



# Mudgee Local Environmental Plan 1998 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/00541/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2003 No 656

Clause 1 Mudgee Local Environmental Plan 1998 (Amendment No 1)

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# Mudgee Local Environmental Plan 1998 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

## 1 Name of plan

This plan is *Mudgee Local Environmental Plan 1998 (Amendment No 1)*.

## 2 Aims of plan

This plan aims to amend *Mudgee Local Environmental Plan 1998*:

- (a) to clarify the interpretation of that Plan, and
- (b) to amend the landuse table to Part 2 of that Plan to recognise new definitions, and
- (c) to amend the objectives of Zone No 3 (a) to include an additional objective that indicates Mudgee Shire Council's intention to concentrate major commercial undertakings within the local government area of Mudgee in the central business district of the town of Mudgee, and
- (d) to amend the objectives of Zone No 4 (b) (Light Industrial), and
- (e) to rezone Lot 1, D.P. 1006125 from Zone No 1 (a) (General Rural) to Zone No 5 (a) (Special Uses-Water Supply), and
- (f) to rezone part of Lot 11, D.P. 1031670, as shown edged heavy black on the map marked "Mudgee Local Environmental Plan 1998 (Amendment No 1)" held in the office of Mudgee Shire Council, from Zone No 4 (a) (Industrial) to Zone No 4 (b) (Light Industrial), and
- (g) to overcome anomalies within that Plan through numerous minor amendments.

## 3 Land to which plan applies

This plan applies to all land within the Mudgee local government area.

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**4 Amendment of Mudgee Local Environmental Plan 1998**

*Mudgee Local Environmental Plan 1998* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Interpretation

Insert in alphabetical order in clause 6 (1):

*brothel* means any premises made available for the purpose of prostitution by a person carrying on the business of providing prostitution services at the premises, and, for the purposes of this definition, *prostitution* means the provision by a person or persons (whether or not of a different sex) of sexual services in return for payment or other reward.

*bulky goods sales room or showroom* means a building or place used for the sale by retail or auction, or hire or display, of items (whether goods or materials) which are of such a size, shape or weight as to require:

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

but does not include a building or place used for the sale of foodstuffs or clothing.

*major commercial premises* means a building or place used as an office or other business for commercial purposes, being a building or place having a gross floor area exceeding 2,500 metres but does not include major retail premises.

*major retail premises* means:

- (a) a supermarket or department store, or
- (b) a shop or group of adjoining shops (other than bulky goods sales rooms or showrooms) having, or together having, a gross floor area exceeding 2,500 square metres.

### [2] Clause 6 (1), definition of “the map”

Insert at the end of the definition:

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**[3] Part 2, Table**

Insert “bulky goods sales rooms or showrooms;”, “major commercial premises;” and “major retail premises;” in appropriate order in item 5 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (c1), 1 (c2), 2 (a), 2 (c), 2 (v) and 7 (a).

**[4] Part 2, Table**

Insert “brothels;” in appropriate order in item 5 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (c1), 1 (c2), 2 (a), 2 (c), 2 (v), 3 (a) and 7 (a).

**[5] Part 2, Table**

Insert after item 1 (a) of the matter relating to Zone No 3 (a):

- (a1) to concentrate major commercial undertakings within the local government area of Mudgee in the central business district of the town of Mudgee, and

**[6] Part 2, Table**

Insert “brothels;” in appropriate order in item 4 of the matter relating to Zone No 4 (a).

**[7] Part 2, Table**

Omit “Nil” from item 5 of the matter relating to Zone No 4 (a).

Insert instead:

Development for the purpose of—bulky goods sales rooms or showrooms; major commercial premises; major retail premises.

**[8] Part 2, Table**

Insert at the end of item 1 (d) of the matter relating to Zone No 4 (b):

, and

- (e) to enable development of non-industrial uses, such as bulky goods sales rooms or showrooms, along Sydney Road to promote the improvement of the visual aesthetics of the entrance to the town of Mudgee, whilst recognising the dominant retailing role of the central business district of the town.

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Schedule 1 Amendments

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### **[9] Part 2, Table**

Insert “bulky goods sales rooms or showrooms;” and “major commercial premises;” in appropriate order in item 4 of the matter relating to Zone No 4 (b).

### **[10] Part 2, Table**

Omit “Nil.” from item 5 of the matter relating to Zone No 4 (b).

Insert instead:

Development for the purpose of—brothels; major retail premises; shops (unless ancillary to development permitted in the zone or catering to the local needs of the industrial area).

### **[11] Part 2, Table**

Omit “Nil.” from item 5 of the matter relating to Zone No 5 (a).

Insert instead:

Development for the purpose of—brothels; bulky goods sales rooms or showrooms; major commercial premises; major retail premises.

### **[12] Clause 19 Subdivision of land within Zones Nos 7 (a), 7 (b) and 7 (h)**

Insert at the end of the clause:

- (2) Despite subclause (1), the Council may consent to the subdivision of land within Zone No 7 (a), 7 (b) or 7 (h) for the purpose of a minor boundary adjustment between 2 allotments if no additional allotment is created.

### **[13] Clause 20 Dwellings on land within Zones Nos 1 (a), 1 (a1), 1 (c1), 1 (c2), 2 (a), 2 (c), 2 (v), 7 (b) and 7 (h)**

Insert after clause 20 (3) (c) (ii):

- (iii) on an aggregated area of land listed in Schedule 3, or

**[14] Clause 20 (3) (k)**

Insert at the end of clause 20 (3) (j):

, or

- (k) on land within Zone No 1 (a) or 1 (a1) on an allotment that has an area of not less than 40 hectares and that was in existence as a separate lot, portion or parcel of land as at 11 February 1985, and was separately owned from any adjoining or adjacent lands as at that date.

**[15] Clause 20 (6)**

Insert after clause 20 (5):

- (6) Subclause (3) (k) ceases to have effect 3 years after the commencement of *Mudgee Local Environmental Plan 1998 (Amendment No 1)*.

**[16] Clause 46**

Insert after clause 45:

**46 Brothels**

A person must not carry out development for the purpose of a brothel on land within Zone No 4 (a) within 100 metres of a church, hospital, school or any place regularly frequented by children for recreational or cultural activities.

**[17] Schedule 2 Aggregated areas**

Insert in appropriate order in the Schedule:

- 13 Lot 2, DP 1006125, Parish of Guntawang

**[18] Schedule 3**

Insert after Schedule 2:

**Schedule 3 Aggregated land within Zone No 1 (c1)**

(Clause 20 (3) (c) (iii))

- 1 Lots 53, 91, 105, 158-163 (inclusive), 227, 228, 230 and 249, DP 755433, Parish of Gulgong