



New South Wales

Griffith Local Environmental Plan 2002

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00009/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 893

Griffith Local Environmental Plan 2002

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Griffith Local Environmental Plan 2002

Part 1 Preliminary

1 Name of plan

This plan is *Griffith Local Environmental Plan 2002*.

2 Land to which plan applies

This plan applies to all land within the local government area of the City of Griffith.

3 Relationship to other environmental planning instruments

This plan repeals *Griffith Local Environmental Plan 1994* and all local environmental plans that amended that plan.

4 Aims of this plan

The aims of this plan are:

- (a) to provide for urban and rural land development by implementing the *Griffith Growth Strategy 2030—Urban and Rural Land Release Strategy*, and
- (b) to provide a legal basis for development control plans that provide more detailed local planning policies, and
- (c) to protect areas on which agriculture depends, and
- (d) to protect areas that are environmentally sensitive, and
- (e) to manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding affordable urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land, and
- (f) to promote ecologically sustainable urban and rural development, and
- (g) to promote development of rural land in accordance with the aims and objectives of the *MIA & Districts Community Land and Water Management Plan*.

5 Consent authority

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

6 Interpretation

- (1) A term defined in the Dictionary at the end of this plan has its defined meaning when used in this plan, except as may be provided otherwise by the Act or any State environmental planning policy.
- (2) In this plan:
 - (a) a reference to a building, a place or land used for a purpose includes a reference to a building, a place or land intended to be used for the purpose, and
 - (b) a reference to a map is to a map kept at the office of the Council.
- (3) Land to which this plan applies is within a zone specified in Schedule 1 if it is shown on the zoning map as being within the zone.
- (4) *State Environmental Planning Policy No 1—Development Standards* applies to any requirement made by a provision of this plan specified in Schedule 2 in the same way as it applies to a development standard, whether or not the requirement is a development standard.
- (5) Any matter that appears in this plan under the heading “Note” is provided to assist understanding and does not form part of this plan.

7 Suspension of covenants, agreements and similar instruments

- (1) **Objective:**

To enable development to be carried out in accordance with this plan or a consent.
- (2) For the purpose of enabling development to be carried out in accordance with this plan or a consent granted under the Act, any agreement, covenant or similar instrument that restricts or prohibits development allowed by this plan shall not apply to development to the extent necessary to serve that purpose.
- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclauses (2) and (3).

Clause 8 Griffith Local Environmental Plan 2002

Part 1 Preliminary

8 Development excepted from controls in this plan

Nothing in this plan restricts or prohibits, enables the Council to restrict or prohibit, or requires development consent for, the carrying out of any development described in Schedule 3.

Part 2 Exempt and complying development, general zoning controls and Zone Table

9 Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is ***exempt development***, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is ***complying development*** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which is it proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 22* as adopted by the Council on 19 October 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 22* adopted by the Council, as in force when the certificate is issued.

10 Zoning of land and Zone Table

- (1) Development of land is controlled by zoning as provided by this clause, subject to the special provisions in Part 3.

Note. The zoning map shows the zoning of land.
- (2) Consent may be granted to development (otherwise than as complying development) only if the consent authority has taken into consideration the objectives of the zone that are relevant to the development.
- (3) The following table specifies the objectives of each zone, and the development allowed with or without consent or prohibited within each zone.

Zone Table

Zone 1 (a) Rural

1 Zone objectives

- (a) To retain prime crop and pasture land where possible for the purpose of agriculture, and
- (b) To retain viability and productivity whilst permitting diversity and flexibility in the management of agricultural land, and
- (c) To prevent fragmentation of rural land and facilitate farm adjustments, and
- (d) To facilitate rural adjustment by permitting the orderly subdivision and other development of rural land and controlling the erection of dwellings so as to ensure the economic base of the City of Griffith is protected, and
- (e) To conserve, enhance and promote rural areas of scenic, tourist or agricultural significance to the benefit of the City of Griffith, and
- (f) To prevent the degradation of rural and natural resources, and
- (g) To protect, enhance and conserve the water resource for use in the public interest, and
- (h) To enable the development of the land within this zone for the purpose of land uses that do not reduce the long-term agricultural production potential of the land, and
- (i) To enable the development of the land for the purpose of rural industries and associated activities where the Council is satisfied that those industries and activities will not detrimentally affect, or be affected by, nearby agricultural activities, and

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- (j) To enable other development of land in the zone that is compatible with agricultural practices in the area where the Council is satisfied that the development will not detrimentally affect, or be affected by, nearby agricultural activities.

2 Development within the zone

In Zone 1 (a) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

brothels; bus depots; car repair stations (other than rural machinery repairs); clubs; cluster housing; commercial premises; exhibition homes; industries (other than rural industries); medical centres; motor showrooms; multi-dwelling housing (other than dual occupancies and itinerant workers' accommodation); neighbourhood centres; residential flat buildings; restricted premises; retailing of bulky goods; shops; tourist facilities (other than rural tourist facilities); vehicle body repair workshops; warehouses (other than those associated with rural industries).

Zone 1 (b) Rural Agricultural Protection

1 Zone objectives

- (a) To preserve areas of higher quality agricultural land, and
- (b) To permit a range of activities that support the agricultural industries being conducted on the

land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and

- (c) To control development that may restrict the function of or create traffic hazards along classified roads, and
- (d) To enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land, and
- (e) To establish appropriate buffer zones between high quality agricultural land and land not used for agriculture, particularly near the perimeter of such lands.

2 Development within the zone

In Zone 1 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry; home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

brothels; bus stations; caravan parks; car parks; car repair stations (other than rural machinery repairs); cemeteries; clubs; cluster housing; commercial premises; convenience stores; depots; exhibition homes; generating works; health care professionals' practices; heliports; hospitals; hotels; industries (other than rural industries); junk yards; liquid fuel depots; liquor outlets; manufactured home estates; medical centres; mines; motels; motor showrooms; multi-dwelling housing

(other than dual occupancy and itinerant workers' accommodation); neighbourhood centres; offensive or hazardous industries; places of public worship; plant hire (other than rural machinery); residential flat buildings; restricted premises; retailing of bulky goods; service stations; shops (other than general stores); tourist facilities (other than rural tourist facilities); vehicle body repair workshops; waste management facilities.

Zone 1 (c) Rural Residential

1 Zone objectives

- (a) To provide for a range of lifestyles to cater for all socio-economic groups, without causing adverse effects on the character and amenity of the City of Griffith, and
- (b) To promote orderly and economic development of land identified as being suitable for rural residential development, and
- (c) To ensure that rural residential development is integrated with the rural landscape and is compatible with the capability of the site on which it is carried out to accommodate such development, and
- (d) To enable the development of land within this zone for rural residential purposes, and
- (e) To enable the development of some land within this zone for the purpose of other appropriate land uses where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding rural residential uses and the existing or proposed nearby development.

2 Development within the zone

In Zone 1 (c) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); environmental conservation.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

animal establishments; brothels; car repair stations; convenience stores; dual occupancies (other than attached dual occupancies); frost control fans; funeral establishments; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; restricted premises; retailing of bulky goods; road transport terminals; service stations; shops (other than general stores); speedways; vehicle body repair workshops; warehouses; waste management facilities.

Zone 1 (d) General Expansion

1 Zone objectives

- (a) To provide for an area with a predominantly rural character comprising housing and horticultural uses on rural small holdings in a manner that will not restrict future serviced urban development in accordance with the Council's urban release strategy, and
- (b) To identify land that may be needed in the future for use for urban or other non-rural purposes (the particular purpose is indicated by block lettering on the map) and will be

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- investigated with respect to its suitability for use for those purposes prior to its being allowed to be used for those purposes, and
- (c) To regulate subdivision and use of land so as to prevent development that could prejudice the possible future release of land within this zone for urban or other purposes, and
 - (d) To enable the subdivision and use of the land for urban, rural residential, highway service and industrial purposes where:
 - (i) urban structure planning has been undertaken over the area and adopted by the Council, and
 - (ii) appropriate infrastructure and facilities are available to the land or can be provided to the land in a manner that does not create an unreasonable and uneconomic demand for the provision or extension of such infrastructure and facilities, and
 - (iii) the Council is satisfied that sufficient demand exists for the release of land for the particular purpose for which it is intended to be developed, and
 - (e) To enable planning flexibility to achieve the other objectives of the zone by providing detailed guidelines through development control plans.

2 Development within the zone

In Zone 1 (d) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments and intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Any development not included in item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

animal establishments; brothels, commercial premises; frost control fans; hotels; intensive livestock keeping establishments; liquid fuel depots; mines; restricted premises; speedways.

Zone 1 (e) Rural Industry and Employment

1 Zone objectives

- (a) To provide areas for a range of rural industries and employment-generating uses, and permit commercial development where it is ancillary to and associated with a rural industrial or employment-generating use of land within the zone, or it serves the convenience needs of the workforce in the area, if any such commercial development does not have an adverse impact on the continued viability of land within business zones in Griffith, and
- (b) To provide land primarily for rural industries so as to protect existing and potential rural industries, and
- (c) To allow accommodation that is ancillary to rural industries.

2 Development within the zone

In Zone 1 (e) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture; environmental conservation.

(2) **Allowed only with development consent**

Development for the purpose of:

abattoirs, advertisements; agribusinesses; agricultural machinery repairs; animal establishments; car parks; child care centres; commercial premises used in conjunction with another use permissible in the zone;

community facilities; convenience stores; dams; depots; dwelling houses in association with and on the same land as another use allowed in the zone; educational establishments; forestry; funeral establishments; general stores; home businesses; itinerant workers' accommodation; light industries; markets; motels; motor showrooms; places of assembly; plant hire; public buildings; recreation areas; recreation facilities; refreshment rooms; research facilities; retail plant nurseries; retailing of bulky goods; riding schools; roads; rural industries; rural tourist facilities; rural workers' dwellings; saw mills; shops (in association with rural industries); speedways; stock and saleyards; transport terminals; turf farming; utility installations; veterinary clinics; warehouses; waste management facilities.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 1 (f) Rural Forest

1 Zone objectives

- (a) To identify land that is presently being used for forestry and should be retained for forestry and associated activities, and
- (b) To enable the development of land within this zone for forestry purposes, and
- (c) To enable the development of extractive industries and mines.

2 Development within the zone

In Zone 1 (f) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments and intensive livestock keeping establishments); environmental conservation; forestry; public utility undertakings.

- (2) **Allowed only with development consent**
Development for the purpose of:
camping grounds; extractive industries; mines.
- (3) **Prohibited**
Any development not included in Item (1) or (2).

Zone 1 (g) Rural Mixed Use

1 Zone objectives

- (a) To allow operators of small trade-type businesses to develop and use land for both residential purposes and for the garaging, storing and servicing of work-related vehicles and materials, and
- (b) To enable the subdivision and other development of land within this zone for the purpose of land uses that are of a low impact, mixed use nature and where the scale, height, type and traffic-generating characteristics of the development are compatible with surrounding land use, and
- (c) To control subdivision and other development so as to ensure that the mixed use nature of the preferred land use is not compromised by inappropriate lot sizes and siting of residential buildings, and
- (d) To regulate subdivision and other development so as to ensure that the amenity and character of the surrounding areas are respected, and
- (e) To enable the development of the land for light and rural industries and associated activities where the Council is satisfied that the residential component of the development and adjoining development is protected by an adequate buffer area.

2 Development within the zone

In Zone 1 (g) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture, (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry; home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

boarding houses; child care centres; cluster housing; commercial premises (other than an office used in conjunction with another use permissible in the zone); dual occupancies; dwelling houses (other than dwellings used in conjunction with another use permissible in the zone); frost control fans; health care professionals' practices; housing for aged people or people with a disability; medical centres; motels; motor showrooms; multi-dwelling housing; neighbourhood centres; offensive or hazardous industries; places of public worship; refreshment rooms; residential flat buildings; shops (other than general stores).

Zone 1 (h) Rural Small Holdings

1 Zone objective

To enable development that is compatible with the character and amenity of the rural environment of the area.

2 Development within the zone

In Zone 1 (h) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); environmental conservation; forestry.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

animal establishments (other than riding schools and veterinary clinics); brothels; car repair stations; convenience stores; dual occupancies; frost control fans; funeral establishments; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; multi-dwelling housing (other than itinerant workers' accommodation); restricted premises; retailing of bulky goods; road transport terminals; service stations; shops (other than general stores); speedways; tourist facilities (other than rural tourist facilities); vehicle body repair workshops; warehouses; waste management facilities.

Zone 1 (i) Investigation

1 Zone objectives

- (a) To identify land that may be needed in the long-term future for a designated land use, (each land use is indicated by block lettering on the map), and
- (b) To ensure that development within the zone is compatible with the anticipated future development of the land, and

- (c) To ensure that development maintains the existing character of the locality and minimises disturbance to the scenic value of the landscape through clearing, earthworks, access roads and construction of buildings, and
- (d) To ensure that development does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.

2 Development within the zone

In Zone 1 (i) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation; forestry.

(2) **Allowed only with development consent**

Development for the purpose of:

animal establishments; community facilities; dual occupancies; dwellings; frost control fans; home businesses; public utility undertakings; recreation areas; recreation facilities; retail plant nurseries; roadside stalls; rural industries; rural tourist facilities; turf farming; utility installations.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 2 (a) Residential

1 Zone objectives

- (a) To set aside land to be used for residential purposes and associated facilities, and
- (b) To ensure full and efficient use of existing social and physical infrastructure and that the future provision of services and facilities meets any increased demand, and

- (c) To enable development of land within this zone for residential purposes, and
- (d) To enable development of land within this zone for tourist, open space and recreation purposes, and
- (e) To enable the development of a variety of housing types while maintaining the existing character of the residential area throughout the City of Griffith, and
- (f) To enable development for the purpose of retail, commercial and professional services in locations in residential neighbourhoods where such development is compatible with the amenity of adjoining land in respect of scale, height and type of buildings and traffic generation, and
- (g) To enable the development of land within this zone for the purpose of land uses that are appropriate within the surrounding urban living area where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding urban living area and with existing or proposed nearby development.

2 Development within the zone

In Zone 2 (a) the following development is:

- (1) **Allowed without development consent**
Development for the purpose of:
environmental conservation.
- (2) **Allowed only with development consent**
Any development not included in Item (1) or (3).
- (3) **Prohibited**
Development for the purpose of:
animal establishments; brothels; bus depots; car repair stations; extractive industries; frost control fans; funeral

establishments; generating works; hotels; industries (other than home businesses); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; plant hire; recreation vehicle areas; restricted premises; retailing of bulky goods; road transport terminals; rural industries; rural tourist facilities; rural workers' dwellings; saw mills; service stations; speedways; tourist facilities; transport terminals; turf farming; vehicle body repair workshops; warehouses; waste management facilities.

Zone 2 (v) Village

1 Zone objectives

- (a) To recognise and promote development in existing villages so as to enable future development appropriate to their function, and
- (b) To allow detailed provision to be made to set aside specific areas within the zone for housing of various densities, commercial, special and industrial uses and other urban and tourist facility purposes, and
- (c) To ensure land is economically and adequately serviced in view of its likely development, and
- (d) To ensure development reflects the existing character of villages and does not create excessive demands for services, and
- (e) To enable the development of land within this zone for residential, commercial, special and tourist uses and other urban purposes, and
- (f) To enable development of land for other purposes where it can be demonstrated by the applicant for development consent, to the satisfaction of the consent authority, that such a use will not detrimentally affect the amenity of the existing or proposed nearby development.

2 Development within the zone

In Zone 2 (v) the following development is:

- (1) **Allowed without development consent**
Development for the purpose of:
environmental conservation.
- (2) **Allowed only with development consent**
Any development not included in Item (1) or (3).
- (3) **Prohibited**
Development for the purpose of:
animal establishments (other than veterinary clinics);
brothels; extractive industries; frost control fans;
intensive livestock keeping establishments; junk yards;
offensive or hazardous industries; mines; restricted
premises; speedways.

Zone 3 (a) General Business

1 Zone objectives

- (a) To provide for and encourage the development and expansion of business activities that will contribute to the economic growth and employment opportunities within the City of Griffith, and
- (b) To encourage the continued growth of the business area of Griffith as the commercial, retail and administrative centre of the City of Griffith and surrounding areas and to reinforce particularly the concentrated retail core as the prime business area of the City of Griffith, and
- (c) To permit a wide range of uses within the zone that are associated with, ancillary to or supportive of retail and service facilities within the zone, and
- (d) To ensure there is adequate provision within the zone for car parking and recreational and social facilities, and

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- (e) To minimise conflicts between pedestrian and vehicular movement within the business areas, and
 - (f) To enable the development of land within the zone for commercial and retail purposes, and
 - (g) To enable industrial development on land within the zone that is compatible with existing commercial and retail development, and
 - (h) To enable development within the zone that is associated with, ancillary to or supportive of, commercial or retail development, and
 - (i) To enable the development of land for other purposes where the consent authority is satisfied that such a use will not detrimentally affect the amenity of any existing or proposed nearby development, and
 - (j) To enable development of land within this zone for residential purposes where the Council is satisfied that adequate amenity will be provided for residents of residential buildings and the land will not be required for commercial or retail use.

2 Development within the zone

In Zone 3 (a) the following development is:

- (1) **Allowed without development consent**
Development for the purpose of:
environmental conservation; home businesses.
- (2) **Allowed only with development consent**
Any development not included in Item (1) or (3).
- (3) **Prohibited**
Development for the purpose of:
animal establishments (other than veterinary clinics);
frost control fans; intensive livestock keeping
establishments; junk yards; liquid fuel depots; offensive
or hazardous industries.

Zone 3 (b) Highway Service Business

1 Zone objectives

- (a) The principal objectives of this zone are:
 - (i) To set aside certain land adjacent to Kidman Way and Mackay Avenue for the purpose of providing services to the travelling public and highway user, and
 - (ii) To provide for commercial, bulky goods retailing, light industrial and trade activities that do not jeopardise the viability or function of the business centre.

- (b) The particular objectives of this zone are:
 - (i) To restrict development generally to the provision of services required by the travelling public and highway user, being development for the purpose of commercial, bulky goods retail or light industrial uses, trade activities or refreshment, short-term accommodation and motor vehicle service facilities (separate or integrated), and
 - (ii) To permit complementary development associated with or ancillary to highway services, but only where it is integral to such a service and is of a scale and nature in keeping with that service, and
 - (iii) to ensure that development does not impinge upon the effective operation of Kidman Way and Mackay Avenue, and
 - (iv) to allow for other development that is compatible with the principal objectives of the zone.

2 Development within the zone

In Zone 3 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction; environmental conservation;
home businesses.

(2) **Allowed only with development consent**

Any development not included in Item (1) or (3).

(3) **Prohibited**

Development for the purpose of:

abattoirs; animal establishments (other than veterinary clinics); boarding houses; brothels; cemeteries; cluster housing; dual occupancies; dwelling houses (other than physically attached to and used in conjunction with buildings allowed with development consent); extractive industries; forestry; frost control fans; generating works; helipads; heliports; hospitals; housing for older people or people with a disability; industries (other than light industries and rural industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; multi-dwelling housing; offensive or hazardous industries; recreation vehicle areas; residential flat buildings; restricted premises; saw mills; shopping centres (other than retailing of bulky goods); stock and saleyards; turf farming; waste management facilities.

Zone 4 (a) General Industrial

1 Zone objectives

- (a) To provide for and encourage the development and expansion of industrial activities that will contribute to the economic growth of and employment opportunities within the City of Griffith, and

- (b) To ensure a variety of sites is available with regard to area, frontage and services to meet the requirements of a range of industrial uses, and
- (c) To minimise negative visual impact of development by limiting the size and scale of buildings and having regard to building design and landscaping of the site, and
- (d) To ensure industrial development creates areas that are pleasant to work in and safe and efficient in terms of transportation, land utilisation and service distribution, and
- (e) To enable development of land within this zone for industrial purposes, and
- (f) To enable development of land within this zone for the display and sale of bulky goods, and
- (g) To enable development of specific office and incidental or ancillary activities in association with the primary industrial use, and
- (h) To enable the erection of dwellings the use of which will be ancillary to an industrial use for which consent has been granted, and
- (i) To enable development of land within this zone for purposes that will not compromise the industrial development of the locality.

2 Development within the zone

In Zone 4 (a) the following development is:

- (1) **Allowed without development consent**
Development for the purpose of:
environmental conservation; public utility undertakings.
- (2) **Allowed only with development consent**
Any development not included in Item (1) or (3).
- (3) **Prohibited**
Development for the purpose of:
cluster housing; dual occupancies; dwelling houses (other than a caretaker's/security residence used in

conjunction with a use consented to); frost control fans; funeral establishments; housing for older people or people with a disability; multi-dwelling housing; residential flat buildings; shopping centres (other than retailing of bulky goods).

Zone 5 (a) Special Uses

1 Zone objectives

- (a) The principal objective of this zone is to identify land that, immediately before this plan commenced, was the site of development or required to be developed for a specific purpose (generally of a public nature) and that, because of the particular features or characteristics of that purpose, requires special planning consideration to protect its function and to avoid conflict with other land uses.
- (b) The particular objectives of this zone are:
 - (i) To safeguard the role and efficiency of development for specific special purposes against intrusion by other land uses, and
 - (ii) To ensure that the location of development for certain specific purposes may be easily identified and the impact upon development in adjoining zones may be readily appreciated, and
 - (iii) To enable the development of land for other purposes where it can be demonstrated that the development will not adversely affect the usefulness of the land for the purpose for which the land is zoned, and
 - (iv) To allow use of land for community facilities that are compatible with the principal use of the land.

2 Development within the zone

In Zone 5 (a) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

environmental conservation, the particular purpose indicated by block lettering on the zoning map and purposes associated with or ancillary to the particular purpose indicated on the zoning map.

(2) **Allowed only with development consent**

Development for the purpose of:

advertisements; recreation areas.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 6 (a) Open Space

1 Zone objectives

- (a) To provide land for active and passive recreational purposes, and
- (b) To provide a diversity of recreational facilities suitable for youth and adults so as to promote the development of recreation which will enable Griffith to be a venue for major sporting and civic events, and
- (c) To facilitate access to particularly visually pleasing or exposed open space locations while allowing recreational use of those areas, and
- (d) To promote the social development of the City of Griffith, and
- (e) To enable development of land within this zone for recreational purposes, and
- (f) To enable development of land within this zone for uses associated with recreation, and

- (g) To enable the development of land for other purposes only where it can be demonstrated that the proposed use will not adversely affect the long-term usefulness of the land for recreation.

2 Development within the zone

In Zone 6 (a) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction works; environmental conservation; gardening; landscaping; recreation areas lawfully in existence at the commencement of this plan.

(2) **Allowed only with development consent**

Development for the purpose of:

advertisements; car parks, clubs; community facilities; places of assembly; recreation areas; recreation facilities; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 6 (b) Open Space (Private Recreation)

1 Zone objectives

- (a) To identify land used or to be used for open space and recreational purposes that is not proposed to be acquired by the Council, and
- (b) To enable development of land within this zone for recreational purposes, and
- (c) To enable development of land within this zone for uses associated with recreation, and
- (d) To enable development of that land for other purposes where it can be demonstrated that the proposed use will not adversely affect the long-term usefulness of the land for recreation.

2 Development within the zone

In Zone 6 (b) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction works; environmental conservation; gardening; landscaping; recreation areas lawfully in existence at the commencement of this plan.

(2) **Allowed only with development consent**

Development for the purpose of:

advertisements; car parks; clubs; community facilities; places of assembly; recreation areas not included in Item (1); recreation facilities; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 7 Environmental Protection—Fauna and Flora

1 Zone objectives

- (a) To protect and conserve land within the zone as a habitat for diverse species of fauna and flora, and
- (b) To enable development of that land only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the land.

2 Development within the zone

In Zone 7 the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

bushfire hazard reduction.

(2) **Allowed only with development consent**

Development for the purpose of:

car parks; clearing of land; clubs; community facilities;
destruction of trees; environmental conservation;
gardening; landscaping; places of assembly; public
utility undertakings; recreation areas; roads.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 7 (c) Environmental Protection—Rural Living

1 Zone objectives

- (a) To protect and conserve land within the zone as a habitat for diverse species of fauna and flora, and
- (b) To encourage the protection of, and revegetation with, native vegetation and the establishing and maintenance of wildlife corridors, and
- (c) To ensure that rural residential development is integrated with environmental protection and the visual continuity of the landscape and is compatible with the capability of the site on which the development is carried out, and
- (d) To enable development of land within this zone only where it can be shown that the development will not damage or compromise the ecological, scenic or scientific attributes of the land, and
- (e) To provide for a range of lifestyles to cater for all socio-economic groups, without causing adverse effects on the character and amenity of the area.

2 Development within the zone

In Zone 7 (c) the following development is:

(1) **Allowed without development consent**

Development for the purpose of:

agriculture (not involving ancillary buildings, animal establishments or intensive livestock keeping establishments); bushfire hazard reduction; environmental conservation.

(2) **Allowed only with development consent**

Development for the purpose of:

buildings ancillary to agriculture; clearing of vegetation; dwelling houses; roads; utility installations.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Zone 7 (v) Environmental Protection—Scenic

1 Zone objectives

- (a) To preserve the prominent landforms that contribute to the visual quality of the City of Griffith, and
- (b) To ensure environmentally sensitive land is appropriately protected from development likely to detrimentally affect its preservation, and
- (c) To ensure that significant areas capable of contributing to the character of the City of Griffith are maintained for the benefit of the community and tourism potential, and
- (d) To assist in the prevention of land degradation, and
- (e) To enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the locality.

2 Development within the zone

In Zone 7 (v) the following development is:

(1) Allowed without development consent

Development for the purpose of:
bushfire hazard reduction.

(2) Allowed only with development consent

Development for the purpose of:
car parks; clearing of land; clubs; community facilities;
destruction of trees; environmental conservation; places
of assembly; recreation areas; roads; utility installations.
Demolition.

(3) Prohibited

Any development not included in Item (1) or (2).

Zone 7 (w) Environmental Protection—Wetlands**1 Zone objectives**

- (a) To protect and conserve significant wetlands as a habitat for diverse species of fauna and flora, and
- (b) To maintain the wetlands as a resource for recreational and educational pursuits, and
- (c) To prohibit development that would destroy or damage the wetlands ecosystem, and
- (d) To enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the wetland.

2 Development within the zone

In Zone 7 (w) the following development is:

(1) Allowed without development consent

Development for the purpose of:
bushfire hazard reduction.

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Part 2 Exempt and complying development, general zoning controls and
Zone Table

(2) **Allowed only with development consent**

Development for the purpose of:

car parks; clearing of land; clubs; community facilities;
destruction of trees; environmental conservation; places
of assembly; recreation areas; roads; utility installations.

Demolition.

(3) **Prohibited**

Any development not included in Item (1) or (2).

Part 3 Special provisions

Division 1 Subdivision

Note. Refer to section 4B of the Act for the definition of *subdivision of land*.

11 General

Land to which this plan applies may be subdivided but, unless the subdivision is exempt development, only with development consent.

12 Subdivision for agriculture in Zones 1 (a), 1 (b), 1 (d), 1 (e), 1 (g) and 1 (i)

- (1) This clause applies to land within Zone 1 (a), 1 (b), 1 (d), 1 (e), 1 (g) or 1 (i).
- (2) Consent may be granted to a subdivision for the purpose of agriculture to create a lot only if the area of the lot is:
 - (a) 20 hectares or more for land used for horticulture, or
 - (b) 200 hectares or more for irrigation land, or
 - (c) 500 hectares or more for land that is neither land used for horticulture nor irrigation land.
- (3) However, subclause (2) does not prevent a subdivision of land that is a boundary adjustment.

Note. See definition of *boundary adjustment* in the Dictionary.

- (4) If a dwelling is situated on an existing holding, consent must not be granted to a subdivision of land for the purpose of agriculture that would result in an additional dwelling erected in pursuance of this plan being situated on a new lot excised from the existing holding.

13 Conversion of irrigation land for horticultural purposes

- (1) Consent may be granted to a subdivision of irrigation land to create lots the consent authority is satisfied will be used for horticultural purposes only if a suitability assessment and feasibility study, showing that the land is able to sustain the proposed use and that the proposed use is viable, has been considered by the consent authority.

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Part 3 Special provisions

Division 1 Subdivision

- (2) Consent may be granted to a subdivision or other development in respect of irrigation land intended to be converted to use for horticulture only if the consent authority has considered documentation from the Department of Agriculture advising that the land is suitable for horticultural purposes.

Note. Refer to Council's Practice Note No 9 as to the required level of documentation.

14 Subdivision otherwise than for the purpose of agriculture or dwellings in Zones 1 (a), 1 (b), 1 (d), 1 (e) and 1 (i)

- (1) This clause applies to land within Zone 1 (a), 1 (b), 1 (d), 1 (e) or 1 (i).
- (2) Consent may be granted to a subdivision of land to which this clause applies to create a lot that will not be used for the purpose of agriculture, a dwelling house or a home business if:
- (a) the consent authority is satisfied the lot will be used for another particular lawful purpose, and
 - (b) where the lot will have a frontage to a main road, the frontage will be not less than 150 metres.
- (3) However, the consent authority must not consent to any such subdivision unless it is satisfied that:
- (a) the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type, and
 - (b) the particular lawful use of the lot created pursuant to this clause is compatible with the surrounding area.

15 Subdivision excising an existing dwelling from certain land within Zone 1 (b)

- (1) This clause applies to an existing holding comprised of land within Zone 1 (b):
- (a) that is shown edged heavy black and hatched on Sheet 1 of the zoning map, and
 - (b) that has not been subdivided since 18 November 1998, unless for the purpose of road widening or to excise an allotment to be used for a public purpose.

- (2) Consent may be granted to the subdivision of an existing holding to which this clause applies to excise a new lot that has a lawfully erected dwelling on it that will provide a separate land title for that dwelling if:
- (a) the consent authority is satisfied that the purpose of the subdivision is for the dwelling on the excised lot to provide retirement accommodation associated with inter-generational transfer of the family farm to a relative, and
 - (b) where the residue of the existing holding has one or more dwellings erected on it, that residue is consolidated into one residue lot in the plan of subdivision, and

Note. Where the residue of the existing holding is vacant, see Division 2 for the minimum area for the erection of a dwelling on that residue.
 - (c) the consent authority is satisfied that the lot to be excised is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council.

16 Subdivision in Zones 1 (c) and 7 (c)

- (1) **Objective:**
To ensure that the semi-rural character and environmental values of the locality are protected.
- (2) Consent may be granted to the subdivision of land in Zone 1 (c) or 7 (c) for residential purposes only if:
 - (a) each lot will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
 - (b) the consent authority is satisfied that each lot to be created will be capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council or will be connected to a reticulated sewerage system, and
 - (c) in the case of a lot to be connected to a reticulated sewerage system, the area of the lot will be not less than 0.3 hectare, and

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Part 3 Special provisions

Division 1 Subdivision

- (d) in the case of a lot not to be connected to a reticulated sewerage system, the area of the lot will be not less than 1 hectare, unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*.

Note. Further provisions are contained within *Development Control Plan No 29—Lake Wyangan Drainage Catchment*.

17 Subdivision excising an existing dwelling within Zones 1 (d) and 1 (i)

Consent may be granted to the subdivision of an existing holding comprised of land within Zone 1 (d) or 1 (i) to excise a new lot that has a lawfully erected dwelling on it that will provide a separate land title for that dwelling if:

- (a) the residue of the existing holding is consolidated into one residue lot in the plan of subdivision, and
- (b) the consent authority is satisfied that the purpose of the subdivision is to facilitate the development of the residue lot for its future intended purpose, identified on the zoning map, and
- (c) the consent authority is satisfied that the lot with the dwelling on it is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council, and
- (d) in the case of a lot to be connected to a reticulated sewerage system, the area of the lot will be not less than 0.3 hectare, and
- (e) in the case of a lot not to be connected to a reticulated sewerage system, the area of the lot will be not less than 1 hectare, unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*.

18 Subdivision in Zone 1 (g)

(1) Objectives:

- (a) To ensure that development for the purpose of light and rural industries is the main reason for any subdivision of land within Zone 1 (g), and that environmental values of the locality are protected, and
- (b) To prohibit any subdivision of land within Zone 1 (g) for which the primary purpose is the erection of a dwelling.

- (2) Consent may be granted to the subdivision of land in Zone 1 (g) for development with a residential component only if:
- (a) the consent authority is satisfied that the residential component of the proposed development is ancillary to and associated with a non-residential use of the site for which consent has been granted, and
 - (b) each lot will be connected to a reticulated water supply system, or a tank water supply will be provided to the satisfaction of the consent authority, and
 - (c) the consent authority is satisfied that each lot created is capable of accommodating adequate facilities for the treatment and disposal of sewage by a wastewater disposal system approved by the Council, and
 - (d) the area of each lot created is not less than 1 hectare in the case of an on-site effluent disposal system (unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*) or 0.3 hectare in the case of land to be connected to a reticulated sewerage system, and
 - (e) the consent authority is satisfied that measures can be taken for odour and noise control that are sufficient to mitigate adverse impacts on the nature of activities proposed on the land or on surrounding land.

Note. When considering noise and odour mitigation measures, the Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls* which sets out "deemed-to-comply" provisions.

19 Subdivision in Zone 1 (h)

- (1) This clause applies to land within Zone 1 (h).
- (2) Consent may be granted for a subdivision of land to which this clause applies, but only if:
 - (a) the average size of the lots created by the subdivision will be not less than 2 hectares, and
 - (b) the area of each lot created by the subdivision will be not less than 1 hectare (unless it has a smaller area in accordance with the Council's *On-Site Sewage Management Plan*).

- (3) Notwithstanding any other provision of this clause, the consent authority must not consent to a subdivision of land to which this clause applies unless it is satisfied that the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type.
- (4) Nothing in this plan prevents the consent authority from granting consent for a subdivision of land to which this clause applies that changes a boundary between lots if the boundary change is consistent with the objectives of the zone and:
 - (a) does not create an additional lot, and
 - (b) results in there being sufficient land within each lot on which a dwelling exists, or could exist, for the satisfactory disposal of effluent on each lot.

20 Subdivision in Zones 7, 7 (v) and 7 (w)

Consent must not be granted to the subdivision of land within Zone 7, 7 (v) or 7 (w) unless the subdivision is a boundary adjustment.

Division 2 Dwellings

21 Single dwellings within Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (g), 1 (h), 1 (i) and 7 (c)

- (1) This clause applies to land with Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (g), 1 (h), 1 (i) or 7 (c).
- (2) One dwelling may be erected with consent on vacant land within Zone 1 (a), 1 (b), 1 (d), 1 (e) or 1 (i), but only if the land has an area of:
 - (a) 20 hectares or more for land used for horticulture, or
 - (b) 200 hectares or more for irrigation land, or
 - (c) 500 hectares or more for land that is neither land used for horticulture nor irrigation land.
- (3) A dwelling may be erected on vacant land within Zone 1 (c) or 7 (c) on a lot created pursuant to a consent granted after the commencement of this plan only if the consent was granted in accordance with clause 16.

- (4) Despite subclause (2), a replacement dwelling may be erected with consent on a lot of any size within Zone 1 (d) that was created in accordance with clause 17 as a separate land title for a dwelling.
- (5) A dwelling may be erected with consent on a lot of vacant land within Zone 1 (h) created in accordance with clause 19.
- (6) Despite subclauses (2)–(5), a dwelling may be erected with development consent on vacant land consisting of:
 - (a) the whole of an existing holding, or
 - (b) a lot created under this plan for a purpose other than agriculture where the consent authority considers that an ancillary dwelling is necessary, or
 - (c) a lot created in accordance with a consent granted before the appointed day, being a lot on which a dwelling could have been erected immediately before the appointed day.
- (7) Nothing in this clause prevents a person, with development consent, from erecting a dwelling that will wholly replace another dwelling that was lawfully erected.
- (8) In this clause, *vacant land* means land on which no dwelling is erected.

Note. Refer to Council's Practice Note No 9 as to the required level of documentation to satisfy clause 21 (2) (a).

22 Erection of additional dwellings in Zones 1 (a), 1 (b) and 1 (i)

- (1) This clause applies to an existing holding within Zone 1 (a), 1 (b) or 1 (i) on which only one dwelling is erected.
- (2) One additional dwelling may be erected with consent where:
 - (a) a dwelling could be erected on the land in accordance with clause 21 if it had been vacant, and
 - (b) no additional access to an arterial road will be required from the land to the additional dwelling, and
 - (c) separate ownership of the additional dwelling could only be achieved by a subdivision of the land, and
 - (d) in the opinion of the consent authority, the additional dwelling will not interfere with the purpose for which the land or adjoining land is being used, and
 - (e) the additional dwelling is erected on the same lot as an existing dwelling, and

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Part 3 Special provisions

Division 2 Dwellings

- (f) the number of dwellings on the existing holding after the additional dwelling is erected will not exceed two (including any dual occupancy and rural worker's dwelling).

Division 3 Environmental provisions

23 Development in Zones 7, 7 (c), 7 (v) and 7 (w)

- (1) This clause applies to land within Zone 7, 7 (c), 7 (v) or 7 (w).
- (2) A person must not clear, drain, excavate or fill land to which this clause applies except with development consent.

24 Tree preservation

- (1) **Objective:**
To protect vegetation and provide for the assessment of the impact of clearing for the reason of preserving the amenity and the ecology of the City of Griffith.
- (2) Pursuant to section 32 of the Act, the Council may by resolution make, revoke or amend a tree preservation order.
- (3) A tree preservation order is to identify a tree or class of trees that must not be ringbarked, cut down, topped, lopped, removed or wilfully destroyed without development consent or the permission of the Council, but does not apply to trees in a State forest or within a reserve as defined under the provisions of the *Forestry Act 1916*.
- (4) A person must not ringbark, cut down, top, lop, remove or wilfully destroy a tree to which a tree preservation order applies without development consent or the permission of the Council or unless required or authorised to do so by or under an Act.
- (5) A tree preservation order, and any revocation or amendment of it, does not have effect until it has been published in a newspaper circulating in the City of Griffith local government area.
- (6) A tree preservation order made and in force immediately before the appointed day under any environmental planning instrument that applied to land to which this plan applies shall be deemed to be a tree preservation order made and published by the Council under this clause identifying the trees to which it is expressed to apply and may be revoked or amended by the Council in accordance with this clause.

- (7) In Zone 7, 7 (c), 7 (v) or 7 (w), a tree that exceeds a height of 3 metres shall not be cut down, lopped or otherwise destroyed without development consent or the permission of the Council, regardless of whether it is identified in a tree preservation order.

25 Environmentally sensitive land

- (1) **Objective:**
To enable the protection of vegetation and assessment of the impacts of clearing in certain areas for reasons of visual amenity and ecology.
- (2) In this clause, ***protected land*** means land shown as “environmentally sensitive” on sheets 1–5 of the zoning map.
- (3) A person must not, except with consent, clear fell land or cause the destruction of trees or remnant vegetation on:
- (a) more than one hectare of protected land included in an existing holding, or
 - (b) more than 5 percent of the area of the existing holding, where that 5 percent comprises protected land,
- whichever is less.

Division 4 Hazards and buffers

26 Flood liable land

- (1) **Objectives:**
- (a) To minimise potential flood damage by ensuring that only appropriate development occurs on flood liable land, and
 - (b) To minimise the effects of flooding on the community.
- (2) For the purposes of this clause, ***flood liable land*** is:
- (a) land likely to be inundated in a 1 in 100 year flood, as identified on mapping held in the office of the Council, or
 - (b) land likely to be inundated in a 1 in 100 year flood because of topography or proximity to a watercourse or irrigation supply or drainage channel.

- (3) Consent must not be granted to development of any flood liable land unless the consent authority has considered:
- (a) a survey identifying the level of the land relative to the 1 in 100 year flood level, and
 - (b) the likelihood of loss of life or property from flooding, and
 - (c) the likelihood of increased demand for flood mitigation measures and emergency services, and
 - (d) any impediments to the operation of floodway systems in times of flood, and
 - (e) the effect of proposed development on adjoining land in times of flood, and
 - (f) limits on the intensity of development of urban flood liable land, and
 - (g) the provision of services and facilities appropriate to the flood liability of the land, and
 - (h) the effect of the proposed development on the watertable of that land or of land in its immediate vicinity.

Note. For information with respect to flood liable land refer to the *Griffith Main Drain J Flood Management Study*.

27 Land subject to bushfire hazards

- (1) Consent must not be granted to a subdivision of land or to the erection of a building on land that is subject to a bushfire hazard that has been identified by the Council unless, in the opinion of the consent authority:
- (a) adequate provision is made for access for fire fighting vehicles, and
 - (b) adequate safeguards are effected in the form of fire breaks, reserves and fire radiation zones, and
 - (c) adequate water supplies are available for fire fighting purposes.
- (2) Before granting consent for development on steep land, ridge lines or any land within Zone 7 (v), the consent authority should consult with the Department of Land and Water Conservation regarding the design, construction and maintenance of firebreaks in order to minimise erosion and sedimentation.

28 Land near activities requiring odour or noise buffer or near Zones 1 (e) and 4 (a)

- (1) This clause applies to land:
- (a) that is within the recommended buffer distance listed in Schedule 4 from the building, work or place in or at which an activity described in that Schedule is being carried out or from a building, work or place described in that Schedule, or
 - (b) that is within 40 metres of land within Zone 1 (e) or 4 (a) other than land on which such an activity is being carried out or from any such building or work.
- (2) Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that measures can be taken for odour or noise control that will be sufficient to mitigate any adverse impacts on the proposed development and on surrounding existing activities from:
- (a) in the case of land described in subclause (1) (a)—activities, buildings, works or places described in Schedule 4, or
 - (b) in the case of land described in subclause (1) (b)—activities allowed within Zone 1 (e) or 4 (a).

Note. When considering noise or odour mitigation measures, Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls*, which sets out “deemed-to-comply” provisions.

29 Development in Zones 1 (e) and 4 (a) adjacent to existing and proposed residential zones and rural small holding zone

Consent may be granted for development on land within Zone 1 (e) and 4 (a) that is adjacent to land within Zone 1 (c), 1 (h), 2 (a) or 2 (v) only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the adjacent land in terms of:

- (a) its design, siting and landscaping, and
- (b) its methods and hours of operation, traffic generation and car parking, and
- (c) any noise, light, dust or odour nuisance that may arise from carrying out the proposed development, and
- (d) privacy and overshadowing.

Note. When considering noise or odour mitigation measures, Council has formulated a policy known as *Development Control Plan No 28—Landuse Buffer Controls*, which sets out “deemed-to-comply” provisions.

30 Residential development in Zones 1 (c), 1 (d), 1 (h), 2 (a) and 2 (v) adjacent to Zone 1 (a) or 1 (b)

(1) **Objective:**

To locate residential development so that the impact of agricultural chemical spray drift on amenity and health is avoided.

(2) This clause applies to residential development on land within Zone 1 (c), 1 (d), 1 (h), 2 (a) or 2 (v) within 300 metres of land within Zone 1 (a) or 1 (b).

(3) Consent must not be granted to residential development, including a subdivision for a residential purpose, unless in the opinion of the consent authority:

(a) there will be a minimum distance of 300 metres between the boundary of the development site and the nearest agricultural land, if they are separated by open ground, or

(b) a buffer strip at least 40 metres wide will be created between the boundary of the development site and the nearest agricultural land that is comprised of a strip at least 20 metres wide (planted with trees at a density capable of stopping spray drift from the rural land) that is positioned between two strips each being at least 10 metres wide (that are clear of vegetation), or

(c) other measures will be put in place that will be adequate to prevent spray drift from the nearest agricultural land on to the development site.

Note. Performance criteria for other measures are contained in *Development Control Plan No 28—Landuse Buffer Controls* which sets out “deemed-to-comply” provisions.

Division 5 Heritage conservation

31 Objectives

The objectives of this plan in relation to heritage are:

(a) to conserve the environmental heritage of the City of Griffith local government area, and

(b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and

- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
- (e) to ensure that heritage conservation areas throughout the City of Griffith retain their heritage significance.

32 Protection of heritage items and heritage conservation areas

(1) When is consent required?

The following development may be carried out only with development consent:

- (a) demolishing or moving 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 or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) moving the whole or a part of a heritage item,
- (f) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

(2) What exceptions are there?

Development consent is not required by this clause if:

- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and

- (b) the proponent has notified the consent authority in writing of the proposed development 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 subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
 - (a) the creation of a new grave or monument, or
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) **What must be included in assessing a development application?**

Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) **What extra documentation is needed?**

The assessment must include consideration of a *heritage impact statement* that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a *conservation management plan*, if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
 - (a) for development that would affect a *heritage item*:
 - (i) the heritage significance of the item as part of the environmental heritage of the City of Griffith, and
 - (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, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and

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- (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (b) for development that would be carried out in a *heritage conservation area*:
 - (i) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
 - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
 - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
 - (v) whether any landscape or horticultural features would be affected by the proposed development, and
 - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
 - (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
 - (viii) the issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

33 Advertised development

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, tree or place in a heritage conservation area,
- (b) the carrying out of any development allowed by clause 38.

34 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified in Schedule 6 as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

35 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such a way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

36 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.

- (2) This clause does not apply if the proposed development:
- (a) does not involve disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

37 Development in the vicinity of a heritage item

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

38 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent, and

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Part 3 Special provisions

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- (b) the proposed use is in accordance with a conservation management plan which has been approved by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

39 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any),
 - (b) the style, size, proportion and position of the openings for windows or doors (if any),
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

Division 6 Miscellaneous provisions

Subdivision 1 Additional controls for certain zones

40 Development in General Expansion Zone

- (1) Consent must not be granted for a subdivision of land in Zone 1 (d) and use of the land for urban, rural residential, highway services or industrial development unless the consent authority is satisfied that:

- (a) urban structure planning has been undertaken for the land and a structure plan for its future development has been adopted by the Council, and
 - (b) appropriate infrastructure and facilities are available to the land or can be provided to the land in a manner that does not create an unreasonable and uneconomic demand for the provision or extension of such infrastructure and facilities, and
 - (c) the Council is satisfied that sufficient demand exists for the release of land for the particular purpose for which it is intended to be developed, and
 - (d) a development control plan or master plan has been approved by the Council for the land or the applicant for consent has entered into a deed of agreement with the Council in reference to infrastructure works, and
 - (e) the release strategy land use and timetable is in accordance with the Growth Strategy 2030 map held in the office of the Council (except where any variation to the timetable complies with the provisions of Part E, clause 16 of the Strategy).
- (2) A master plan approved for the purposes of this clause must be available for inspection by the public at the office of the Council during its usual office hours.

41 Retailing in Rural Industry and Employment Zone

Consent may be granted for a shop in Zone 1 (e) only if:

- (a) the consent authority is of the opinion that the shop will serve the needs of the workforce within the locality, or
- (b) use of the shop will be ancillary to other development allowed in the zone and the shop is situated on the land on which that development is carried out.

42 Development in Rural Mixed Use Zone

- (1) A building within Zone 1 (g) must not be within 5 metres of an adjoining private property boundary without the consent in writing of the adjoining property owner.
- (2) The erection of a dwelling house on a site within Zone 1 (g) must be ancillary to or associated with other development on the site for which consent has been granted.

43 Development within Residential Zone in certain localities

- (1) Consent must not be granted for a subdivision of land within Zone 2 (a) and use of the land for an urban purpose within the residential land release areas of Collina, South Griffith, Yoogali and Lake Wyangan defined in the *Growth Strategy 2030* held in the office of the Council unless:
 - (a) a development control plan or master plan has been approved by the Council for the land, and
 - (b) a contributions plan has been approved for the land,or the applicant for consent has entered into a deed of agreement with the Council in relation to infrastructure works.
- (2) A master plan approved for the purposes of this clause must be available for inspection by the public at the office of the Council during its usual office hours.

44 Development in Open Space Zone

Consent must not be granted to the carrying out of development on land within Zone 6 (a) unless the consent authority has considered:

- (a) the need for the proposed development on that land, and
- (b) the impact of the proposed development on the locality, and
- (c) the need to retain the land for its existing or likely future use.

Subdivision 2 Additional controls for certain localities

45 Development along Murrumbidgee River

- (1) This clause applies to land adjoining the Murrumbidgee River.
- (2) Despite any other provision of this plan, a person must not, on land to which this clause applies, do any of the following except with development consent:
 - (a) erect a building for any purpose on land within 400 metres of any bank of the river,
 - (b) remove, cut down or otherwise destroy any tree on land within 60 metres of any bank of the river,
 - (c) carry out development for any purpose on, or subdivide, land within 20 metres of any bank of the river,

- (d) carry out development for the purpose of:
- (i) a canal, or
 - (ii) a marina, pontoon, jetty, pier or other structure designed to provide a mooring or dry storage for one or more vessels used for any purpose, or
 - (iii) filling or extraction,
- on any land comprising the bed or any bank of the river.
- (3) Consent must not be granted to the erection of a building on land comprising:
- (a) a bed of the river, or
 - (b) land within Zone 1 (a) and within 100 metres of any bank of the river,
- unless, in the opinion of the consent authority, the building:
- (c) is ancillary to the use of that land for the purpose of a recreation area, or
 - (d) is to be used for the purpose of fisheries, irrigation works (or the pumping and treatment of water for private domestic consumption), marinas, utility installations or the servicing of vessels.
- (4) A consent referred to in subclause (2) or (3) must not be granted unless, in the opinion of the consent authority, the cutting down, removal or destruction of the tree or the proposed development on the land concerned, or the subdivision of the land concerned, for which consent is sought, will be carried out in a manner that, in respect of that land and the adjacent land, minimises:
- (a) the risk of soil erosion and other land degradation, and
 - (b) the loss of scenic amenity, and
 - (c) the loss of important vegetation systems and natural wildlife habitats, including fish habitats.

46 Irrigation canals and channels

- (1) Where land is used for the purpose of a water supply or drainage channel and comprises part of, or has a common boundary with, land that is the subject of a development application, the consent authority may, in granting consent, impose a condition that requires beautification works associated with that channel to be carried out.

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- (2) In deciding whether such works are necessary, the consent authority shall consider:
- (a) the visibility of that channel or its infrastructure from a public place, and
 - (b) whether the channel or its infrastructure requires maintenance or refurbishment, and
 - (c) the heritage significance associated with the channel and its infrastructure, and
 - (d) any submission from Murrumbidgee Irrigation.

47 Development within the Lake Wyangan drainage catchment

- (1) **Objective:**
To ensure the environmental values of this closed drainage catchment are protected.
- (2) Consent must not be granted for residential development within the Lake Wyangan drainage catchment unless the consent authority is satisfied that:
- (a) each proposed lot and habitable building will be connected to a reticulated water supply, and
 - (b) each proposed lot and habitable building will be connected to a reticulated sewerage system, and
 - (c) each proposed lot will have a minimum width of 45 metres at the building alignment, and
 - (d) all dwellings will have a minimum setback of 10 metres off all boundaries.
- (3) In this clause, *Lake Wyangan drainage catchment* means land shown shaded on sheet 4 of the zoning map.

Note. Further development standards are contained within *Development Control Plan No 29—Lake Wyangan Drainage Catchment*.

48 Development near licensed aerodrome

- (1) A person must not, on land shown on sheet 5 of the zoning map, do any of the following except with development consent:
- (a) erect a building or structure of a height that exceeds the limitation specified for the land in the obstacle limitation surfaces plan,

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- (b) carry out development for the purpose of:
 - (i) a dam or reservoir (not being a water storage dam for a public authority or a normal on-farm storage dam), or
 - (ii) the handling or storage of grain (other than development that is ordinarily incidental or ancillary to normal farming activities), or
 - (iii) the disposal of refuse, or
 - (iv) an abattoir, or
 - (v) a stock and saleyard.
 - (2) An application made for development consent to carry out any development described in subclause (1) (a) must be referred by the consent authority to the Civil Aviation Safety Authority (CASA) for comment where a proposed building exceeds the height specified in the obstacle limitation surfaces plan.
 - (3) In considering whether to grant consent to any such development, the consent authority shall take into account any comment furnished by the Civil Aviation Safety Authority (CASA) within 28 days (or such longer period as may be agreed on by the consent authority and the Authority from time-to-time before or after the expiration of the 28-day period) after referral of the application.
 - (4) In this clause, ***obstacle limitation surfaces plan*** means the master plan produced in *Griffith Airport Study 1989*, showing obstacle limitation surface requirements in relation to Griffith Airport, being sheet 5 of the zoning map.

49 Sound insulation of buildings near aerodrome

- (1) A person must not, without the consent of the consent authority, erect a building in an area for which an Australian Noise Exposure Forecast has been prepared by the Civil Aviation Safety Authority (CASA).
- (2) The consent authority must not grant consent to the erection of a residential building or a building intended for human occupation in such an area unless it is satisfied that measures will be taken:
 - (a) that accord with the provisions of Australian Standard AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction* published by Standards Australia, and

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- (b) that will be adequate for the insulation of the building from aircraft noise,

where the consent authority considers the frequency of aircraft operations warrants preventative noise protection measures.

Subdivision 3 Additional controls for roads

50 Access

A road or other means of access to an existing public road must not be opened without development consent.

51 Development in Highway Service Business Zone and along arterial roads

(1) **Objectives:**

- (a) To protect and improve the capacity, efficiency and safety of Kidman Way and Mackay Avenue, and
- (b) To enhance the streetscape adjacent to those roads, and
- (c) To prevent or reduce the potential impact of traffic noise on development adjacent to those roads.

- (2) In this clause, *nominated road* means Kidman Way, Mackay Avenue or any other arterial road.

(3) This clause applies to land that:

- (a) has frontage to a nominated road, or
- (b) relies on a nominated road for its sole means of vehicular access, or
- (c) has direct access to another road at a point less than 90 metres from that road's intersection with a nominated road.

- (4) The consent authority may grant consent to development on land to which this clause applies only if it is satisfied that:

- (a) the development (because of its nature, appearance, cumulative effect or illumination, or the intensity or the volume or type of traffic likely to be generated, or for another similar reason) is unlikely to constitute a traffic hazard or materially reduce the capability or efficiency of the nominated road, and

- (b) the location, standard and design of access points, and on-site traffic movement and parking arrangements, would ensure that through traffic movement on the nominated road is not impeded, and
- (c) the development, or proposed access to it, will not prejudice any future improvements to, or realignment of, the nominated road, and
- (d) the development is of a type that is not sensitive to traffic noise or, if it is, it is located or adequate measures are included to ameliorate any potential noise impact, and
- (e) the development would not detract from the scenic values of the locality, particularly from the point of view of road users, and
- (f) where practicable, access to the land is provided by a road other than the nominated road, and
- (g) a minimum 5 metre building line setback has been observed.

Note. *State Environmental Planning Policy No 11—Traffic Generating Developments* applies to Griffith City area.

Subdivision 4 Provisions allowing additional development

52 Temporary development of land

Consent may be granted to any development (other than designated development) that is elsewhere prohibited by a provision of this plan for a maximum period of 28 days, whether consecutive or not, in any one year.

53 Development near zone boundaries

(1) **Objective:**

To provide flexibility where detailed investigation of a site and its surroundings reveals that minor encroachment of development over the zone boundary would allow more effective and appropriate development of the site.

(2) This clause applies to:

- (a) land within 100 metres of a boundary between any two of Zones 1 (a), 1 (b), 1 (c), 1 (d), 1 (e), 1 (f), 1 (g), 1 (h) and 1 (i), or

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Part 3 Special provisions

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- (b) land (other than land within Zone 7, 7 (c), 7 (v) or 7 (w)) within 20 metres of a boundary between any other zones.
- (3) Development may, with development consent, be carried out on land to which this clause applies if the development may be carried out (with or without consent) in the adjoining zone.
- (4) Consent may be granted to development referred to in subclause (3) only if the applicant demonstrates to the satisfaction of the consent authority that the proposed development is, due to planning, design, ownership, servicing or similar criteria, more appropriate than development allowed by the zoning of the land.

54 Development of unzoned land

- (1) **Objectives:**
 - (a) To control development on unzoned land, and
 - (b) To ensure that development of unzoned land is compatible with surrounding development and development allowed in surrounding zones.
- (2) A person must not carry out development on *unzoned land*, being any land shown uncoloured on the zoning map, except with development consent.
- (3) In deciding whether to grant consent to development on unzoned land, the consent authority must consider whether the proposed development is compatible with development allowed in the adjoining zone and the character of existing lawful development in the vicinity.

55 Community use of school facilities and sites

- (1) This clause applies to all land on which development for the purpose of schools, colleges or other educational establishments may be carried out.
- (2) Despite any other provision of this plan, consent may be granted to:
 - (a) the community use of facilities and sites of schools, colleges and other educational establishments, and
 - (b) the commercial operation of those facilities and sites, and
 - (c) the carrying out of development for community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any other purpose.

- (3) Nothing in this clause requires consent for the carrying out of development on any land on which development could, but for this clause, be carried out on the land without consent.

Subdivision 5 Acquisition of land

56 Acquisition of land

- (1) The owner of any land within Zone 6 (a) that is not owned by the Council may, by notice in writing, require the Council to acquire the land and, on receipt of such a notice, the Council must acquire the land.
- (2) Nothing in subclause (1) requires the Council to acquire any land within Zone 6 (a) that could be required to be dedicated to the Council by the owner of the land as a condition of consent.

Subdivision 6 Other provisions

57 Availability of essential services

- (1) **Objectives:**
- (a) To ensure that development does not occur without adequate measures to protect the environment and the community's health, and
- (b) To ensure that development occurs in a coordinated and efficient manner and that costs attributable to it are borne equitably.
- (2) Consent must not be granted to the carrying out of development on any land unless:
- (a) a potable water supply and facilities for the removal or disposal of sewage and drainage water are available to that land, or
- (b) arrangements satisfactory to the Council have been made for the provision of that supply and those facilities,
- if the proposed use of the land will, in the opinion of the consent authority, generate a need for such a supply or for those facilities.

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Part 3 Special provisions

Division 6 Miscellaneous provisions

58 Advertisements

(1) **Objective:**

To ensure that signage relates either to the use of the land on which it is displayed or the promotion of tourism.

(2) Consent must not be granted to the display of an advertisement unless:

- (a) the advertisement relates to the use of the land on which it is to be displayed, or
- (b) the advertisement indicates the location of tourist facilities or activities, or places of scientific, historical or scenic interest.

Note. *State Environmental Planning Policy No 64—Advertising and signage* applies to the Griffith City area.

59 Classification and reclassification of public land as operational

The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

Schedule 1 Zoning

(Clause 6 (3) and Dictionary)

Part 1 Zones

Zone	Shown on the zoning map as coloured
1 (a) Rural	Light brown and lettered "1 (a)"
1 (b) Rural Agricultural Protection	Light brown and lettered "1 (b)"
1 (c) Rural Residential	Light brown and lettered "1 (c)"
1 (d) General Expansion	Light brown and lettered "1 (d)"
1 (e) Rural Industry and Employment	Light brown and lettered "1 (e)"
1 (f) Rural Forest	Light brown and lettered "1 (f)"
1 (g) Rural Mixed Use	Light brown and lettered "1 (g)"
1 (h) Rural Small Holdings	Light brown and lettered "1 (h)"
1 (i) Investigation	Light brown and lettered "1 (i)"
2 (a) Residential	Light scarlet and lettered "2 (a)"
2 (v) Village	Light scarlet and lettered "2 (v)"
3 (a) General Business	Light blue and lettered "3 (a)"
3 (b) Highway Service Business	Light blue and lettered "3 (b)"
4 (a) General Industrial	Purple and lettered "4 (a)"
5 (a) Special Uses	Yellow and lettered "5 (a)"
6 (a) Open Space	Dark Green and lettered "6 (a)"
6 (b) Open Space (Private Recreation)	Dark Green and lettered "6 (b)"
7 Environmental Protection—Fauna and Flora	Orange and lettered "7"
7 (c) Environmental Protection—Rural Living	Orange and lettered "7 (c)"
7 (v) Environmental Protection—Scenic	Orange and lettered "7 (v)"
7 (w) Environmental Protection—Wetlands	Orange and lettered "7 (w)"

Part 2 Zoning map amendments

Note. This is currently blank.

Schedule 2 Provisions to which SEPP 1 applies

(Clause 6 (4))

Clause 12 (2) (a), (b) and (c)

Clause 14 (2) (b)

Clause 16 (2) (c) and (d)

Clause 17 (d) and (e)

Clause 18 (2) (d)

Clause 19 (2) (a) and (b)

Clause 21 (2) (a), (b) and (c)

Clause 30 (3) (a) and (b)

Clause 47 (2) (c) and (d)

Clause 53 (2) (a) and (b)

Schedule 3 Excepted development

(Clause 8)

- (1) The carrying out by persons carrying on *railway undertakings* on land comprised in their undertakings of:
- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
 - (b) the erection within the limits of a railway station of buildings for any purpose,
- 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 undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect their design of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.
- (2) The carrying out by persons carrying on public utility undertakings, being *water, sewerage, drainage, electricity, telecommunications or gas undertakings*, of any of the following development, being development required for the purpose of their undertakings, that is to say:
- (a) development of any description at or below the surface of the ground, or
 - (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation, or

- (c) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks, or
 - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity, or
 - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
 - (f) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.
- (3) The carrying out by persons carrying on public utility undertakings, being *water transport undertakings*, on land comprised in their undertakings, of 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 buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (4) The carrying out by persons carrying on public utility undertakings, being *wharf or river undertakings*, on land comprised in their undertakings, of 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, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (5) The carrying out by persons carrying on public utility undertakings, being *air transport undertakings*, on land comprised in their undertakings within the boundaries of any aerodrome, of 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 buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (6) The carrying out by persons carrying on public utility undertakings, being *road transport undertakings*, on land comprised in their undertakings, of 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 buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (7) The carrying out by the owner or lessee of a *mine* on the mine, of any development required for the purpose of a mine, except:
- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
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- (8) The carrying out of any development required in connection with the **construction, reconstruction, improvement, maintenance or repair of any road**, except the widening, realignment or relocation of such road.
- (9) The carrying out of any **forestry work** by State Forests or a school forest trust empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or on any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.
- (10) The carrying out by the rural lands protection board for the district in which it is situated of any development required for the **improvement and maintenance of travelling stock and water reserves**, except:
 - (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) any development designed to change the use or purpose of any such reserve.
- (11) The carrying out or causing to be carried out by the Council or by the Department of Land and Water Conservation or by an irrigation corporation, engaged in any work for the purposes of **soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement** in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:
 - (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
 - (b) the formation or alteration of any means of access to a road.
- (12) The **control of noxious weeds** in accordance with the *Noxious Weeds Act 1993*.

Schedule 4 Buffer distances

(Clause 28 (1))

	Recommended buffer distance (metres)
Agriculture	
Poultry farming:	
(a) for meat	500
(b) for eggs	400
Frost fan	1,000
Piggery	Such distance as may be specified by Council
Feedlots:	
(a) for dairy or beef cattle	5,000
(b) for other livestock	Such distance as may be specified by Council
Stock and saleyards	500
Winery	400
Greenhouses/hothouses:	
(a) using manure	100
(b) using refuse	300
Packing sheds	100
Mushroom production	Such distance as may be specified by Council
Composting	500
Intensive horticulture (in Zones 1 (a) and 1 (b) only)	40
Mining and extractive industries	
Open cut mining	
(a) for coal	1,000
(b) for other minerals	500
Extraction of:	
(a) natural gas	1,000
(b) crude oil of low sulphur content	300
Quarrying of:	
(a) hard rock, with blasting	500
(b) material other than hard rock, with blasting	300
(c) any material without blasting	200

Griffith Local Environmental Plan 2002

Schedule 4 Buffer distances

	Recommended buffer distance (metres)
Manufacturing food, beverages and tobacco	
Abattoirs	500
Smallgoods production	100
Milk products production	100
Vegetable oils or fats production using solvents	300
Flour mills	300
Bakeries	100
Seafood processing	500
Maltworks	300
Tobacco and cigarette factories	500
Other food or beverage production	Such distance as may be specified by Council
Textiles	
Dyeing or finishing of cotton, linen and woollen yarns and textiles	300
Production of carpet backing with latex	300
Production of artificial fibres and textiles:	
(a) cellulose nitrate or viscose fibre, cellophane or artificial rubber	1,000
(b) other synthetic fibres and textiles	500
Treatment or production of textiles:	
(a) using carbon disulphide	500
(b) using other substances	Such distance as may be specified by Council
Rope, cordage and twine manufacturing	100
Wool scouring	200
Wood, wood products and furniture	
Saw mills	300
Charcoal production:	
(a) by the retort process	500
(b) other than by the retort process	1,000
Wood preservation plants	100
Production of wood-fibre or wood-chip products	300
Joineries	100

	Recommended buffer distance (metres)
Paper and paper products	
Manufacture of paper or paper pulp:	
(a) involving combustion of sulphur or sulphur containing materials	5,000
(b) from semi-processed materials	100
(c) from prepared cellulose and rags	200
(d) by other methods	Such distance as may be specified by Council
Chemical, petroleum and coal products	
Production or bulk storage of chemical fertilizers	1,000
Production or bulk storage of industrial gases	1,000
Production or bulk storage of polyester resins	1,000
Production or bulk storage of other synthetic resins or rubber	1,000
Production or bulk storage of ammunition, explosives or fireworks	1,000
Formaldehyde production	300
Paints and inks:	
(a) manufacture	1,000
(b) blending and mixing only	300
Production of pharmaceutical or veterinary products	1,000
Production of biocides	1,000
Production of soap and other detergents	300
Production of cosmetics and toilet preparations	100
Production of inks	300
Petroleum refineries	2,000
Briquette production	300
Production of other petroleum or coal products	500
Production of other organic industrial chemicals	1,000
Production of other inorganic industrial chemicals	1,000
Other chemical production	300
Non-metallic mineral products	
Manufacture of glass or glass products, including glass wool	500
Rock wool manufacture	500

Griffith Local Environmental Plan 2002

Schedule 4 Buffer distances

	Recommended buffer distance (metres)
Bricks, tiles, pipes, refractories etc with an annual design production rate exceeding 10,000 tonnes per year	200
Production of cement in amounts:	
(a) not exceeding 5,000 tonnes per year	300
(b) exceeding 5,000 but not more than 150,000 tonnes per year	500
(c) exceeding 150,000 tonnes per year	1,000
Concrete batching plants	100
Bitumen batching plants	500
Production of concrete or stone articles	100
Manufacture of plaster products	100
Basic metal products	
Iron and steel production in amounts:	
(a) not exceeding 1,000,000 tonnes per year	500
(b) exceeding 1,000,000 tonnes per year	1,000
Production of non-ferrous metals:	
(a) aluminium by electrolysis	2,000
(b) other non-ferrous metals in amounts:	
(i) not exceeding 100 tonnes per year	100
(ii) exceeding 100 but not more than 2,000 tonnes per year	300
(iii) exceeding 2,000 tonnes per year	500
Fabricated metal products	
Manufacture of structural or sheet metal products	500
Manufacture of iron and steel products in amounts:	
(a) not exceeding 1,000 tonnes per year	500
(b) exceeding 1,000,000 tonnes per year	1,000
Manufacture of boilers	100
Abrasive blast cleaning	Such distance as maybe specified by Council
Miscellaneous manufacturing	
Rendering and casings works	1,000
Leather tanning and dressing	300
Leather and artificial leather goods production	300

	Recommended buffer distance (metres)			
Manufacture of rubber products, using organic solvents	300			
Fibreglass manufacturing	200			
Printing and coating works with heated curing ovens	500			
Electricity, gas and water				
Gas distribution works for mains supply	300			
Odourising gas with mercaptans	1,000			
Sewerage works serving a population of:	<1,000	<5,000	<20,000	<50,000
Mechanical/biological plants	100	200	300	400
Aerobic pondage systems	150	350	700	1,000
Facultative ponds	300	700	1,400	2,200
Secondary treated effluent applied by:				
(a) spray irrigation	200	200	200	200
(b) flood irrigation	50	50	50	50
Transport and storage				
Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:				
(a) with fixed roofs	300			
(b) with floating roofs	100			
Grain elevators	300			
Storage of wet-salted or unprocessed hides	300			
Warehousing of bulk volatile organic compounds in quantities greater than 1,000 tonnes	1,000			
Temporary storage of industrial wastes	300			
Treatment of aqueous waste	300			
Treatment of organic waste	500			
Waste incinerator:				
(a) for wood waste	300			
(b) for plastic or rubber waste	500			
(c) for chemical, biomedical or organic waste	Such distance as may be specified by Council			
Waste management facilities				
Sanitary and garbage disposal services landfills	500 (residential zone) 250 (dwelling not associated with development)			
Recycling and composting	200			

Griffith Local Environmental Plan 2002

Schedule 4 Buffer distances

	Recommended buffer distance (metres)
Depots for refuse collection vehicles	100
Temporary storage of industrial waste	300
Treatment of aqueous waste	200
Treatment of organic waste	500
Recreation, personal and other services	
Industrial dry cleaners	100
Crematoria	300

Schedule 5 Reclassification of land

(Clause 59)

Griffith

Griffin Avenue and Yarrabee Street Lot 1, DP 618184, adjacent to the main canal north of Griffin Avenue and east of Yarrabee Street, as shown edged heavy black on the map marked "Griffith Local Environmental Plan 1994 (Amendment No 3)".

Schedule 6 Heritage conservation

(Dictionary)

Archaeological sites

Nil.

Heritage conservation areas

- 1 Northern side of Banna Avenue between Ulong Street and Tranter Place, being Sections 8 and 9, Banna Avenue, including CWA Hall, rest and craft rooms; War Memorial Hall; Study Centre; State Bank; Memorial Gardens (between Kooyoo and Ulong Streets, Section 8); Cenotaph and Court House.
- 2 Yenda Town Centre (bounded by Stanbridge Lane, Stanbridge Street, Fire Station Lane, the southern boundaries of Lot 6, Section 7 and Lot 16, Section 6, north along South and Bingar Streets to North Lane).

Heritage items

Treasureway Building (old Lyceum Theatre)	Lots 29 and 30, Section 4, 300–304 Banna Avenue
Commonwealth Bank	Part Lot 16, Section 4, 246–250 Banna Avenue
Victoria Hotel	Lots 22, 23 and 24, Section 6, 384–390 Banna Avenue
Griffith High School	Section 39, 82–86 Coolah Street
Sacred Heart Catholic Church	Section 44, 1–9 Warrnambool Street
St Alban's Church of England	Section 32, 107 Binya Street
Biocon	Lot 1, DP 717234, 36 Banna Avenue
Old Producer's Offices, Weighbridge and Kiosk	Lots 909 and 910, DP 751709, 45–53 Banna Avenue
Cheese Factory	Lot 259, DP 751709, Kendall Lane, Hanwood
Bagtown Cemetery	Lot 731, DP 751709 (R52849), Pedley Road, Hanwood
Pavilion and Woodside Hall	Lot 1042, DP 751709, 8–31 Griffith Showground, Murrumbidgee Avenue
Early Commission Residence	40 Mirrool Avenue, Yenda

Dictionary

(Clause 6 (1))

advertisement has the meaning ascribed to it in section 4 of the Act.

agribusiness means an activity, industry or occupation based on or associated with rural activities on the subject land or in the locality.

agriculture means horticulture, the cultivation of crops (including cereals, fruit, vegetable or flower crops), horticultural, irrigation and dry land farming and includes:

- (a) the keeping or breeding of livestock, bees or poultry and other birds, and
- (b) the cultivation of plants in a wholesale plant nursery, for commercial purposes.

airline terminal means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport.

alter, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work otherwise than by way of maintenance.

animal establishment means a building or place used for breeding, boarding, training, keeping or caring for animals for commercial purposes, and includes a riding school and veterinary clinic.

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

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

archaeological site means a site identified as an archaeological site in Schedule 6.

arterial road means an existing road indicated on the zoning map by heavy broken black lines.

AWTS means aerated wastewater treatment systems.

bed and breakfast establishment means an existing lawful dwelling that is used by its permanent residents for the temporary accommodation of visitors for commercial purposes.

boarding house includes a house let in lodgings or a hostel, but does not include a motel.

boundary adjustment means a subdivision of land that does not create a greater number of lots than the number of lots comprising the land immediately before it is subdivided.

brothel means premises habitually used for the purposes of prostitution or premises that are designed to be used for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

bus depot means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

bushfire hazard reduction means bushfire hazard reduction works in accordance with an approved bushfire risk management plan.

car park means land used for the parking of private passenger vehicles.

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 that involves dismantling, or
- (c) spray painting other than of a touching-up character.

caravan park means an area used for the purpose of:

- (a) placing moveable dwellings (within the meaning of the *Local Government Act 1993*) for permanent occupation or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists, or
- (c) a camping ground.

child care centre means a building or place that is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the *Education Act 1990*,
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

clear means remove or destroy vegetation or structures.

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

cluster housing means integrated residential development that consists of:

- (a) the subdivision of land into three or more lots and the erection of a single dwelling on each lot that will be subject to a strata management statement, or restriction as to user, that prohibits any other dwelling on those lots, or
- (b) the erection of a single dwelling on each of three or more lots proposed to be created by a subdivision where the erection of the dwellings occurs prior to the issue of a subdivision certificate for the subdivision.

commercial premises means a building or place used as an office or for other business or commercial purposes, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

community facility means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but (in the table to clause 10) does not include a building or place elsewhere defined in this Dictionary.

conservation plan means a document establishing the significance of a heritage item or a heritage conservation area and identifying the policies and management options that are appropriate to enable that significance to be retained in its future use and development.

convenience store means a shop selling a variety of small consumer goods and petrol, oil and petroleum products, whether or not other goods are available for hire there.

demolish or **demolition** means the destruction, pulling down, dismantling or removal of a building or structure, in whole or in part and, in relation to a heritage item, includes the damaging or defacing of the heritage item in whole or in part.

depot means a building or place used for the storage (but not sale) of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place, but (in the table to clause 10) does not include a building or place elsewhere defined in this Dictionary.

dry land means rural land situated outside an irrigation area or district.

dual occupancy means 2 dwellings, whether detached or not, on a single lot.

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

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

educational establishment means land used for a primary or secondary school, a museum, gallery, or a tertiary education institution (being a university, technical college, TAFE establishment or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act).

It includes ancillary residential accommodation and facilities for students or staff, and land does not cease to be an educational establishment if there is community use or development for the purpose of a community use of the facilities or the land, whether for gain or not.

It does not include an institution, a training facility or a child care centre.

environmental conservation means the protection, rehabilitation or restoration of land, which is consistent with practices agreed to or authorised by:

- (a) the Department of Land and Water Conservation (in relation to erosion control, management of drainage corridors and other activities the responsibility of that Department), or
- (b) the Department of Agriculture (in relation to conservation farming and other activities the responsibility of that Department), or
- (c) the National Parks and Wildlife Service (in relation to conservation of sites of archaeological significance, flora or fauna habitat or other activities the responsibility of that Service), or
- (d) Fisheries NSW (in relation to managing fish, fish habitat and aquatic biodiversity and other activities the responsibility of that agency), or
- (e) the Council.

exhibition home means a single dwelling on temporary display.

existing holding means:

- (a) the area of a farm, lot, portion or parcel of land as it was at 18 November 1998, and
- (b) if, as at 18 November 1998, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at that date.

extractive industry means:

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

but does not include earthworks or works for drainage and landfill or maintenance dredging.

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

forestry includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a saw mill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

frost control fan means a structure not more than 11 metres in height used for dispersal of frost and includes a device that consists of a tower approximately 10–11 metres in height with a 5.5–6 metre long propeller/blade at the top. An engine is mounted at the base of the tower and is used to drive the blade via driveshafts and gearing. The head of the fan rotates through 360 degrees on a vertical axis with the blade spinning at around 600 revolutions per minute. The head of the fan takes approximately 5 minutes to complete one 360 degree rotation.

funeral establishment means a building or place used for the conducting of funerals and for any associated activities which may include the provision of a crematorium, mortuary, preparation areas, offices, caretaker's accommodation or the like, but does not include premises used solely as an office.

general store means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

generating works means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

health care professional means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the *Podiatrists Act 1989*, and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the *Chiropractors Act 2001* or *Osteopaths Act 2001*, and
- (c) a physiotherapist registered under the *Physiotherapists Registration Act 1945* or *Physiotherapists Act 2001*, and
- (d) an optometrist registered under the *Optometrists Act 1930* or *Optometrists Act 2002*.

helipad means an area or place not open to public use that is set apart for the taking off and landing of helicopters.

heliport means an area or place open to public use for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means land described as a heritage conservation area in Schedule 6 and includes buildings, works, relics, trees and places situated on or within that land.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described as a heritage item in Schedule 6.

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

home business means an activity, industry or occupation carried on in a single dwelling, or in the curtilage of a single dwelling, by a permanent resident or permanent residents of the dwelling:

- (a) that does not adversely affect the amenity of the neighbourhood by reason of:
 - (i) the creation of or increase in traffic movements, motor or heavy vehicle servicing or the reduction of parking availability in the vicinity or the dwelling, or
 - (ii) the creation of noise, vibration, smoke, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or other substances, or
 - (iii) changes to the visual character of the dwelling, and
- (b) where no articles or goods are displayed, sold, advertised or offered for sale on or from the dwelling or lot on which the dwelling is located, and
- (c) where no or only one sign is in or on the dwelling that displays the name of the business and the names of the residents who conduct the business, and
- (d) that is not a use of the dwelling for a bed and breakfast establishment, brothel, child care centre or medical centre.

horticulture means the permanent planting of fruit trees, vegetables, vines or nuts for commercial purposes and includes such uses as glasshouses, flower growing and hydroponics.

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

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

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

industry means:

- (a) any manufacturing process, or
- (b) the breaking up or dismantling of any goods or any article for trade, sale or gain or as ancillary to any business,

but (in the table to clause 10) does not include an extractive industry, light industry, rural industry or offensive or hazardous industry.

institution means a penal or reformatory establishment.

intensive livestock keeping establishment means a building or place declared to be designated development by the regulations under the Act in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) a fish farm (including a place at which crustaceans or oysters are produced or grown),

but does not include an animal establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

irrigation land means land that falls within the appropriate irrigation district or irrigation area as shown on the map "Griffith City Council Area" prepared by Murrumbidgee Irrigation held in the office of the Council and is not used for horticulture.

itinerant workers' accommodation means a site used for the purpose of:

- (a) placing moveable dwellings for temporary accommodation by itinerant workers, or
- (b) the erection, assembly or placement of cabins for temporary accommodation by itinerant workers.

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

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

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

market means a building or place used for the display and sale of primary products.

medical centre means a building used by one or more legally qualified medical practitioners or by one or more dentists within the meaning of the *Dentists Act 1989* or *Dental Practice Act 2001*, or by one or more health care professionals, who practise there the profession of medicine, dentistry or health care, respectively, and who employ ancillary staff in connection with that practice, but does not include methadone clinics adjacent to schools.

Where the building is not located on land within Zone 3 (a), a building is not a medical centre if the total number of medical practitioners, dentists and health care professionals practising within the building exceeds 3.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or

by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

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

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

multi-dwelling housing means development on one lot comprising 3 or more dwelling units.

neighbourhood centre means an integrated development containing shops and commercial premises that serve the local community and are limited in scale, with ancillary parking and landscaping and whether or not it also contains development for the purpose of a bus station, child care centre, club, community facility, dwelling attached to other buildings, hotel, place of assembly, place of public worship, medical centre, public building, recreation facility, refreshment room, retail plant nursery or service station.

offensive or hazardous industry means an industry to which *State Environmental Planning Policy No 33—Hazardous and Offensive Development* applies.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl, racecourse, showground, or any other building of a like character used as such and whether used for the purposes of gain or not, but (in the table to clause 10) does not include a place of public worship, an institution or an educational establishment.

place of public worship means a building or place used for the purpose of religious worship whether or not in the Christian faith and whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant hire means use of a building or place for the display and hire of machinery.

principles of ecologically sustainable development means the principles derived from the following paragraphs:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and
 - (ii) the users of goods and services should pay prices based on the costs involved in the full cycle of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and
 - (iii) environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

protected lands means environmentally sensitive land shown vertically hatched on the zoning map.

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.

public utility undertaking means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any government department or under the authority of, or in pursuance of, any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services or investigation services,
- (c) emergency services,
- (d) waste management facilities,
- (e) telecommunications, radio and television transmission,

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, government department, corporation, firm or authority carrying on the undertaking.

recreation area means:

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

but does not include a racecourse or a showground.

recreation establishment means a health farm, religious retreat house, rest home, youth camp or the like, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used or intended for use for a land use elsewhere specifically defined in this Dictionary.

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

recreation vehicle area means land so defined in the *Recreation Vehicles Act 1983*.

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

relative, in relation to a person, means the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse.

relic means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the local government area of the City of Griffith which is 50 or more years old.

research facility means a building or place used for systematic investigation.

residential development means development, including subdivision, for the purpose of cluster housing, 3 or more dwellings, itinerant workers' accommodation, multi-dwelling housing, residential flat buildings or rural workers' dwellings.

residential flat building means a building that comprises:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that do not protrude more than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings,

but does not include a class 1a building or a class 1b building under the *Building Code of Australia*.

restricted premises means business premises or a shop that, due to its nature, restricts access to customers over 18 years of age and includes a sex shop and the like, but does not include a tavern, hotel or brothel.

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

retailing of bulky goods means use of land for the sale by retail or auction, or the hire or display, or articles that 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 premises by members of the public for the purpose of loading articles into their vehicles after purchase.

Use of the land may include:

- (a) plant sales and hire (that may include associated repairs and service), and
- (b) vehicle parts and accessory sales (that may include fitting), and
- (c) the sale of hardware, or landscaping or building supplies, and
- (d) the sale of furniture, floor coverings, light fittings, large electrical goods, swimming pools, spas or camping equipment.

It does not include use of land for the sale of clothing or foodstuffs, or a motor showroom.

retirement accommodation means accommodation required for a relative who has retired from the family farm.

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

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

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

rural tourist facility means:

- (a) educational or recreational facilities for tourists that may include ancillary accommodation and are based on the rural, scenic or natural attributes of the locality, or
- (b) tourist accommodation associated with the dwelling and farm buildings on a property principally used for primary production.

rural worker's dwelling means a dwelling:

- (a) that is the second dwelling on land on which there was a single dwelling, and
- (b) that is occupied by persons engaged in rural occupations on that land.

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

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

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

shop or ***shopping centre*** means a building or place used for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but (in the table to clause 10) does not include a building or place elsewhere specifically defined in this Dictionary or a building or place used for a land use elsewhere specifically defined in this Dictionary.

speedway means a track for racing cars, motorcycles and the like and includes ancillary facilities for parking, a playground, landscaping, liquor sales, recreation facilities, a refreshment room, roads and toilet facilities.

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

swimming pool means a pool ancillary to a dwelling occupied for private use only.

temporary building development, in relation to an application for a complying development certificate, means the erection of a building and its use for a period not exceeding 5 years specified in the application for the complying development certificate, being a building that is not used for residential purposes, or for the storage or handling of inflammable materials.

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

the Council means Griffith City Council.

tourist facility means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, houseboat facilities, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities.

transport terminal means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot.

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

utility installation means:

- (a) a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom, or
- (b) a radio, television or telecommunications transmission tower.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery involving body building, panel beating or spray painting.

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

waste management facility means any council-controlled premises or works used for the storage, treatment, reprocessing, sorting or disposal of waste and, without limiting the generality of the foregoing, includes:

- (a) waste management and disposal centres, including landfill sites and waste transfer stations, and
- (b) recycling facilities, including material recovery facilities and waste processing facilities, and

- (c) parking or storage areas for equipment and plant associated with the Council's waste management program.

wetland means land that forms a shallow water body when inundated cyclically, intermittently or permanently, being inundation that determines the type and productivity of soils and plant and animal communities.

zoning map means the series of maps marked "Griffith Local Environmental Plan 2002", as amended by the maps (or specified sheets of the maps) listed in Part 2 of Schedule 1.