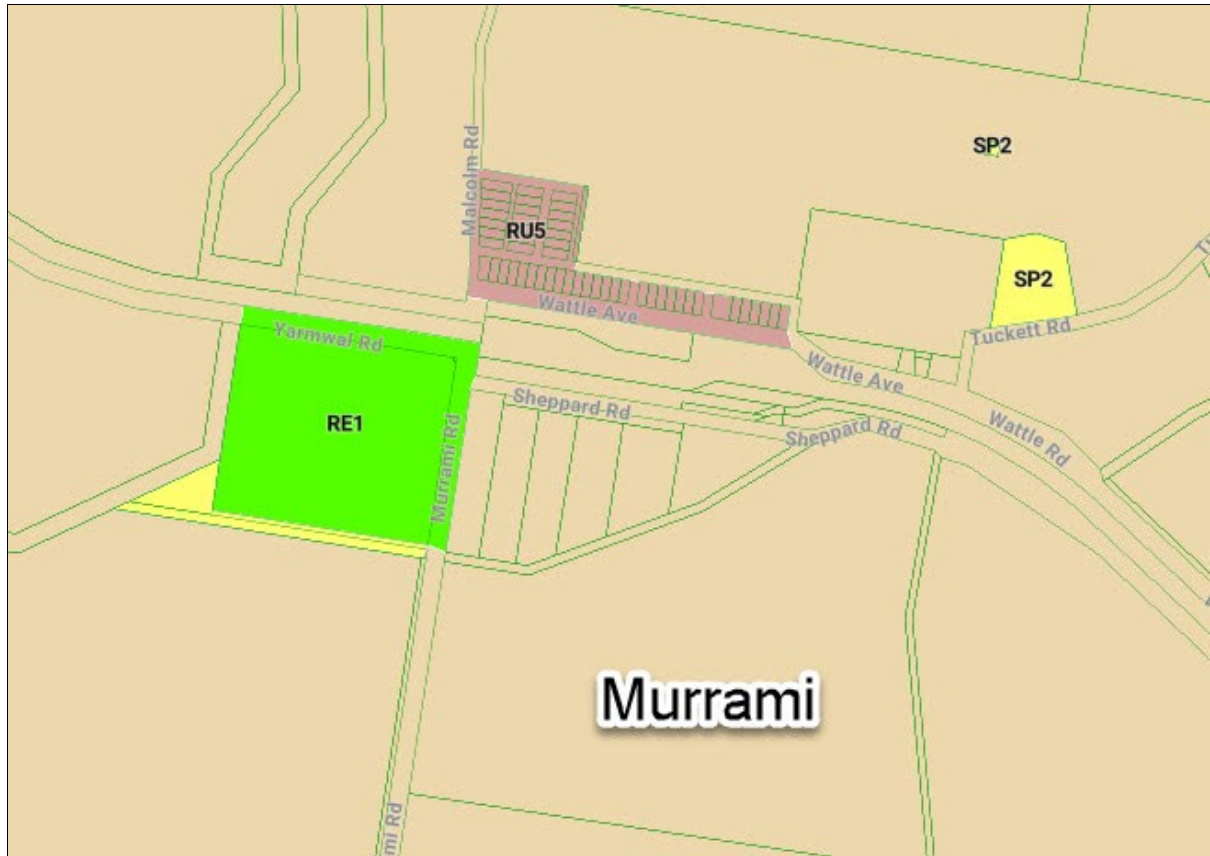


Figure AF2 – Murrami land zones



Figure AF3 – Wamoon land zones

Attachment G – RFS referral comments



NSW RURAL FIRE SERVICE

Leeton Shire Council
23-25 Chelmsford Place
Leeton NSW 2705

Your reference: PP-2022-4277
Our reference: SPI20230215000023

ATTENTION: Francois Van Der Berg

Date: Wednesday 15 March 2023

Dear Sir/Madam,

Strategic Planning Instrument

LEP Amendment - Planning Proposal

Amendment to Leeton Local Environmental Plan 2014 by way of Planning Proposal PP-2022-4277 to replace the 'closed zone' land use table of zone RU5 Village with an 'open zone' land use table. The RU5 Village zone effects the townships of Whitton, Murrami and Wamoon.

I refer to your correspondence dated 13/02/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

While the Planning Proposal report has not specifically addressed Ministerial Direction 4.3 - Planning for Bush Fire Protection, the NSW RFS have reviewed the proposal with regard to 4.3 direction issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*. Based on an assessment of the information provided the NSW Rural Fire Service raises no objection to the proposal subject to a requirement that future development on bush fire prone land complies with the relevant chapter of *Planning for Bush Fire Protection 2019*.

Currently the townships of Wamoon and Murrami do not contain land mapped as bush fire prone and only a small area of Whitton contains land mapped as bush fire prone. As the Leeton Shire Council bush fire prone map has not been updated to include Category 3 (Grassland) hazard and greater areas of the shire will be included in bush fire prone maps in the future, the NSW RFS recommend that the preparation of strategic planning instruments and subdivision development consider the implication of future grassland mapping at the earliest stage of the planning process.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
**Supervisor Development Assessment & Plan
Built & Natural Environment**

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