



New South Wales

Cooma–Monaro Local Environmental Plan 1999—(Rural)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q92/00040/PC)

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning

Sydney, 11 October 1999

Contents

	Page
Part 1 Preliminary	
1 What is this plan called?	3
2 What are the aims and objectives of this plan?	3
3 Where does this plan apply?	4
4 How does this plan affect other plans?	4
5 Who is the consent authority for this plan?	4
6 How are terms defined in this plan?	4

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Contents

Part 2 Zoning controls

- | | | |
|---|---|---|
| 7 | What zones apply in this plan? | 5 |
| 8 | Zone objectives and development control table | 5 |

Part 3 Special provisions

- | | | |
|----|---|----|
| 9 | Suspension of restrictions on land | 11 |
| 10 | Tree preservation | 11 |
| 11 | Advertising | 13 |
| 12 | Development not requiring consent | 13 |
| 13 | Community use of schools | 14 |
| 14 | Subdivision | 14 |
| 15 | Residential development | 17 |
| 16 | Dual occupancy | 18 |
| 17 | Heritage | 19 |
| 18 | Flooding | 23 |
| 19 | Bushfire | 24 |
| 20 | Restriction of development along classified roads | 24 |
| 21 | Riparian corridors | 25 |
| 22 | Development on certain land | 26 |

Schedules

- | | | |
|---|--|----|
| 1 | Development not requiring consent | 27 |
| 2 | General considerations for development, including subdivision in rural areas | 31 |
| 3 | Property development plans | 33 |
| 4 | Restriction of development along main roads | 35 |
| 5 | Development of certain land | 36 |
| 6 | Heritage items | 37 |
| | Dictionary | 45 |

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 1 Preliminary

1 What is this plan called?

This plan is called *Cooma–Monaro Local Environmental Plan 1999—(Rural)*.

2 What are the aims and objectives of this plan?

(1) The aims of this plan are as follows:

- (a) to establish effective, flexible planning which will make the administration of planning more efficient,
- (b) to maintain and encourage diverse agriculture,
- (c) to ensure that development occurs in a manner which minimises risks due to environmental hazards, and minimises risks to important elements of the physical and natural environment, including water quality,
- (d) to protect and conserve the cultural heritage,
- (e) to enhance the residential and service functions of the main villages,
- (f) to provide a range of housing opportunities, including rural residential development in the vicinity of Cooma and villages,
- (g) to promote and co-ordinate the orderly and economic use and development of land in the Cooma–Monaro area.

(2) The objectives of this plan are as follows:

- (a) to provide a land use framework to guide the future use of the land within the area of Cooma–Monaro,
- (b) to provide a basis for the preparation of detailed development control plans,

1999 No 558

Clause 2 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 1 Preliminary

- (c) to protect environmentally sensitive areas and the heritage of the area,
- (d) to improve opportunities for ecologically sustainable development,
- (e) to provide for the cultural needs of, and to make equitable provision for services and facilities for, the community.

3 Where does this plan apply?

This plan applies to all land within the area of Cooma–Monaro which is inside the heavy black line shown on the map.

4 How does this plan affect other plans?

On the commencement of this plan, all local environmental plans and deemed environmental planning instruments that applied to the land to which this plan applies immediately before that commencement are repealed.

5 Who is the consent authority for this plan?

The Council is the consent authority for the purposes of this plan, subject to the Act.

6 How are terms defined in this plan?

- (1) Terms used in this plan which are defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) In this plan:
 - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) a reference to a building or a place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (3) The list of contents is not part of this plan.

Part 2 Zoning controls

7 What zones apply in this plan?

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map as being within the zone as follows:

Zone No 1 (a) (Rural Zone) black edging and lettered “1 (a)”

Zone No 1 (c) (Rural (Small Holdings) Zone) black edging and lettered “1 (c)”

Zone No 1 (f) (Rural (Forestry) Zone) black edging and lettered “1 (f)”

Zone No 2 (Village Zone) black edging and lettered “2”

Zone No 5 (b) (Special Uses (Railways) Zone) black edging and lettered “5 (b)”

Zone No 7 (d) (Environment Protection (Scenic) Zone) black edging and lettered “7 (d)”

Zone No 8 (National Parks and Nature Reserves Zone) black edging and marked “8”

8 Zone objectives and development control table

- (1) The objectives of a zone are set out in the following Table under the heading “What are the objectives of the zone?” appearing in the matter relating to the relevant zone.
- (2) Subject to the other provisions of this plan, in relation to land within a zone, the development (if any) that:
 - (a) may be carried out without development consent, and
 - (b) may be carried out only with development consent, and
 - (c) is prohibited,

is specified in the following Table under the headings “What is allowed without development consent?”, “What is allowed only with development consent?” and “What is prohibited?”, respectively, appearing in the matter relating to the relevant zone.

1999 No 558

Clause 8 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 2 Zoning controls

- (3) The Council must not grant consent for development on land within a zone unless it has taken into consideration the aims and objectives of this plan and is satisfied that the development is consistent with the objectives of the zone.

Development control table

Zone No 1 (a) (Rural Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development to those uses which are unlikely to:

- (a) prejudice in a significant manner the agricultural production potential of land within the zone, or
- (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road, or
- (c) have an adverse impact on the area's water resources, or
- (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services.

2 What is allowed without development consent?

Development for the purpose of:

agriculture (except use of intensive animal establishments); bushfire hazard reduction; home businesses.

3 What is allowed only with development consent?

Any development not included in item 2 or 4.

4 What is prohibited?

Development for the purpose of:

business premises; bulky goods salesrooms or showrooms; commercial premises; hotels; medical centres; residential flat buildings; vehicle repair stations.

Zone No 1 (c) (Rural (Small Holdings) Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to enable development for the purpose of small rural-residential holdings to be carried out on land which is suitable for that development and which is unlikely:
 - (i) to create a demand for the uneconomic provision of services, or
 - (ii) to detract from the scenic quality of land within the zone, and
- (b) to allow for non-residential uses, where those uses are:
 - (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of services, and
 - (ii) unlikely to interfere unreasonably with the amenity of adjoining properties.

2 What is allowed without development consent?

Development for the purpose of:
bushfire hazard reduction.

3 What is allowed only with development consent?

Development for the purpose of:

advertising signs not allowed by clause 11; animal establishments; aquaculture; bed and breakfast accommodation; camping grounds or caravan sites; clubs; depots; dwellings; entertainment facilities; family day care homes; forestry; generating works; heliports; home activities; office premises; plant nurseries; reception establishments; refreshment rooms; roadside stalls; shops; tourist accommodation; utility installations; veterinary hospitals.

4 What is prohibited?

Any development not included in item 2 or 3.

1999 No 558

Clause 8 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 2 Zoning controls

Zone No 1 (f) (Rural (Forestry) Zone)

1 What are the objectives of the zone?

The objective of the zone is to conserve forest resources.

2 What is allowed without development consent?

Development for the purpose of:

any use of land authorised by or under the *Forestry Act 1916*;
bushfire hazard reduction.

3 What is allowed only with development consent?

Nil.

4 What is prohibited?

Any development not included in item 2.

Zone No 2 (Village Zone)

1 What are the objectives of the zone?

The objective of the zone is to restrict development to development which is compatible with the general residential character of village areas and which is unlikely to prejudice the viability of established shopping and commercial centres.

2 What is allowed without development consent?

Development for the purpose of:

bushfire hazard reduction.

3 What is allowed only with development consent?

Any development not included in item 2 or 4.

4 What is prohibited?

Development for the purpose of:

abattoirs; aerodromes; eco-tourism; extractive industries; generating works; hazardous storage establishments; heliports; industries (other than light industries); intensive animal establishments; material

recycling yards; offensive industries; rural tourist facilities; stock and sale yards.

Zone No 5 (b) (Special Uses (Railways) Zone)

1 What are the objectives of the zone?

The objectives of the zone are to identify land that is used or suitable for use for railways and to allow railway development (and ordinarily incidental or ancillary development) and other related development on that land.

2 What is allowed without development consent?

Development for the purpose of railways (including ordinarily incidental or ancillary development).

3 What is allowed only with development consent?

Development that is related to development for the purpose of railways (but that is not ordinarily incidental or ancillary development).

4 What is prohibited?

Any development not included in item 2 or 3.

Zone No 7 (d) (Environment Protection (Scenic) Zone)

1 What are the objectives of the zone?

The objective of the zone is to enable a limited range of development (including tourist facilities) on land possessing special aesthetic or conservation values where:

- (a) it can be demonstrated that the development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not significantly detract from the scenic quality of the land within the zone, and
- (b) the development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.

1999 No 558

Clause 8 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 2 Zoning controls

2 What is allowed without development consent?

Development for the purpose of:

agriculture (except use of intensive animal establishments); bushfire hazard reduction.

3 What is allowed only with development consent?

Development for the purpose of:

advertising signs not allowed by clause 11; communication facilities; community facilities; dwelling-houses; home businesses; motels; recreation areas; roads; tourist facilities; utility installations.

4 What is prohibited?

Any development not included in item 2 or 3.

Zone No 8 (National Parks and Nature Reserves Zone)

1 What are the objectives of the zone?

The objectives of the zone are:

- (a) to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of that land as provided for under that Act.

2 What is allowed without development consent?

Development for the purpose of:

any land use authorised by or under the *National Parks and Wildlife Act 1974*; any land use ordinarily incidental or ancillary to such a land use.

3 What is allowed only with development consent?

Development that is related to a land use authorised by or under the *National Parks and Wildlife Act 1974* (but that is not ordinarily incidental or ancillary to such a land use).

4 What is prohibited?

Any development not included in item 2 or 3.

Part 3 Special provisions

9 Suspension of restrictions on land

Objective of provision

To ensure that private restrictions do not prohibit or restrict development being carried out in accordance with this plan.

Suspension of covenants, agreements and similar instruments

- (1) If any agreement, covenant or other similar instrument prohibits or restricts development allowed by or under this plan, the agreement, covenant or instrument does not apply to that development to the extent necessary to allow that development to be carried out.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclauses (1) and (2) before this plan was made.

10 Tree preservation

Objective of provision

To provide a mechanism to protect a tree or group of trees which would result in the maintenance of a demonstrably beneficial amenity to residents within the Cooma–Monaro local government area.

Tree preservation orders

- (1) The Council may make, revoke or amend a tree preservation order.
- (2) A person must not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without the consent of the Council. This does not apply to or in respect of:
 - (a) trees within a State forest, or within a timber or forest reserve, within the meaning of the *Forestry Act 1916*, or
 - (b) trees in a national park within the meaning of the *National Parks and Wildlife Act 1974*, or

1999 No 558

Clause 10 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (c) the trimming or removal of trees in accordance with section 48 of the *Electricity Supply Act 1995* or by an electricity distributor in accordance with clause 5 (1) of the *Electricity (Tree Preservation) Regulation 1995*, or
 - (d) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
 - (e) trees within a fuel free zone within the meaning of the document entitled “Planning for Bush Fire Protection” published by the Department of Bush Fire Services and as approved by the Council, or
 - (f) the destruction or removal of trees within an area adequate to provide access for a vehicle to enable the erection and maintenance of a fence on the property.
- (3) The Council must give public notice in a local newspaper circulating in the affected area of any decision to prepare a tree preservation order or to revoke or amend such an order.
- (4) Following preparation of a draft tree preservation order or a draft amendment to such an order, the Council must:
- (a) give notice in a local newspaper of the places, dates and times for inspection of the draft order or amendment, and
 - (b) publicly exhibit at the place, on the dates and during the times set out in the notice, a copy of the draft tree preservation order or amendment, and
 - (c) specify in the notice the period during which submissions on the draft order or amendment may be made to the Council.
- (5) A draft tree preservation order or amendment must be publicly exhibited for at least 28 days.
- (6) After considering any submissions on the draft order or amendment that have been duly made, the Council:
- (a) may approve the order or amendment in the form in which it was publicly exhibited, or
 - (b) may approve the order or amendment with such alterations as the Council thinks fit, or
 - (c) may decide not to proceed with the order or amendment.

- (7) The Council must publish a public notice of its decision to approve a tree preservation order or an amendment of such an order, or to revoke such an order, in a local newspaper within 14 days after the decision is made.
- (8) Such an order, amendment or revocation takes effect when the public notice is first so published.

11 Advertising

Objective of provision

To identify those forms of advertising that do not require development consent.

Advertising without consent

Despite any other provision of this plan, a person may carry out development for the purpose of any one or more of the following on any land to which this plan applies without development consent:

- (a) an internal shop window display,
- (b) any advertisement erected on land that is not visible from outside the land (but not including an advertisement on a heritage item or on a site within a heritage conservation area),
- (c) a temporary sign,
- (d) a public notice in a public place,
- (e) a road safety sign erected by a body authorised by or under an Act to erect the sign.

12 Development not requiring consent

Objective of provision

To identify activities which do not require development consent.

Activities unaffected by this plan

Nothing in this plan restricts, prohibits or requires development consent for:

- (a) the use of existing buildings under the control of the Crown by the Crown, or
- (b) any activity listed in Schedule 1, excluding any development (including demolition) which will affect a heritage item or archaeological site.

1999 No 558

Clause 13 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

13 Community use of schools

Objective of provision

To permit the establishment of certain community land uses in schools.

Community use of schools with consent

Consent may be granted to development of land used as an educational establishment for any community purpose, such as a meeting room, public hall, public library or recreation facility, whether or not operated for gain.

14 Subdivision

Objective of provision

To ensure the subdivision of land is consistent with the objectives of this plan.

Subdivision requires consent

- (1) A person may subdivide land to which this plan applies but only with development consent.

Land within Zones Nos 1 (a) and 7 (d)

- (2) Consent may be granted to a subdivision of land within Zone No 1 (a) or 7 (d) only if:
 - (a) where the subdivision will create an allotment that the consent authority is satisfied will be used primarily for purposes other than agriculture or a dwelling, the area of the allotment will be appropriate having regard to the purposes for which it is intended to be used, and
 - (b) where the consent authority is satisfied that the subdivision is for the purpose of agriculture or a dwelling-house:
 - (i) each allotment proposed to be created by the subdivision will have an area of not less than 5 hectares, and
 - (ii) the average area of the allotments proposed to be created by the subdivision of a 1997 holding will not be less than 80 hectares, and
 - (iii) the land has not previously been subdivided in accordance with this clause, unless it is the land nominated as the residue lot in the last subdivision which involved the land, and

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- (iv) the consent authority has had regard to the matters indicated in Schedule 2 to the extent that they are relevant, and
 - (c) the consent authority has considered the objectives of clause 21.
- (3) Despite subclause 2 (b), consent may be granted to a subdivision of land within Zone No 1 (a) or 7 (d) that will create an allotment of any size that the consent authority is satisfied will be used for a horticultural use if the consent authority is also satisfied, by a property development plan prepared in accordance with Schedule 3 for each such allotment, that the proposed use is environmentally and economically sustainable.

Land within Zone No 1 (c)

- (4) Consent to a subdivision of land within Zone No 1 (c) may be granted only if:
- (a) the consent authority is satisfied that each allotment proposed to be created by the subdivision will have an area of not less than 8 hectares, or
 - (b) where the subdivision will create allotments of less than 8 hectares, none of the proposed allotments will have an area of less than 2 hectares, the consent authority has available to it a detailed analysis including particulars of the following:
 - (i) slope,
 - (ii) ground cover,
 - (iii) a geotechnical survey indicating the capacity of the land for septic disposal of effluent within the boundaries of each allotment or a water balance assessment indicating that effluent can be disposed of within the boundaries of each allotment using domestic aerated sewerage or similar treatment,
 - (iv) the potential of the proposed development to cause pollution of water catchment areas from each allotment,
 - (v) the potential of the proposed development to create soil erosion and stormwater flows across each allotment or on to adjoining land,
 - (vi) the proximity of proposed dwellings to proposed waste disposal systems and to each other,
 - (vii) the adequacy of water supply,

1999 No 558

Clause 13 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (viii) the adequacy of public roads serving the locality,
- (ix) the availability of services and the likely demand for other services,
- (x) any pollution source likely to affect the development, including an assessment of the effect of the proposal on the aquatic fauna and on habitat and the natural flow of any watercourse or stream,
- (xi) the impact on the semi-rural character of the land in the vicinity,
- (xii) the suitability of the land for future urban development,
- (xiii) whether access to each lot can be provided by a road, other than a classified road,

and the consent authority is satisfied that each proposed allotment of less than 8 hectares can accommodate the intended use having regard to the matters indicated in this paragraph, and

- (c) the consent authority has considered the objectives of clause 21.

Land within Zone No 2

- (5) Consent may be granted to a subdivision of land within Zone No 2 only if:
 - (a) where the consent authority is satisfied that the subdivision will create an allotment intended to be used for the purpose of a dwelling-house, residential flat building, boarding house or motel, the allotment has an area of 600 square metres or more in the sewered areas of Zone No 2 and 2 000 square metres or more in the unsewered areas of Zone No 2, and
 - (b) where the subdivision will create an allotment of less than 600 square metres in the sewered areas of Zone No 2, the consent authority is satisfied that the allotment is intended to be used for any lawful development other than development for the purpose of dwelling-houses, residential flat buildings, boarding houses or motels and the consent authority is also satisfied that the allotment is appropriate having regard to the purpose for which it is being created.
- (6) Despite subclause 5 (a), the consent authority may consent to a subdivision of land within Zone No 2 that will create allotments of less than 2000 square metres, but not less than 1 000 square metres,

in an unsewered area of Zone No 2, but only if the consent authority has available to it a detailed analysis including particulars of the following:

- (a) slope,
- (b) ground cover,
- (c) soil permeability,
- (d) transpiration factors,
- (e) proximity of proposed dwellings to flow lines,
- (f) location of proposed dwellings in relation to proposed waste disposal systems and each other,
- (g) rainfall,

and the consent authority is satisfied that each such proposed allotment can accommodate the intended use having regard to the matters indicated in this subclause.

15 Residential development

Objective of provision

To specify the circumstances where dwelling-houses may be erected on land.

Dwelling-houses in Zones Nos 1 (a), 1 (c) and 7 (d)

- (1) Development for the purpose of a dwelling-house must not be carried out on an allotment of land within Zone No 1 (a) or 7 (d) unless the allotment comprises:
 - (a) a 1997 holding, or
 - (b) an allotment created in accordance with clause 14 (2) (b), or
 - (c) an allotment previously consented to by the Council in accordance with a previous environmental planning instrument, being an allotment on which a dwelling could have been erected with the consent of Council, or
 - (d) an existing holding as defined in clause 27 (2) of the *Monaro Planning Scheme Ordinance*, or
 - (e) an allotment created pursuant to clause 14 (3) and the consent authority is satisfied that a dwelling is necessary for the ongoing management of the property for horticultural purposes.

1999 No 558

Clause 15 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (2) Development for the purpose of a dwelling-house must not be carried out on an allotment of land within Zone No 1 (c) unless the allotment:
 - (a) comprises a 1997 holding, or
 - (b) has an area of not less than 8 hectares, or
 - (c) comprises an allotment created in accordance with clause 14 (4).
- (3) Not more than one dwelling-house may be erected on an allotment of land within Zone No 1 (a) or 7 (d).
- (4) Despite subclause (3), a dwelling-house may, with development consent, be erected on an allotment of land within Zone No 1 (a), 1 (c) or 7 (d) on which another dwelling-house is situated if the first mentioned dwelling-house is intended to wholly replace the second mentioned dwelling-house.

Additional dwellings in Zone No 1 (a)

- (5) With development consent, additional dwellings to house rural workers may be erected on land within Zone No 1 (a) which has an area of not less than 80 hectares and on which there is a dwelling already built, where:
 - (a) the consent authority is satisfied that the dwellings are intended to house rural workers who are employed on the property and that the nature of the agricultural activity carried out requires resident rural workers, and
 - (b) the additional dwellings are located on the same allotment of land as the existing dwelling so that they cannot be separately owned unless consent is granted to a subsequent subdivision of the land in accordance with this plan.

16 Dual occupancy

Objective of provision

To enable the erection of 2 attached dwellings on rural properties.

Multiple dwellings in rural areas

- (1) Despite any other provision of this plan (but subject to this clause), a person may, with development consent, on land within Zone No 1 (a), 1 (c) or 7 (d), erect a dual occupancy building where a dwelling-house would be allowed or has been lawfully erected, so as to create 2 attached dwellings.

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- (2) Before granting such a consent, the consent authority must have regard to the matters listed in clauses 14 (4) (b) and 17.
 - (3) Consent must not be granted as referred to in subclause (1) unless the consent authority is satisfied that not more than 2 dwellings will be on the allotment after the development has been carried out.

17 Heritage

Objective of provision

To provide for continuity with the past by conserving the heritage of the Cooma–Monaro area.

Consent for heritage items and conservation area

- (1) Development consent is required to carry out the following development:
 - (a) demolishing, defacing or damaging a heritage item or a building, work, relic, tree or place within a heritage conservation area,
 - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural changes to its exterior,
 - (c) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance,
 - (d) moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or excavating land for the purpose of discovering or moving a relic that is a heritage item or within such an area,
 - (e) erecting a building on, or subdividing, land on which such a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
 - (a) the consent authority is satisfied that the proposed development:
 - (i) is of a minor nature or consists of maintenance of the item or of a building, work, relic, tree or place within a heritage conservation area, and

1999 No 558

Clause 17 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (ii) will not adversely affect the significance of the heritage item or heritage conservation area concerned, and the applicant has notified the consent authority in writing of the proposed work and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this paragraph and that development consent is not required by any other provision of this plan, and
 - (b) the proposed development is the creation of a new grave or monument in a graveyard which is a heritage item and the development does not involve demolishing, excavating, defacing or damaging an existing grave, monument or Aboriginal site.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area. This is to include but need not be limited to an assessment of:
 - (a) for heritage items:
 - (i) the heritage significance of the item as part of the environmental heritage of Cooma–Monaro,
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting including any landscape or horticultural features,
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting,
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected,
 - (v) the extent to which the carrying out of the proposed development would affect the form of an historic subdivision,
 - (vi) any subdivision received in relation to the proposed development in response to the notification or advertising of the application,
 - (b) for land within a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution which any affected building,

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- (ii) work, relic, tree or place within a heritage item conservation area makes to this heritage significance, the impact that the proposed development would have on the heritage significance of the heritage conservation area,
 - (iii) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, including consideration of the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting,
 - (v) whether any identified landscape or horticultural features would be affected,
 - (vi) whether any archaeological site or potential archaeological site would be affected,
 - (vii) the extent to which the carrying out of the development in accordance with the consent would affect any historic subdivision pattern, but only if the subdivision pattern is identified as contributing to the heritage significance,
 - (viii) any submission received in relation to the proposed development in response to the notification or advertising of the application.
- (4) The following development is considered to be advertised development for the purposes of the Act:
- (a) the complete or substantial demolition of a heritage item or building, work, relic, tree or place in a heritage conservation area,
 - (b) the complete or substantial demolition of any significant feature of a heritage item, or
 - (c) the carrying out of any development under subclause (7).
- (5) Consent may be granted to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or relic with the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

1999 No 558

Clause 17 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (a) the consent authority has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
 - (b) it has notified that Director-General of its intention to do so and taken into consideration any comments received from that Director-General within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.
- (6) Consent may be granted to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:
- (a) the consent authority has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
 - (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
 - (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

Conservation incentives

- (7) Consent may be granted to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if the consent authority is satisfied that:
- (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and

- (b) the conservation of the building depends on the granting of the consent.

Subdivision of sites of heritage items

- (8) Despite the development standards for subdivision of land within Zones Nos 1 (a) and 7 (d), consent may be granted to the subdivision into two lots of the land on which a heritage item is located, if the consent authority is satisfied that:
 - (a) following an assessment of the relevant matters listed in subclause (3), the proposal is acceptable, and
 - (b) a conservation management plan which is consistent with the Burra Charter has been prepared for the heritage item and considered by the consent authority, and
 - (c) the curtilage of the heritage item will be wholly contained within one lot, and
 - (d) any structures to be built on the other lot not containing the heritage item, and their proposed use, are unlikely to adversely affect the heritage significance of the heritage item.

Residue lot as a result of subdivision

- (9) Consent may be granted to the erection in a rural area of a dwelling-house on the allotment created by a subdivision consented to pursuant to subclause (8) that does not contain the heritage item if:
 - (a) the allotment does not already contain a dwelling-house, and
 - (b) the allotment is not smaller than 10 hectares, and
 - (c) the consent authority has satisfied itself that the proposed structure will not adversely affect the heritage item, and the dwelling-house will be ancillary to the use or the proposed use of the land.

18 Flooding

Objective of provision

To control development within flood prone areas.

Flood liable land

Consent must not be granted to the carrying out of development on land that is, in the opinion of the consent authority, liable to flooding unless it is satisfied that adequate measures will be taken to:

1999 No 558

Clause 18 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- (a) reduce the impact of flooding on the land, and
- (b) prevent the incidence of structural damage likely to be caused to any buildings to be located on the land, and
- (c) enable the evacuation of people if flooding occurs and limit any cost to the community of evacuation.

19 Bushfire

Objective of provision

To control development within bushfire prone areas.

Land subject to bushfire hazards

Consent must not be granted to the subdivision of land or to the erection of a building on land which is subject to bushfire hazards because of the nature and vegetation on the land or on any adjacent land unless, in the opinion of the consent authority:

- (a) adequate provision will be made for access for firefighting vehicles, and
- (b) adequate safeguards are adopted in the form of firebreaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for firefighting purposes.

20 Restriction of development along classified roads

Objective of provision

To impose restrictions on development adjacent to classified roads.

Development along classified roads

- (1) Consent must not be granted to the carrying out of development on or with respect to land which has frontage to a classified road, unless:
 - (a) access to that land is provided by a road other than the classified road, wherever practicable, and
 - (b) in the opinion of the consent authority, the safety and efficiency of the classified road will not be adversely affected by:
 - (i) the design of the access to the proposed development, or
 - (ii) the emission of smoke or dust from the proposed development, or

-
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the proposed development.
 - (2) Consent may be granted to the carrying out of development on land having frontage to a classified road only if, in the opinion of the consent authority, the development is likely not to detract from the visual amenity of the locality and is in the community's interest.
 - (3) Consent must not be granted to the carrying out of development listed in Schedule 4 on or with respect to land within Zone No 1 (a) if the granting of that consent will result in persons using the land having direct access to:
 - (a) a classified road, or
 - (b) a road connecting to a classified road, if access to the land is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the classified road.

Major visual corridors

- (4) In considering an application for development consent in relation to land within 400 metres of, or within such greater distance as, in the opinion of the consent authority, is within the visual corridor of the Monaro Highway or Snowy Mountains Highway, the consent authority must have regard to:
 - (a) the significance of the land as part of a visual corridor of regional importance, and
 - (b) the visual impact of the proposed development as viewed from the Monaro Highway or Snowy Mountains Highway, and
 - (c) what measures are available to minimise any adverse visual impacts, and
 - (d) the matters referred to in clause 14 (4) (b) (i)–(xiii), if the proposed development is subdivision.

21 Riparian corridors

Objective of provision

- (1) The objectives of this clause are as follows:
 - (a) to protect streams, rivers and wetlands and allow them to retain their natural hydrological and geomorphological

1999 No 558

Clause 21 Cooma–Monaro Local Environmental Plan 1999—(Rural)

Part 3 Special provisions

- regime and to continue to function as diverse natural ecosystems,
- (b) to maintain stream and riverbank stability and protect land from erosion,
 - (c) to conserve and protect aquatic and remnant natural terrestrial habitats and vegetation communities within riparian corridors,
 - (d) to restore degraded habitats and maintain vegetation communities within riparian corridors,
 - (e) to restore and maintain the functioning of riparian corridors as refuge areas, and
 - (f) to conserve and protect Aboriginal heritage.
- (2) In considering an application for consent for development on land within Zone No 1 (a), 1 (c) or 7 (d) that is within a riparian corridor, the consent authority must have regard to the objectives of this clause.
- (3) The consent authority may, in determining an application to which this clause applies:
- (a) refuse consent to development or a specific part or parts of the development the subject of the application proposed to be carried out on any such land within the riparian corridor, or
 - (b) require modification of the development,
- where it considers such development would cause harm to the environment.
- (4) Nothing in this clause authorises the consent authority to restrict or to prohibit, or to impose a condition of development consent that restricts or prohibits, the carrying out of development on land for the purpose of agriculture if the development constitutes, under the Act, a lawful existing use of the land within the meaning of section 106 of the Act, or the continuance of a use or the carrying out of development to which section 109 or 109B of the Act applies.

22 Development on certain land

Nothing in this plan (except clause 14) shall prevent, with development consent, the carrying out of development on land referred to in Column 1 of the Table to Schedule 5 if it is specified in Column 2 of that Table opposite the description of that land.

Schedule 1 Development not requiring consent

(Clause 12)

- 1 Railway undertakings comprising:
 - (a) any development required in connection with the movement of traffic by rail, including the construction, alteration, maintenance and repair of ways, works and plant, or
 - (b) the erection of buildings within the limits of a railway station,but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertakings, and
 - (e) the reconstruction or alteration of railway stations or bridges where that reconstruction or alteration would materially affect the design of those railway stations or bridges, and
 - (f) the formation or alteration of any means of access to a road.
- 2 Public utility water, sewerage, drainage, electricity or gas undertakings comprising:
 - (a) development of any description at or below the surface of the ground, or
 - (b) the installation of any plant inside a building, or
 - (c) the installation or erection within the site of a generating station or substation of any plant or other structure required in connection with the station or substation, or
 - (d) the installation or erection of any plant or structure by way of addition to or replacement or extension of plant or structures already installed or erected,

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 1 Development not requiring consent

- including the installation in an electrical transmission line of substations, feeder-pillars or transformer housings, but not including the erection of pipes above the surface of the ground for the supply of water, or
- (e) the provision of overhead service lines under any statutory power to provide a supply of electricity, or
 - (f) the erection of service reservoirs, or
 - (g) any other development except:
 - (i) the erection of buildings, and
 - (ii) the installation or erection of plant or structures, and
 - (iii) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (iv) the formation or alteration of any means of access to a road.
- 3 Public utility water transport undertakings, comprising any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
- (a) the erection of any other buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 4 Public utility wharf or river undertakings, comprising any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, and
 - (b) the erection of any other buildings, and
 - (c) the reconstruction or alteration of bridges or of buildings where that reconstruction or alteration would materially affect the design or external appearance of those bridges or buildings, and
 - (d) the formation or alteration of any means of access to a road.
- 5 Public utility air transport undertakings comprising, within the boundaries of any aerodrome, any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant required for that purpose, except:
- (a) the erection of any other buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 6 Public utility road transport undertakings comprising any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
- (a) the erection of any other buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.
- 7 The carrying out by the Council or the Roads and Traffic Authority of any development required in connection with the construction, reconstruction, improvement, widening, realignment, relocation, maintenance or repair of any road.

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 1 Development not requiring consent

- 8 The carrying out by the Forestry Commission or a school forest trust of afforestation, construction and maintenance of roads, protection, cutting and marketing of timber and other forestry purposes under their relevant Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- 9 The carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
 - (a) the erection of buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) any development designed to change the use or purpose of any such reserve.
- 10 The carrying out by the Council or by the Department of Land and Water Conservation of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement under the provisions of the *Water Act 1912*, the *Irrigation Act 1912*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvement Act 1948*, except:
 - (a) the erection of buildings, and
 - (b) the reconstruction or alteration of buildings where that reconstruction or alteration would materially affect the design or external appearance of those buildings, and
 - (c) the formation or alteration of any means of access to a road.

Schedule 2 General considerations for development, including subdivision in rural areas

(Clause 14 (2) (b) (iv))

The consent authority must take into consideration the effect that the proposed development would have on the following:

- (a) the present use of the land, and the potential for sustained agricultural production of so much (if any) of the land as is prime crop and pasture land,
- (b) whether creation of any allotment is unlikely to significantly adversely affect the existing and potential capability and use of the land and adjacent land for agricultural purposes,
- (c) vegetation, timber production, land capability and water resources (including the quality of the water, stability of water courses, groundwater storage and riparian rights),
- (d) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
- (e) the protection of areas of nature conservation significance or of high scenic or recreational value, and of items of heritage significance,
- (f) the cost of providing, extending and maintaining public amenities and services,
- (g) development on adjoining land and on other land in the locality, including any cumulative impact,
- (h) the capacity of the land for septic disposal of effluent within the boundaries of each allotment (as established by a geotechnical survey) or a water balance assessment indicating that effluent can be disposed of within the boundaries of each allotment using domestic aerated sewerage or similar treatment,
- (i) the pollution of water catchment areas by run-off from each allotment,

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 2 General considerations for development, including subdivision in rural areas

- (j) the creation of soil erosion and stormwater flows across each allotment or onto adjoining land,
- (k) whether there is any classified road in the vicinity, and whether access to each lot shall be from a road other than a classified road,
- (l) the provision of a water supply, a power supply and access and provision for disposal of domestic waste water,
- (m) whether any proposed allotment or any building or work is likely to be exposed to significant risks from natural hazards, or to increase those risks to other land.

Schedule 3 Property development plans

(Clause 14 (3))

A property development plan must be prepared by a person the consent authority is satisfied is appropriately qualified, and must provide details of such of the following as are relevant to the application:

Infrastructure/plant

- (a) specialised machinery to be used in the proposed horticultural use,
- (b) specialised handling, processing and storage facilities for the proposed horticultural use,
- (c) specialised internal fencing suitable for the proposed horticultural use,
- (d) the adequacy of road access within the allotment for the proposed horticultural use,
- (e) the adequacy of the supply of electricity to the allotment and the arrangements for its distribution for the proposed horticultural use and for its connection to any proposed dwelling-house,
- (f) the location intended for any proposed dwelling-house,

Economic function

- (g) the current and proposed horticultural use of the allotment,
- (h) budgets relating to the anticipated profits and losses of the proposed horticultural use,

Water

- (i) the proposed irrigation system and its likely impact on waterways and aquifers,
- (j) drainage works to contain run-off of effluent or chemical residues, or any other substance or material stored or generated on site that is likely to result in the contamination of surface or ground waters,
- (k) the impact localised flooding has on the land,

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 3 Property development plans

Aquifer

- (l) the location of any aquifer, dam, river, creek or other water source situated under or on, or passing through, the allotment,
- (m) the potential impact of the proposed horticultural use on any aquifer, including its impact on ground water levels and water quality,

Soils

- (n) a soil survey identifying the soil capability of the allotment, likely contamination, and the soil management practices appropriate for the proposed horticultural use, including soil erosion control measures,
- (o) the risk of soil erosion and its likely impact on ground water and surface water quality,

Vegetation

- (p) the impact vegetation clearance may have on the existing habitat of native fauna,
- (q) the risk of bushfire and proposed bushfire hazard mitigation measures,
- (r) whether the removal of native vegetation will result in irreparable damage to the vegetation system in the locality,

Natural and cultural significance

- (s) a description and assessment of the significance of features of important natural and cultural heritage on the property,
- (t) measures that will be taken to minimise the impact on any significant heritage features.

Schedule 4 Restriction of development along main roads

(Clause 20 (3))

Development for the purpose of:

- bulk stores
- car repair stations
- caravan parks
- clubs
- commercial premises
- educational establishments
- hospitals
- hotels
- industries (other than home or rural industries)
- junk yards
- liquid fuel depots
- mines
- motels
- places of assembly
- places of worship
- recreation establishments
- recreation facilities
- refreshment rooms
- retail plant nurseries
- sawmills
- service stations
- tourist facilities
- transport terminals
- warehouses

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 5 Development of certain land

Schedule 5 Development of certain land

(Clause 22)

Schedule 6 Heritage items

(Dictionary)

Address	Property description	Item
“Bolero” Bolaro	Lots 16 and 50 D.P. 750538	Homestead complex
“Yarrawa”	Lot 35 D.P. 750527	Homestead complex
“Glanroe”	Lot 4 D.P. 835133	Homestead complex
“Kelly’s Cottage” Ingelara	Lot 41 D.P. 655195	Former general store
“Michelago Station” Michelago	Lot 5 D.P. 750549	Homestead complex
Michelago Cemetery	Lots 1–7 shown in Plan No 874 Sml No 730	Cemetery
“Pavina”	On or about Lot 13 or 227 and Crown road separating, D.P. 750549 Mich	Stone house, former boarding house
Back Creek Battery Complex	The site lies generally within Lot 37 D.P. 750521	Stone embankments, platforms and cuttings, boiler, two huts, small building, cyanide vat, tailing dumps and remains of dam stone wall
“Billilingra”	Lot 14 D.P. 750523	Ruins of stone homestead complex
Bredbo River Rail Bridge	Rail bridge across the Bredbo River adjacent to Lot 412 D.P. 635407	Railway bridge
“Bredbo Station”	Lot 41 D.P. 635407	Homestead complex
Cowra Creek Mine sites Town area	Town of Cowarra Parish of Abercrombie and Reserve 30850	Ruins, buildings, battery, store, school and cemetery

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 6 Heritage items

“Driscoll’s Inn”	On or adjacent to Lot 82 D.P. 750531	Ruins of store inn
“Dromore Station”	Lot 1 D.P. 632929	Homestead complex
Ingalara Railway Bridge	Railway Bridge Crossing Ingalara Creek adjacent to Lot 16 D.P. 750533	Railway bridge
“Old Bredbo”	Pt Lot 2 D.P. 225603 Bredbo	Farm station complex
Building shell	Pt Lot 1 D.P. 182219	Old building ruins and stone walls
Railway Tunnel—“Scotsdale”	Tunnel adjacent to Lot 1 D.P. 182218	Railway tunnel
“Riversdale”	Lot 40 D.P. 750569	Grave site
“Wangrah”	Pt Lot 1 D.P. 437066	Homestead complex
All Saints Roman Catholic Church	Lot 4 Section 15 D.P. 758158 Walker Street Bredbo	Church
Bredbo Inn	Lot 100 D.P. 621286 Monaro Highway Bredbo	Hotel
Bredbo Cemetery	Cemetery Reserve Yayouk Street Bredbo	Cemetery
Community Hall	Lot dedicated as public hall corner Cosgrove and Cooma Streets	Public hall
Maggies Hut	Lot 8 D.P. 750551 Parish of Montagu	Earth building remains
St Bartholomew’s Anglican Church	Lot 209 D.P. 758158 Dulcie Street Bredbo	Church
Bredbo School	Lot 97 D.P. 758158 Cooma Street/Monaro Highway Bredbo	School
Big Badja Gold Diggings	The Reserve adjacent to Lot 1 D.P. 823482 and being adjacent to the Badja River	Gold mines and huts
“Buenawatha”	Lot 1 D.P. 807635 Carlaminda Road Numeralla	Homestead complex

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Heritage items

Schedule 6

“Carlaminda”	Lot 2 D.P. 231030 Carlaminda Road Carlaminda	Homestead complex
Chakola Post Office	Reserve 55934 and Reserve 58314 or thereabouts, D.P. 750568	Brick building
“Cloyne”	Lot 31 D.P. 750530 Bunyan	Multi-purpose stone farm building
Fiery Creek	Lot 47 D.P. 750557	Sites A, B and C battery, huts, mines, stone built dam and two buildings
“Glenfergus”	Lot C D.P. 367276	Homestead complex
“Gold Dale”	Lot 3 D.P. 750557	Homestead
Peakview Memorial Hall	Lot 59 D.P. 750541 Peak View	Community hall
“Rose Brook”	Lot 2 D.P. 621473 Rose Valley	Farm complex including stables and 9 graves
“Rose Valley”	Lot 3 D.P. 62302 Rose Valley	Farm complex
Sheep fold	On or about Lot 125 D.P. 750530 Middle Flat	Stone sheep enclosure
“Shellgrove”	On or about Lot 70 D.P. 750551	Two pise buildings
“Spring Downs”	On or adjacent to Lot 8 D.P. 788585 Chakola	Homestead
St Marks Chapel	Lot 17 D.P. 750553 Glen Fergus	Chapel
Stockyard Creek Cemetery	Pt Lot 99 D.P. 750584 Numeralla	Cemetery
“The Point”	Lot 72 D.P. 750551 Numeralla	Homestead
“Willow Farm”	Pt Portion 1 D.P. 750522	Homestead

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 6 Heritage items

“Wondallee”	On or about Lot 42 D.P. 752146	Granite cottage
“Albertine Cottage”	Lot 10 Section 8 D.P. 758776 Village of Numeralla	Stone cottage
All Saints Catholic Church	Lots 8 and 9 Section 8 D.P. 758797 Numeralla	Church
“Boland’s Inn”	Lot 1 Section 9 D.P. 758776 Village of Numeralla	Farmer’s inn
Numeralla Cemetery	General cemetery adjacent to Lot 101 D.P. 750553 Numeralla	Cemetery
Numeralla Diggers’ Hall	Lots 2, 5, 9 and 10 Section 3 D.P. 758776 Village of Numeralla	Community hall
Public School	Public school site section 11 D.P. 758797 Village of Numeralla	School
St John’s Anglican Church	Lots 6 and 7 Section 8 D.P. 758797 Maclean Street, Numeralla	Church
Jerangle Cemetery	General cemetery within or adjacent to Lot 39 D.P. 750565 Jerangle	Cemetery
“Little Plain Hotel”	Pt Lot 125 D.P. 750558 Jerangle	Hotel till 1920
Public School	Lot 1 D.P. 360075 Jerangle	School
St Andrews Anglican Church	Lot 22 D.P. 750550 Jerangle	Church
“Squatters’ Arms”	Lots 1–10 Section 6 D.P. 758188 Bunyan	Hotel and farm complex
Old Farm complex	Lot 1 Section 5 D.P. 758188 Bunyan	Farmstead complex
	Lot 1 D.P. 330302	Homestead complex

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Heritage items

Schedule 6

“Bulong”	Mittagong Road Cooma	
Bushy Hill	Lot 305 D.P. 750535	Goldmining site
“Dangelong”	Lots 1 and 42 D.P. 750537 Dangelong	Farmstead complex
“Hatsell”	Lot 21 D.P. 805734 Mittagong Road Binjura	Homestead complex
“Kaludah”	Lot 34 D.P. 750537 Rock Flat	Homestead complex
“Manaroo”	Lots 65, 68 and 109 D.P. 750540 Rock Flat	Homestead complex
“Milton Park”	Lot 6 D.P. 750540 Rock Flat	Homestead complex
“Old Mill” and ruin	On or about Lot 83 D.P. 750524 Dairyman’s Plains	Remnants of weir and tunnel pumping station
“Rock Flat”	Lot 1 D.P. 750540 Rock Flat	Homestead complex
Rock Flat Mineral Mines	Area bounded by Rock Flat Creek, Snowy Mountains Highway and Pt Lot 15 D.P. 750537	Mineral springs
“Tumbledown”	Lot 51 D.P. 627852	Homestead complex
“Tynedale”	Lot 77 D.P. 750556 Rock Flat	Homestead complex
“The Willows”	Lot 51 D.P. 750535 Carliminda Road Cooma	Homestead complex
“Avon Lake”	Lot 31 D.P. 756848 Springfield	Farm complex
Bobundara Cemetery	Lots 128 134 D.P. 756841 Maffra	Cemetery
“Curry Flat”	Lot 133 D.P. 756849 Nimmitabel	Homestead complex—old and new
“Hayfield”	Lots 103 and 160 D.P. 756833 Nimmitabel	Cottage
“Maffra”	Lots 94 and 101 D.P. 756841 Maffra	Homestead and farm buildings

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 6 Heritage items

“The Mansion”	Lots 39 and 40 D.P. 758776 Nimmitabel	Cottage
“Woodbine”	Lot 137 D.P. 756849 Nimmitabel	Cottage
“Yandra”	Pt Lot 1 D.P. 364585 Springfield	Homestead complex and cottage
“Old Springfield”	Pt Lot 58 D.P. 756858 Springfield	Stone cottage with additions
Antique Shop	Lot 2 Section 35 D.P. 758776 Nimmitabel	Original country shop
Bush Nursing Home	Pt Lot 10 Section 36 D.P. 758776 Nimmitabel	Former cottage hospital
Pioneer Cemetery	Lots 11 and 12 Section 24 (Reserve 34432 and Reserve 34431)	Cemetery
Cemetery	The General Cemetery adjacent to Lot 145 D.P. 756849 Nimmitabel	Cemetery
“Geldmacher House”	Lot 6 Section 42 D.P. 758775 Nimmitabel	Part of former hotel
“Geldmacher Mill”	Pt Lot 10 Section 36 Reserve 75476 for public recreation	Former flour mill
Nimmitabel General Store	Lot 1 D.P. 312318 Bombala Street Nimmitabel	General store
“Pine Cottage”	Lots 1 and 2 Section 41 D.P. 758776 Kirke Street Nimmitabel	Cottage
Pioneers Hall	Lot 6 Section 35 D.P. 758776 Bombala Street Nimmitabel	Interior of hall
Police station and lockup	Lot 18 Section 35 D.P. 758776 Bombala Street Nimmitabel	Police station and lockup
Post Office	Lot 1 Section 35 D.P. 758776 Bombala Street Nimmitabel	Former post office now residence

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Heritage items

Schedule 6

Public School	Section 56 D.P. 758776 Wolfe Street Nimmitabel	School
Residence (former Antique Shop)	Lot 1 D.P. 603242 D.P. 758776 Bombala Street Nimmitabel	Residence
Royal Arms Hotel	Lot 8 Section 42 D.P. 758776 Bombala Street Nimmitabel	Hotel
St Andrews Roman Catholic Church	Lots 7– 9 Section 41 D.P. 758776 Kirke Street Nimmitabel	Church
St Josephs School and Convent	Lots 12 and 13 Section 50 D.P. 758776 Kirke Street Nimmitabel	School and convent
St Peters Anglican Church	Lot 9 Section 71 D.P. 758776 Kirke Street Nimmitabel	Church
Town Well	Within road reserve adjacent to Section 41 Bombala Street Nimmitabel	Town well
Tudor Inn	Lot 3 Section 36 D.P. 758776 Bombala Street Nimmitabel	Hotel still in operation
War Memorial	Part of Reserve 51688 Monaro Highway Nimmitabel	Monument
Blackridge	Lot 22 Parish of Callaghan	Two-room stone cottage
“Scrub Dell”	Portions 66/67 Parish of Yaouk	Three-room drop slab cottage
“Wildwood”	Michelago Reserve 25927 Parish of Undoo	Alluvial workings, water races, huts and ovens

1999 No 558

Cooma–Monaro Local Environmental Plan 1999—(Rural)

Schedule 6 Heritage items

Big Badja Alluvial
Mining Area

“Yaouk Bridle Trail”

Bridle trail

Being the bridle
trail crossing
portions 3, 49, 50,
48, 47, 60, 61 & 70
Parish of Yaouk
and then within the
Kosciuszko
National Park

Dictionary

(Clause 6)

In this plan:

Advertisement means a display of symbols, messages or devices for promotional purposes or for conveying information, instructions or directions, whether or not the display involves the erection of a structure or the carrying out of a work.

Agriculture means the use of land for:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of livestock, bees, poultry or other birds, or
- (c) horticultural purposes, including fruit, vegetable and flower crop production, and wholesale plant nurseries, or
- (d) the grazing of livestock,

but (in the development control table) does not include any land use elsewhere defined in this Dictionary.

Animal establishment means a building or place used for the breeding, boarding, training or keeping of, or caring for, animals for commercial purposes and includes a riding establishment.

Aquaculture means the cultivation (including propagating and rearing) of the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.

Archaeological site means a site of a heritage item. It includes any other site known to the Council to be of archaeological significance.

Bed and breakfast accommodation means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and

- (c) does not accommodate more than 4 guests, and
- (d) does not contain facilities in rooms for the preparation of meals by guests, and
- (e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who manage the accommodation and who normally reside in the dwelling.

Boarding house means a building wholly or partly let in lodgings which provides lodgers with a principal place of residence, but does not include a building containing serviced apartments, a hotel or a motel.

Bulky goods salesroom or showroom means a building or place used for the sale by retail or auction or the 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 their vehicles after purchase or hire,

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

Bushfire hazard reduction means a reduction (by controlled burning or mechanical or manual means) of material that constitutes a bushfire hazard.

Business premises means a building or place in which there is carried on an occupation, profession, light industry or trade which provides a service directly and regularly to the public, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

Camping ground or caravan site means a site used for the purpose of:

- (a) placing moveable dwellings within the meaning of the *Local Government Act 1993* for permanent accommodation or the temporary accommodation of tourists, or

- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

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

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

Child care centre means a building or place used for the purpose of supervising or caring for six or more children under the age of six years, and includes facilities known as a long-day care centre, preschool, occasional care centre, children’s neighbourhood centre, or multi-purpose child care centre, but does not include a home-based child care establishment.

Classified road means a road defined in the *Roads Act 1993* as a classified road.

Club means a building or place used for the gathering of persons for social, literary, political, sporting, athletic or other lawful purposes, and includes a club registered or intended to be registered under the *Registered Clubs Act 1976*.

Commercial premises means a building or place used as an office or for another business or commercial purpose, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

Commercial sign means an advertisement which contains only:

- (a) matter identifying or describing the building or place on or at which the advertisement is displayed or any person living or carrying on an occupation in the building or at the place, or
 (b) particulars of any occupation carried on in the building or at the place, or

- (c) particulars of any affiliation with a trade, professional or other association relevant to the business carried out in the building or at the place, or
- (d) particulars relating to:
 - (i) any necessary or usual directions or cautions relating to, or any occupation carried on at, or
 - (ii) goods, commodities or services dealt with or provided at, or
 - (iii) any activities held or to be held at, the building or place on or at which the advertisement is displayed, or
- (e) a notice that the building or place on or at which the advertisement is displayed is for sale or lease, together with details of the sale or lease, or
- (f) information required or permitted to be displayed by or under any State or Commonwealth law.

Communication facility means a building, or other structure, or a work or place, used primarily for transmitting or receiving signals for the purposes of communication, and includes radio masts and towers, but not satellite dishes.

Community facility means a building or place owned or controlled by a public authority or a body of persons which provides for the physical, social, cultural or intellectual development, safety or welfare of the community, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

Convenience store means a shop selling a variety of small consumer goods.

Council means Cooma–Monaro Shire Council.

Demolish a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place.

Depot means a building or place used only for the storage of any plant, machinery, materials or goods used or intended to be used by the owner or occupier of the building or place, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

Dual occupancy building means a building containing two dwellings only.

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

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

Educational establishment means a building used as a school, college, TAFE establishment, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a child care centre.

Entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, drive-in theatres and the like.

Extractive industry means:

- (a) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried on, and
- (b) 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 any similar substance, but does not include any pure metal or any substance extracted for the purpose of refinement to obtain a metal or mineral.

Forestry includes 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.

Generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy but not used only for temporary or portable generating machinery.

Group home means a dwelling that is a permanent group home or a transitional group home as defined in *State Environmental Planning Policy No 9—Group Homes*.

Hazardous industry means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (such as 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 at which 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 (such as 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.

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:

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

Heritage conservation area means land shown by distinctive edging and marked “Heritage conservation area” on the map.

Heritage item means a building, work, relic, tree or place specified in Schedule 6.

Heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Home activity means an activity, pursuit, occupation or profession, carried on for personal gain in a building or a room or a number of rooms forming part of, attached to, or on the same parcel of land as a dwelling-house where:

- (a) only goods made or produced on the premises and goods ancillary to them are displayed and sold on the premises or only services are provided or based, and
- (b) the activity, pursuit, occupation or profession does not involve the practice or employment on the premises of any person who is not a resident of the dwelling.

Home business means use of an office for the carrying on of an activity, pursuit, occupation or profession, or the carrying on of a light industry or business:

- (a) in a dwelling, or
- (b) on an allotment containing a dwelling, or
- (c) in a building erected on an allotment containing a dwelling,

but only if it does not:

- (d) interfere with the amenity of the locality by reason of traffic generation, insufficient car parking, or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, or
- (e) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
- (f) require the provision of any essential service main of a greater capacity than that available in the locality, or
- (g) involve the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign (not exceeding 1 metre by 0.6 metre) exhibited on that dwelling to indicate the name and occupation of the resident, or a description of the activity, pursuit, occupation, profession, light industry or business).

Hospital means a building or place used as a:

- (a) hospital, or
- (b) sanatorium, or
- (c) health centre, or
- (d) nursing home, or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons,

whether public or private, and includes a shop or dispensary used in conjunction with it.

Hotel means any premises specified in a hotelier's licence granted under the *Liquor Act 1982*.

Housing for aged or disabled persons means residential accommodation which may take any building form which is used as housing for older people or people with disabilities as defined in *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.

Industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, but (in the development control table) does not include any other use elsewhere defined in this Dictionary.

Institution means a hospital within the meaning of the *Mental Health Act 1990* or a penal or reformative establishment.

Intensive animal husbandry includes the use of cattle feed lots, sheep feedlots, piggeries in which pigs are intensively grown, and commercial poultry operations or other intensive keeping of animals.

Mining means the winning of any material to which the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991* applies and the storage and primary processing of the material obtained.

Motel means premises, not being a hotel, used for the temporary or short-term accommodation of travellers.

Offensive industry means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land in the locality.

Office premises means a building or place used for the purpose of administration, clerical, technical, professional or like activities (except dealing with members of the public on a direct and regular basis or otherwise than by appointment), but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

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 purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

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

Plant nursery means a building or place used for both the growing and selling by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold.

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.

Reception establishment means a building or place used for the purpose of wedding receptions, birthday parties and the like, but does not include a refreshment room or hotel.

Recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by the Council or a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

Recreation facility means a building or place used for indoor recreation, such as a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building or place of a like character used for recreation, whether or not operated

for profit or gain, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary.

Refreshment room means a restaurant, café, tearoom, eating house or the like.

Relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) relating to the use of settlement of Cooma–Monaro, not being Aboriginal habitation, which is more than 50 years old, or
- (b) any deposit, object or material evidence (which may consist of human remains) relating to Aboriginal habitation of the area of Cooma–Monaro whether before or after its occupation by persons of European extraction.

Residential flat building means a building containing two or more dwellings and includes dwellings located above business premises, but (in the development control table) does not include a building elsewhere defined in this Dictionary.

Riparian corridor means land within a stream or river shown on the map marked “Cooma–Monaro Local Environmental Plan 1999 (Rural) Map No 1” and within a distance of 100 metres from a bank of any such stream or river.

Roadside stall means a place used for the purpose of offering for sale by retail agricultural goods produced on the allotment on which the place is located or on allotments in the locality, but only where the building, structure or device used for offering produce for sale is of a temporary nature (that is, capable of being erected and dismantled in 24 hours).

Road transport terminal means a building or place used mainly for the bulk handling of goods for transport by road, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

Rural industry means:

- (a) the handling, selling, treating, processing or packing of rural products, and
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or a rural industry in the locality.

Rural tourist facility means a building or place on a farm (which may include a refreshment room and limited tourist accommodation) which is used to provide tourists with a rural education and experience concerning the growing, production or processing of rural products which are grown or cultivated on that farm. (For the purposes of this definition, a farm means an area of adjoining or adjacent land held in the same ownership and in continuous use for agricultural or forestry purposes).

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, oils and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the hire of trailers,
- (b) the sale by retail of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the 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),
- (e) the retail sale or hire of other goods within an ancillary area.

Shop means a building or place used for the purpose of selling items, whether by retail or auction, for hiring of items or for displaying items for the purpose of selling or hiring them (whether the items are goods or materials).

Stock and sale yard means a building or place used for the purpose of offering livestock or poultry for sale on a regular basis.

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

The map means the map consisting of 7 sheets marked “Cooma–Monaro Local Environmental Plan 1999 (Rural)”, as amended by the maps (or the specified sheets of the maps) marked as follows:

Tourist accommodation means a building or buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons, such as restaurants, convention areas and the like, but (in the development control table) does not include a building or place elsewhere defined in this Dictionary or a building or place used for a purpose elsewhere defined in this Dictionary.

Transport depot means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

Turf farming means the commercial cultivation, and removal from land, of turf.

Utility undertaking means any undertaking carried on by, or by authority of, any Government Department or agency, 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.

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 treatment.

Warehouse or distribution centre means any building or place used mainly for:

- (a) storing of goods, or
- (b) handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale, to the public from the building or place.

1997 holding means:

- (a) except as provided by paragraph (b), an allotment, portion or parcel of land in existence at 3 March 1997 as a separate allotment, portion or parcel and having direct vehicular access to a public road vested in the Council or to a classified road, or
- (b) where, as at 3 March 1997, a person owned 2 or more adjoining or adjacent allotments, portions or parcels of land having direct vehicular access to a public road vested in the Council or to a classified road, the land comprised of the aggregation of the areas of those allotments, portions or parcels.