

Dictionary

Note: Definitions in *italics* have been included to assist in the interpretation of the plan but at this stage do not form part of the plan.

(Clause 9)

abattoir means a building or place used for the slaughter of animals or birds, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

acid sulfate soils means actual or potential acid sulfate soils as defined in the *Acid Sulfate Soils Assessment Guidelines*.

Acid Sulfate Soils Assessment Guidelines means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted for the time being by the Director-General.

acid sulfate soils planning maps means the series of maps marked "Bega Valley Shire Acid Sulfate Soils Planning Maps" kept in the office of the Council.

advertisement has the same meaning as in the Act.

agriculture means:

- (a) the cultivation of pasture or crops, including cereals, fruit, nuts and vegetables or flowers, or the keeping or breeding of livestock, bees, worms, poultry or other birds, or irrigation or dry land farming practices, or
- (b) a combination of all or some of them, for a commercial purpose, but does not include use of animal establishments, or intensive horticulture or intensive livestock keeping.

agroforestry means the inclusion of trees and shrubs into farming systems to gain direct and indirect benefits from their interaction with agriculture.

alter , in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, building or work, or

- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes resulting from maintenance.

animal establishment means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes. It may consist of or include a riding school, horse training facility, cattery or kennels, but not a building or place used for intensive livestock keeping.

appointed day means the day on which this plan takes effect.

aquaculture means the commercial production, including breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals (such as fin fish, crustaceans, molluscs or other aquatic vertebrates).

arterial road means any existing road marked distinctively on the arterial roads map as an arterial road, as altered by any realignment carried out by the Roads and Traffic Authority or the Council.

arterial roads map means sheet 31 of the zoning map, as amended by the maps or sheets of maps marked as follows:

attached dual occupancy means two dwellings on one allotment which are physically attached and characterised by having the appearance of a single house with similar roof pitch, external finishes and design features.

backpackers' hostel means a building or part of a building providing temporary accommodation for travellers and tourists who have their principal place of residence elsewhere, and containing two beds or more per room, and a communal kitchen, a living area and laundry facilities.

bed and breakfast establishment means a lawfully erected dwelling house occupied for permanent residential purposes in which a maximum of three rooms are made available by the residents for temporary holiday accommodation.

B-double truck parking area means an area used for the coupling and uncoupling of B-double trailers and single trailer vehicles involved in the road transport of goods.

boarding house means a house let in lodgings, providing permanent or semi-permanent accommodation, but does not include a motel, guest house or backpackers' accommodation.

brothel means premises habitually used for the purposes of prostitution, including premises used by only one person for the purposes of prostitution.

bulk store means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

bulky goods retail outlet means a building or place used for the sale by retail or auction, or the display of items (whether goods or materials, but not food, clothing or produce) which are of such a size, shape or weight as to require:

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

camp site means a place used for the pitching of tents or other like portable lightweight and temporary shelters for the short-term shelter of visitors or tourists.

camping grounds should be interpreted to mean the same as camp site.

car parks should be interpreted to mean the same as car parking area.

car parking area means a building or place primarily used for the purpose of parking motor vehicles, whether operated for gain or not.

caretaker's residence means a dwelling used in conjunction or associated with a use of the land for which consent has been granted.

caravan park means land used as sites for moveable dwellings, including tents and caravans or other vehicles used for temporary accommodation.

child care centre means any place where a child care service (such as a service of the kind provided at a long day care centre, a pre-school centre, an occasional care centre, a children's neighbourhood centre or a multipurpose child care centre or the like) is provided for the purpose of education, minding or caring for 6 or more children (not including any children who are related to the person providing this service), and which does not include overnight accommodation for those children.

Cemetery means a building or place used for the disposal or processing of dead human beings or animals, and includes a crematorium, burial ground and a chapel.

clearing of land means any manner of destruction of a tree, shrub or plant on the land other than the removal of noxious weeds, but does not involve the destruction of any tree, shrub or plant:

- (a) that is required or expressly authorised by or in pursuance of the provisions of any Act or statutory instrument or by any statutory authority in pursuance of the provisions of any Act or statutory instrument, or

- (b) where the destruction is necessary in an emergency to prevent the spread of fire or in circumstances where the tree, shrub or plant presents a danger to life or property, or
- (c) where the destruction is necessary to enable the carrying out of a development in accordance with a consent.

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind and whether or not the whole or a part of such building is the premises of a club registered under the *Registered Clubs Act 1976*.

community centre *should be interpreted to mean the same as community facility.*

community facility means a building or place owned or controlled by a public authority or a body of persons associated for the purpose of providing for the physical, social, cultural, economic or intellectual development or welfare of the local community, but does not include a building or place (other than a club) elsewhere specifically defined in this Dictionary.

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Dictionary.

community land means land classified as community land within the meaning of the *Local Government Act 1993*.

contaminated land has the same meaning as in Part 7A of the Act.

conservation management plan means a document prepared in accordance with the requirements of the New South Wales Heritage Office that establishes the heritage significance of an item or place and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

conservation plan means a document establishing the heritage significance of a heritage item and identifying conservation policies and management practices that are appropriate to enable that significance to be retained.

convenience store means a shop selling a variety of small grocery goods, whether or not goods are also available for hire there, or other associated services (including a post office, dry cleaning agency or financial agency) are provided there for the convenience of customers.

craft studio means a building or place used for the purpose of carrying out any occupation involving craft or artwork by not more than 3 persons, and which does not involve interference with the amenity of the neighbourhood and includes the display and sale only of items made on the premises.

demolish a heritage item or a building, work, archaeological site or tree means wholly or partly destroy or dismantle the heritage item or the building, work, archaeological site, tree or place.

development has the same meaning as in the Act.

detached dual occupancy means two separate dwelling houses on one allotment which may or may not have corresponding architectural features in their built form.

dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

dwelling house means a building containing one but not more than one dwelling.

ecologically sustainable development means development which uses, conserves and enhances the community's resources so that ecological processes on which life depends are maintained, and the total quality of life, now and in the future, can be increased.

ecotourism facility means any nature-based tourism, educational or interpretative activity or facility that is constructed and managed so as to be ecologically sustainable and without detrimental impact on the ecology of the area. It may include some form of guest accommodation (not caravan parks) and a manager's residence.

educational establishment means a building used for a school, college, tertiary institution, adult or community education, training facility, gallery, museum, display centre or the like, whether or not accommodation for staff or students is provided there or whether or not it is used for the purpose of gain.

energy generation means use of a building or place for the purpose of making or generating gas, electricity or any other form of energy, or for wind, hydro or solar power generation.

entertainment establishment means a building or place used for the purpose of major sporting events, entertainment or exhibitions and includes:

- (a) theatres, cinemas, exhibition centres, art galleries, amusement centres, fun parks, convention centres, music halls or concert halls, and
- (b) sports stadiums, showgrounds, racecourses and motor race tracks and open areas for concerts, exhibitions, displays and the like.

environmental facility means a structure erected or work carried out by or for the Council or a Government agency which provides:

- (a) nature study or display facilities, such as walking tracks, boardwalks, observation decks, bird hides or the like, or
- (b) environmental management and restoration facilities, such as bush restoration, swamp restoration, erosion and run-off prevention works, dune restoration works or the like.

exhibition home means a building designed to be a dwelling but being initially operated as a display home for a period of up to but not more than 5 years, which is open to public inspection at regular times and may include a sales office.

existing holding means the combined area of one or more lots, portions or parcels of land (excluding public or Crown roads) as shown on the existing holdings map. Existing holdings may extend across the edges of adjoining sheets of that map.

existing holdings map means the map marked "Bega Valley Local Environmental Plan 2002—The Existing Holdings Map".

extractive industry means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling, or separating into different sizes of that extractive material on that land.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

farm building means a hayshed, stockyard, machinery shed, storage shed, pumphouse, shearing shed, outbuilding, utility installation or the like in association with the agricultural use of the land.

farm forestry means an industry that includes the use of trees on farm land to produce saleable products such as timber, oil, tannin, charcoal or carbon credits.

farmstay establishment means an established farming enterprise that involves the provision of accommodation and entertainment for tourists as part of the day-to-day operation of the farm.

flood liable land means land that is below the 1 in 100 year flood planning level.

flood planning level means the predicted water level of the 1 in 100 year flood for a particular site.

floor space ratio means the ratio of the gross floor area of a building to the site area of the land on which the building is erected or proposed to be erected.

Forestry means arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

gas holder means a container designed to hold more than 500 litres of liquid petroleum gas.

granny flat means a small separate dwelling not greater than 60 square metres in gross floor area intended to be occupied by a relative or relatives or persons associated with the occupants of the principal dwelling on the land.

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level, but excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal access to it, and
- (d) space for the loading and unloading of goods.

guest house means a dwelling providing accommodation for commercial purposes, and may also include a bed and breakfast establishment and house billeting, for travellers and tourists who have their principal place of residence elsewhere, where:

- (a) the operator of the business resides permanently on the premises and provides meals and housekeeping services for the guests, and
- (b) guest accommodation is provided on a short term basis.

hazardous industry means a development for the purposes of an industry which, when the development is in operation and when all the measures proposed to reduce or minimise its impact on the locality have been employed (including, for

example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

hazardous storage establishment means any establishment where goods, materials or products are stored which, 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 establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

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

health care professional means a person who renders professional health services to members of the public and includes a podiatrist, a chiropodist, a chiropractor, a physiotherapist and an optometrist.

heavy industry means an industry not being an extractive, light, offensive, hazardous or rural industry.

height, in relation to a building, means the distance measured vertically from any point on the ridge of the building to the natural ground level.

helicopter landing site 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 used for the taking off and landing of helicopters, whether or not it includes terminal buildings or facilities for the parking, servicing and repair of helicopters.

heritage impact statement means a statement demonstrating the heritage significance of an item, a property, an archaeological site or a place, an assessment of the impact that proposed development will have on that significance and the measures that are proposed to minimise that impact.

heritage item means a building, work, relic, tree or place described in Schedule 5.

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

home-based child care means the provision of child care in a dwelling erected with development consent and in accordance with the *Family Day Care and Home Based Child Care Services Regulation 1996*.

home business means a business, profession or trade (not being a home industry or professional consulting room) carried on in part of a dwelling house, or in an ancillary building on the same lot as a dwelling house, or within the curtilage of a dwelling house, by permanent residents of the dwelling house where:

- (a) not more than two other non-resident persons are engaged in the business, profession or trade on the site or use of the site as a base (other than electronically), and
- (b) it does not occupy more than 80 square metres of floor space in the urban zones or 100 square metres in the rural zones, and
- (c) it does not interfere 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 or otherwise, and
- (d) it does not involve the display of goods, whether in a window or otherwise, and
- (e) it does not involve the exhibition of any notice, advertisement or sign other than a notice, advertisement or sign that does not exceed 0.8 square metre in area exhibited on or within the curtilage of the dwelling house or dwelling to indicate the name and occupation of the residents, and
- (f) it does not involve a change in the appearance of the dwelling house or land on which it is erected that is out of character with that of the surrounding area.

home industry means an industry carried on in a building (other than a dwelling house or a dwelling in multi unit housing) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 60 square metres in the urban zones or 100 square metres in the rural zones and is erected within the curtilage of the dwelling house or multi unit housing occupied by the person carrying on the industry or on adjoining land owned by that person,
- (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or

- (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available to the locality,
- (c) the industry does not entail:
- (i) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
 - (ii) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on the dwelling or land to include the name and occupation of the residents), or
 - (iii) the employment of more than one person who is not a resident of the dwelling.

home occupation means an occupation carried on in a dwelling house or in a dwelling in multi unit housing by the permanent residents of the dwelling house or dwelling which 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 or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the residents), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail, or
- (f) use of more than one room of the house or of more than 30 square metres of the floor area of the dwelling house or multi unit housing, whichever is the lesser.

hospital means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and 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:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health careworkers, and whether or not any such use is a commercial use.

hostel means housing for older people or people with a disability where cooking and dining, laundering, cleaning and other facilities are provided on a shared basis, and where a person having nursing or social work experience, or other similar experience, provides services for and maintains the housing on a full-time basis.

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

housing for older people or people with a disability means residential accommodation which is or is intended to be used permanently as housing for the accommodation of older people or people with a disability which may consist of a residential care facility, a hostel or a grouping of 2 or more self-contained dwellings, or a combination of these, but does not include a hospital.

industry means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business, but does not include an extractive industry.

institution means a penal or reformatory establishment.

intensive horticulture means a building or place used for the artificial propagation or growing of plants, other than an orchard or vineyard using traditional agricultural practices, and includes a building or place at which:

- (a) plants are grown by the use of hydroponics, or
- (b) indoor plants, such as crops, ornamental trees or shrubs, flowers, fruit, nuts or vegetables are grown.

intensive livestock keeping establishment means a building or place used to hold livestock for the purpose of breeding or nurturing by a feeding method other than natural grazing and includes:

- (a) cattle feedlots,

- (b) poultry farms,
- (c) horse training and boarding establishments,
- (d) piggeries, and
- (e) dairies,

and the like, but does not include a building or place elsewhere specifically defined in this Dictionary or used only for the keeping of livestock for personal consumption or enjoyment by the owner or occupier of the land.

interim heritage item means a building, work, relic, tree or place described in Schedule 6.

junkyard means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

kiosk means a shop with a gross floor area not exceeding 50 square metres which is intended primarily to provide food or refreshments to the users of a recreation area or recreation facility, but does not include a restaurant.

landscaped area means that part of a site area at ground level not occupied by any building and used for recreation, lawns, gardens and substantial planting. It does not include balconies, pools, driveways and parking areas, but includes decks where they have a direct connection to ground level and are no higher than 500mm above ground level.

light industry means an industry, not being extractive, rural, heavy, offensive or hazardous industry in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity or the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means a place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

maintenance, in relation to a heritage item, means the ongoing protective care of the fabric of a heritage item and its setting.

marina means pontoons, jetties, piers or other structures (whether water-based or land-based) designed to provide moorings or dry storage for vessels used primarily for pleasure or recreation. It also includes (whether or not in addition to the foregoing) works such as slipways, hoists or facilities for the repair and maintenance of vessels and any associated land-based buildings or works.

marine service centre means a building or place used for the fuelling of motor boats involving the sale by retail of petrol, diesel fuel and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the sale by retail of chandlery equipment, marine motors, spare parts and accessories for boats, including motor boats,
- (b) the washing and maintenance of boats,
- (c) the installation of boating accessories,
- (d) the repairing and servicing of boats involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, hull construction or restoration, panel beating, fibreglass fabrication or spray painting).

market means an open air area or an existing building used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, and includes temporary structures and existing permanent structures used for that purpose.

medical centre means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by the use of which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the operation is stacked, stored, crushed or otherwise treated, but does not include a quarry.

mooring means an apparatus (single or otherwise) on or in the waterway that is used for restraining a vessel.

motel means a building or buildings (other than a hotel, backpackers' accommodation or a boarding house) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed in or on it.

multi unit housing means two or more dwellings (whether attached or detached) on a single allotment of land. It includes dual occupancies, townhouses, villa houses and residential flat buildings.

offensive industry means a development for the purposes of an industry which, when the development is 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 development from existing or likely future development on other land in the locality), would emit a polluting discharge or cause an adverse impact (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development of other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored which, 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 establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development of other land in the locality.

older people means people aged 55 years or over.

operational land means land classified as operational land within the meaning of the *Local Government Act 1993*.

outdoor recreation means a use of land for recreation purposes not involving the erection or use of a building.

panel beating workshop means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery, where the work involved includes:

- (a) body building, or
- (b) panel beating which may or may not involve dismantling, or
- (c) spray painting.

parking space means any garage, car space or part of a court available for the parking of vehicles.

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

perennial stream means the streams identified as perennial on the series of topographic maps kept in the office of the Council.

picnic ground means an area of open space used for passive recreation (not being bushland) and may include tables, seating, BBQ's, sunshade structures and an amenity building.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl, or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

place of public worship means a building or place used primarily 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 or religious training related to the functioning of the building.

plant depot means a building or place used for the parking or servicing of moveable plant in the pursuit of an occupation or business carried on at some other location.

plant hire means a building or place used for the hiring out of tools, plant and equipment used by the industry, builders or "do it yourselfers" and for the storage, service and maintenance of the tools, plant and equipment.

plant nursery *is to be interpreted to mean the same as retail plant nursery.*

plantation forestry means the use of a cleared site for the purpose of arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products. The use may include the establishment of roads required for the removal of wood and forest products and for forest protection.

prime crop and pasture land means land identified as Class 1, Class 2 and Class 3 or as land of merit for special agricultural uses, on an agricultural classification map prepared by the Department of Agriculture and deposited in the Council's office, but does not include land identified to the Council as not being prime crop and pasture land by or with the agreement of the Director-General of the Department of Agriculture.

professional consulting rooms means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of a dwelling house and used by not more than three legally qualified medical practitioners or by not more than three dentists, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively and,

if more than one, practise in partnership, and who employ not more than three employees in connection with that practice.

prostitution has the meaning ascribed to it in the *Summary Offences Act 1988*.

public 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.

racecourse means a place used for the organised racing of animals or vehicles and includes ancillary buildings and facilities.

reception establishment means a building or place used for the purpose of wedding receptions, birthday parties and the like where admission is by private invitation, but does not include a refreshment room or hotel.

recreation area means:

- (a) a children's playground, or
- (b) a building or place (or both) used for sporting activities or sporting facilities, or
- (c) a building or place (or both) used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) a building or place (or both) used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those persons, but does not include a showground or racecourse or a building or place elsewhere specifically defined in this Dictionary.

recreation establishment means health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.

recreation facility means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

refreshment room means a building or place, the principal purpose of which is the provision of food to people for consumption on the premises, whether or not takeaway meals are also provided and includes a restaurant, café, coffee shop and the like, but does not include a kiosk.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the local government area of Bega Valley and that is attached to or within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the local government area of Bega Valley.

renovation , in relation to a building or work, means:

- (a) the making of any structural changes to the outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair, plastering, or other decoration of, the outside of the building or work.

research establishment means a laboratory or other place where scientific or technological development is carried out.

retail plant nursery means a building or place used for the growing and wholesale or retail selling of plants, whether or not ancillary products are sold there.

riding school means land used for the renting, training, stabling and keeping of horses or the teaching of horse riding, whether or not horse riding takes place only within the land and whether or not for gain.

roadside stall means a building or place not exceeding 20 square metres in floor space or area, respectively, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

rural industry means the handling, treating, processing, packing, storage and sale of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

sawmill means a mill handling, cutting and processing timber from logs or baulks.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles,

- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration).

serviced apartments means a building containing 2 or more serviced dwellings used only for the overnight accommodation of travellers or longer term tourist accommodation.

sex shop means a shop in which articles primarily associated with sexual activities are sold.

shop means a building or place used for selling items, whether by retail or auction, for hiring items or for displaying items for the purpose of selling or hiring them out.

showground means land used to present organised agricultural exhibitions or cultural events to the public. It includes any incidental or ancillary buildings or works situated on the land.

site area means the area of land to which an application for consent under the Act relates, excluding any land upon which the development to which the application relates is not permitted by or under this plan.

stable means a building or place used or designed for use for the purpose of receiving, maintaining, boarding or keeping horses.

stock and sale yard means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

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

- (a) space used for car parking, laundries or storerooms, if the ceiling above the space is not more than 1.2 metre above natural ground level, or
- (b) attic space which is part of the dwelling immediately below and is incapable of being used as, or as part of, another dwelling, or
- (c) plant rooms.

subdivision has the same meaning as in the Act.

technology centre means a building or place used for telecommunications or information technology operations and includes a call centre, an internet service provider and the like.

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

the corporation has the same meaning as in the Act. the Council means the Bega Valley Shire Council.

the Department has the same meaning as in the Act.

the Director-General means the Director-General of the Department.

timberyard means a place or building used for the storage, treatment and sale of timber products.

transport depot means a building or place used for the servicing, garaging and repair of any motor powered or motor drawn vehicle used in the connection with passenger or goods transport, business or industry.

transport terminal means any building or place used for the assembly and dispersal of passengers or goods.

tourist accommodation means a building or buildings used for the temporary accommodation of tourists, visitors or travellers which may have facilities for the convenience of patrons such as restaurants, conference facilities or recreation areas, and entertainment establishments.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

utility undertaking means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) telecommunications facilities, or
- (e) firefighting facilities, or
- (f) paramedical facilities.

vehicle repair station means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

- (a) vehicle body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a touching-up character.

veterinary establishment means a building or a place used for the purpose of the medical or surgical treatment of animals, whether or not animals are kept on the premises for the purpose of treatment. It may also provide short-term accommodation for domestic pets.

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in retail trade or industrial activity.

waste has the same meaning as in the *Protection of the Environment Operations Act 1997*. A substance is not precluded from being waste merely because it can be reprocessed, re-used or recycled.

waste management facilities or works means any premises used for the storage, treatment, reprocessing, recycling, sorting or the disposal of waste.

water recreation *should be interpreted to mean a use of water for recreation purposes not involving the erection or use of a building.*

zoning map means the map marked "Bega Valley Local Environmental Plan 2002—The Zoning Map", as amended by the maps or sheets of maps marked as follows:

Bega Valley Local Environmental Plan 2002 (Amendment No.1) – Sheet 1

Bega Valley Local Environmental Plan 2002 (Amendment No.2) – Sheets 1 and 2

Bega Valley Local Environmental Plan 2002 (Amendment No.4)

Bega Valley Local Environmental Plan 2002 (Amendment No.5) – Sheet 1

Bega Valley Local Environmental Plan 2002 (Amendment No.8)