



New South Wales

## **Cowra Local Environmental Plan 1990 (Amendment No 15)**

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*. (D07/00001/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## **2008 No 541**

Clause 1            Cowra Local Environmental Plan 1990 (Amendment No 15)

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### **Cowra Local Environmental Plan 1990 (Amendment No 15)**

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Environmental Planning and Assessment Act 1979

**1 Name of plan**

This plan is *Cowra Local Environmental Plan 1990 (Amendment No 15)*.

**2 Aim of plan**

The aim of this plan is to amend *Cowra Local Environmental Plan 1990* to make provision with respect to exempt and complying development in the Cowra local government area.

**3 Land to which plan applies**

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

**4 Amendment of Cowra Local Environmental Plan 1990**

*Cowra Local Environmental Plan 1990* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Interpretation**

Insert in alphabetical order in clause 5 (1):

***bed and breakfast accommodation*** means tourist accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

***coastal lake*** means a body of water specified in Schedule 1 to the *State Environmental Planning Policy No 71—Coastal Protection*.

***coastal waters of the state***—see section 58 of the *Interpretation Act 1987*.

***home-based child care*** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**[2] Clauses 10A–10C**

Omit clause 10A. Insert instead:

**10A Exempt development**

**Note.** Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
- (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and

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- (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
- (2) Development specified in Schedule 3 that meets the standards for the development contained in that Schedule and that complies with the requirements of this clause is exempt development.
- (3) To be exempt development, the development:
  - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
  - (c) must not be designated development, and
  - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*, and
  - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 10C).
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
  - (a) the building has a current fire safety certificate or fire safety statement, or
  - (b) no fire safety measures are currently implemented, required or proposed for the building.

### 10B Complying development

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or

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- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 1 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 4 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this clause,
 is complying development.
  - (3) To be complying development, the development must:
    - (a) be permissible, with consent, in the zone in which it is carried out, and
    - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
  - (4) A complying development certificate for development specified in Part 1 of Schedule 4 is subject to the conditions (if any) set out in Part 2 of that Schedule.

**10C Environmentally sensitive areas excluded**

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:  
*environmentally sensitive area for exempt or complying development* means any of the following:
  - (a) the coastal waters of the State,

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- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

### [3] Schedules 3 and 4

Insert after Schedule 2:

## Schedule 3 Exempt development

(Clause 10A)

### Access ramps for the disabled

- (1) Maximum height—1m.
- (2) Maximum grade—1:14 (vertical:horizontal).
- (3) Must be constructed in accordance with AS 1428.1—2001, *Design for access and mobility, Part 1: General requirements for access—New building work*.

**Advertising structures**

- (1) Must relate to the lawful use of the property on which it is erected.
- (2) Must be structurally adequate.

**Aerials and antennae**

- (1) Maximum height—3.6m above the ridge line of the building.
- (2) Must be attached to a building and must be structurally adequate.
- (3) Must not encroach upon the Obstacle Limitation Surfaces (OLS) developed for Cowra airport.

**Note.** OLS plans are available for inspection at the Council's Environmental Services Department.

**Air conditioning units**

- (1) Must be new.
- (2) Must be adequately weatherproofed and secured.
- (3) Must not involve work that reduces the structural integrity of the building.
- (4) In the case of land zoned commercial or industrial—must be fixed to an external wall, roof or ground mounted and be located at least 3m from any property boundary.

**Automatic Teller Machines (ATMs)**

- (1) Must be on land within Zone No 2 (v), 3 or 3 (b).
- (2) Must be attached to the wall of a building and must not project on to a public footpath.
- (3) Must be appropriately lit.
- (4) If facing a public footpath or road—must provide for queuing that does not hinder the free movement of pedestrians.
- (5) Must have a litter bin attached to the same wall.

**Aviaries**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—15m<sup>2</sup>.
- (3) Maximum height—2.4m.
- (4) Must be at least 1.2m from any property boundary.

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- (5) Must not be on the front setback of the property.
- (6) Must not be used to keep fowls, emus, ostriches or other birds for commercial purposes.
- (7) Maximum—1 aviary per property.

### **Awnings, canopies and storm blinds**

- (1) Must be located on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—36m<sup>2</sup>.
- (3) Must be attached to a residential or rural dwelling-house.
- (4) Must be used for purposes associated with the dwelling-house.
- (5) Must not display any advertising.

### **Barbecues**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—6m<sup>2</sup>.
- (3) Maximum height—1.2m.
- (4) Must not be on the front setback of the property.

### **Bus shelters**

- (1) Must be designed and constructed by or for the Council to reflect the character and amenity of the area.
- (2) Maximum area—30m<sup>2</sup>.
- (3) Maximum height—2.7m.
- (4) Must not display any advertising.

### **Cabanas, gazebos and green houses**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—36m<sup>2</sup>.
- (3) Maximum height—2.4m.
- (4) Must be:
  - (a) clear of any service main (water, sewer, drainage, gas), and
  - (b) clear of any easements.
- (5) Must not be on the front setback of the property.



- (6) Must be used as a cabana, gazebo or greenhouse.
- (7) Must be constructed of new materials.
- (8) Stormwater run-off must, where possible, be connected to the existing internal piped drainage system, and must not be directed onto an adjoining property.

**Carports in rural areas**

- (1) Must be on land within Zone No 1 (a), 1 (c) or 1 (c1).
- (2) Must be used as a carport.
- (3) Maximum area—100m<sup>2</sup>.
- (4) Must be in close proximity to existing buildings.
- (5) Must not be on ridgelines or other visually prominent areas.
- (6) Must be constructed so as to reflect the character and amenity of the area.
- (7) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any property boundary adjoining a public road, and
  - (c) at least 5m from any other property boundary, and
  - (d) clear of any service mains (water, sewer, drainage, gas), and
  - (e) clear of any easements, and
  - (f) clear of septic disposal areas.
- (8) Must be structurally adequate.
- (9) Stormwater run-off must, where possible, be connected to an existing internal piped drainage system, and must not be directed onto an adjoining property.

**Carports in urban areas**

- (1) Must be on land within Zone No 2 (a) or 2 (v).
- (2) Maximum surface area—36m<sup>2</sup>.
- (3) Maximum height—2.7m.
- (4) Minimum front setback—7.5m.

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- (5) Must be:
  - (a) at least 4.5m from any property boundary adjoining a public road, and
  - (b) at least 1m from any other property boundary, and
  - (c) clear of any service mains (water, sewer, drainage, gas), and
  - (d) clear of any easements, and
  - (e) clear of septic disposal areas.
- (6) Must only be erected for purposes associated with a dwelling-house.
- (7) Must be of metal construction using new materials.
- (8) Must be an open structure.
- (9) Must be structurally adequate.
- (10) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

### **Clothes lines**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Must not be on the front setback of the property.
- (3) Must not be affixed to a dividing fence.
- (4) Must be structurally adequate.

### **Clothing bins owned by charity organisations**

- (1) Maximum height—3m.
- (2) Maximum area—7.5m<sup>2</sup>.
- (3) Must be:
  - (a) at least 10m from any public road, and
  - (b) at least 10m from any driveway or access point from a lot to a public road, and
  - (c) clear of any service mains (water, sewer, drainage, gas).
- (4) Must not display any advertising, except for the details of the charity organisation that owns the bin.

**Cubby houses on residential premises**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum height—2.1m.
- (3) Maximum area—12m<sup>2</sup>.
- (4) Must be:
  - (a) clear of any service mains (water, sewer, drainage, gas), and
  - (b) clear of any easements.
- (5) Must be on privately owned land containing not more than one residential dwelling.
- (6) Must not be on the front setback of the property.
- (7) Stormwater run-off must not be directed onto an adjoining property.

**Decks**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—30m<sup>2</sup>.
- (3) Maximum height—1m.
- (4) Minimum front setback—7.5m.
- (5) Must be:
  - (a) at least 1m from any property boundary, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easement.
- (6) Must be attached to a single residential dwelling.
- (7) Must not be covered by a roof.
- (8) Must be structurally adequate.
- (9) Stormwater run-off must not be directed onto an adjoining property.
- (10) Must not impair any method of termite protection employed for the dwelling to which the deck is attached.

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### **Dog enclosures, including dangerous dog enclosures**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—36m<sup>2</sup>.
- (3) Maximum height—2.1m.
- (4) Maximum height of side of rear fences—1.8m.
- (5) Must not be on the front setback of the property.
- (6) Must not be used for commercial breeding of dogs.
- (7) Must not house more than 2 dogs.
- (8) Must not substantially interfere with the existing flow of stormwater run-off.
- (9) Stormwater run-off must not be directed onto an adjoining property.

### **Dog houses**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) Maximum area—6m<sup>2</sup>.
- (3) Maximum height—2.1m.
- (4) Must not be on the front setback of the premises.
- (5) Must be:
  - (a) at least 1.2m from any property boundary, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easement.
- (6) Must not be used for commercial breeding of dogs.
- (7) Must not house more than 2 dogs.
- (8) Stormwater run-off must not be directed onto an adjoining property.

### **Domestic heaters (oil)**

Must be installed in accordance with AS 1853—1983, *Automatic oil and gas burners—Mechanical draught* and AS/NZS 1200:2000, *Pressure equipment*.

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**Domestic heaters (wood)**

Must be installed in accordance with AS/NZS 2918:2001, *Domestic solid fuel burning appliances—Installation*.

**Driveways and footpaths**

- (1) Must not include additional road access points to a State highway or alterations to the existing road access conditions along a State highway.
- (2) Stormwater run-off must not be directed onto an adjoining property.
- (3) Any part located on a public road reserve or other public land:
  - (a) must comply with the Council's Specifications for Driveways, and
  - (b) must not require the removal of utility services or trees.

**Fences associated with Landcare projects**

- (1) Must only be erected for purposes associated with a Landcare project or other approved environmental management project.
- (2) Must be of open type construction.
- (3) Must not interfere with the existing flow of stormwater run-off.

**Fences on commercial premises**

- (1) Must not encroach upon adjoining properties.
- (2) Maximum height—1.8m.
- (3) Must not be on the front setback of the property.
- (4) Must not be constructed at any property boundary adjoining a public road.
- (5) Must be of light-weight construction (eg wire, metal sheeting or timber palings) and must not involve use of substantial masonry or concrete.
- (6) Must not display any advertising.

**Fences on compounds and depots owned by a service authority**

- (1) Must not encroach upon adjoining properties.
- (2) Maximum height—2.4m.
- (3) Must be constructed of chain wire.

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- (4) Must not display any advertising.
- (5) Must not be electrified.

### **Fences on industrial premises**

- (1) Must not encroach upon adjoining properties.
- (2) Maximum height of side or rear fences—2.4m.
- (3) Must not convert useable car parking or loading areas into other uses such as open storage.
- (4) Must be of open type construction.
- (5) If at a property boundary adjoining a public road or street—must be integrated as part of the front landscaping treatment of the premises.
- (6) Must be of light-weight construction (eg wire, metal sheeting or timber palings) and must not involve use of substantial masonry or concrete.
- (7) Must not display any advertising.
- (8) Must not be electrified.

### **Fences on residential premises (other than swimming pool fences)**

- (1) Must not encroach upon adjoining properties.
- (2) Maximum height:
  - (a) if a solid type fence is to be erected in the front setback of residential premises—0.9m,
  - (b) if an open type fence is to be erected in the front setback of residential premises—1.2m,
  - (b) in any other case—1.8m.
- (3) Must be of light-weight construction (eg wire, metal sheeting or timber palings) and must not involve use of substantial masonry, concrete or barbed wire.

### **Fences on rural premises**

- (1) Must not encroach upon adjoining properties.
- (2) Must be of open type construction.
- (3) Must be of light-weight construction (eg wire, metal sheeting or timber palings) and must not involve use of substantial masonry or concrete.

- (4) If electrified—must be erected in accordance with AS/NZS 3014:2003, *Electrical installations—Electric fences*.

**Fences on sporting grounds**

- (1) Must be around the perimeter of an existing sporting oval, court, net or similar facility.
- (2) Must be constructed of new materials and free from any sharp edges or protrusions that could cause a hazard to the public.
- (3) Must be structurally adequate.
- (4) Must not display advertising, except for advertising that can only be seen from the inside.

**Flagpoles**

- (1) Maximum height—6m.
- (2) Must be structurally adequate.
- (3) Maximum—1 per property.
- (4) Any flagpole used for commercial advertising must comply with the Council's Outdoor Advertising Code.
- (5) Must not encroach within the Obstacle Limitation Surfaces (OLS) developed for Cowra airport.

**Note.** OLS plans are available for inspection at the Council's Environmental Services Department.

**Fuel tanks**

- (1) Must only be used in connection with agricultural, commercial or industrial activities lawfully undertaken on the property.
- (2) Must be:
  - (a) at least 40m from any waterway, wet area, area where water is added to the water table or flood prone land, and
  - (b) at least 20m from any property boundary adjoining a road, and
  - (c) at least 4m from any other property boundary, and
  - (d) clear of any easement.
- (3) Maximum capacity—5,000L.
- (4) Must be constructed of prefabricated metal and erected in accordance with manufacturer's specifications.
- (5) Must be free-standing.

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- (6) Must be within a bunded area that can contain at least 1.5 times the volume of the maximum holding capacity of the fuel tank.
- (7) The bunded area must be:
  - (a) compacted and topped with at least 0.1m of sand, or
  - (b) constructed of concrete.

### Garages in rural areas

- (1) Must be on land within Zone No 1 (a), 1 (c) or 1 (c1).
- (2) Maximum area—100m<sup>2</sup>.
- (3) Maximum height of walls or eaves—4m.
- (4) Maximum height of structure—6m.
- (5) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any boundary adjoining a public road, and
  - (c) at least 5m from any other property boundary, and
  - (d) clear of any service mains (water, sewer, drainage, gas), and
  - (e) clear of any easement, and
  - (f) clear of septic disposal areas.
- (6) Must be used as a garage.
- (7) Must not be on a ridgeline or other visually prominent area that can be viewed from adjoining properties.
- (8) Must reflect the character and amenity of the area.
- (9) Must be structurally adequate.

### Garages in urban areas

- (1) Must be on land within Zone No 2 (a) or 2 (v).
- (2) Maximum area—36m<sup>2</sup>.
- (3) Maximum height of walls or eaves—2.7m.
- (4) Minimum front setback—7.5m.
- (5) Must be:
  - (a) at least 4.5m from any property boundary adjoining a public road, and



- (b) at least 1m from any other property boundary, and
  - (c) clear of any service mains (water, sewer, drainage, gas), and
  - (d) clear of any easements, and
  - (e) clear of any septic disposal areas.
- (6) Must be behind the front setback.
  - (7) Must only be erected for purposes associated with, and ancillary to, a dwelling-house.
  - (8) Any footings or slab must be constructed in accordance with AS 2870—1996, *Residential slabs and footings—Construction*.
  - (9) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

**Garden entrance features**

- (1) Maximum area—12m<sup>2</sup>.
- (2) Maximum height—3m.
- (3) Must be:
  - (a) at least 3m from any property boundary, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easements.
- (4) Must be an open structure with no solid walls or roofing.
- (5) For timber structures—the design and construction must be in accordance with AS 1684.1—1999, *Residential timber-framed construction, Part 1: Design criteria*.
- (6) For metal structures—the design and construction must be to manufacturer's specifications or certified by a structural engineer.
- (7) Any footings or slab must be constructed in accordance with AS 2870—1996, *Residential slabs and footings—Construction* or to the manufacturer's specifications.

**Garden sheds**

- (1) Maximum height—2.4m.
- (2) Maximum area—36m<sup>2</sup>.

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- (3) Must be:
  - (a) at least 1m from any property boundary, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easements.
- (4) Must be used as a garden shed.
- (5) Must be in the rear setback of the property.
- (6) Must be constructed to manufacturer's specifications and of new, non-reflective materials.
- (7) Maximum—2 sheds per property.
- (8) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

### **Gas storage tanks**

- (1) Must be:
  - (a) at least 7.5m from any property boundary adjoining a road, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easements.
- (2) Must be constructed of prefabricated metal and erected in accordance with manufacturer's specifications and AS/NZS 1596:2002, *The storage and handling of LP Gas*.
- (3) Must be authorised by the NSW WorkCover Authority (Dangerous Goods Branch) and the NSW Fire Brigades.
- (4) Must be free-standing and not rely on other structures for support.
- (5) Must not display any advertising.

### **Goal posts, sight screens and similar sporting structures**

Must be constructed by or for the Council in a public park or recreation area.

### **Hoardings**

- (1) Must relate to building work that may lawfully be commenced.
- (2) Must have appropriate signage in accordance with AS/NZS 4576:1995, *Guidelines for scaffolding*.

- (3) Must be structurally adequate.
- (4) Must not display any advertising, except for details of the construction company and work safety information.
- (5) Must be removed immediately following the completion of the relevant building work.

#### Home occupations

**Note.** All home occupations are exempt development and no standards have been prescribed at the commencement of this Plan.

#### Home-based child care

Must be located on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).

#### Horse stables

- (1) Must be on land within Zone No 1 (a).
  - (2) Maximum area—100m<sup>2</sup>.
  - (3) Maximum height—2.7m.
  - (4) Must be:
    - (a) at least 40m from any waterway, and
    - (b) at least 20m from any property boundary adjoining a road, and
    - (c) at least 5m from any other property boundary, and
    - (d) clear of any service mains (water, sewer, drainage, gas), and
    - (e) clear of any easements.
  - (5) Horses must be kept at least 9m from any dwelling-house, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
  - (6) The floors must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
  - (7) Must be enclosed to prevent the escape of horses.
  - (8) Any footings or slab must be constructed in accordance with AS 2870—1996, *Residential slabs and footings—Construction*.
  - (9) External walls must be constructed of new materials.
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- (10) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.
- (11) Stormwater run-off must not contaminate adjoining land or waterways after rainfall.
- (12) The design and construction must be certified by a practising structural engineer.
- (13) Maximum—2 stables per property.

### **Irrigation equipment**

- (1) Must be associated with farms or public parks.
- (2) Must have authorised water supply from the Council's water supply or licensed supply.

### **Letter boxes**

- (1) Maximum of one letter box on a property.
- (2) Must be structurally adequate.

### **Lighting structures (external)**

- (1) Maximum height—3m.
- (2) Must not involve the illumination of a tennis court, horse track, playing field or other sporting facility.
- (3) If in the vicinity of Cowra airport—must be positioned so as to comply with the Civil Aviation Safety Authority guidelines for lighting in the vicinity of airports.

### **Loud speakers and amplifying devices**

Must be constructed by or for the Council in a public park or recreation area.

### **Machinery sheds, hay sheds and shearing sheds**

- (1) Must be on land within Zone No 1 (a).
- (2) Maximum area—200m<sup>2</sup>.
- (3) Maximum height—6m.
- (4) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any boundary adjoining a public road, and

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- (c) at least 2m from any service main (water, sewer, drainage, gas), and
  - (d) clear of any easements, and
  - (e) clear of septic disposal areas.
- (5) Must be used as a machinery shed, hay shed or shearing shed.
  - (6) Must be for purposes ancillary to the agricultural use of the land.
  - (7) Must not be above the height of any surrounding land ridge lines.
  - (8) Must be structurally adequate.
  - (9) Must be constructed to manufacturer's specifications and made of new non-reflective materials.
  - (10) Maximum cut for site levelling—1m.
  - (11) Maximum fill for site levelling—1m.
  - (12) Stormwater run-off must be directed to a water tank or an area at least 3m clear of any structure, but not on to an adjoining property.

**Maintenance of buildings and structures**

The works must be limited to the following:

- (a) cleaning out of gutters, drainage systems, ponds, dams and other water storage and drainage areas,
- (b) re-securing loose elements of roofs, timber work and decorative features in the original manner,
- (c) straightening and re-securing of fences and gates,
- (d) minor servicing of equipment and services such as lifts, air conditioning and fire services, engines, pumps and the like,
- (e) landscaping maintenance necessary for the continued growth of existing plants, without major alterations to layout, contours, structures or other significant features.

**Minor demolition works**

- (1) Must be limited to minor outbuildings, small sheds, above ground pools, non-boundary retaining or decorative walls and fences located in the rear yard of residential property.
- (2) Maximum height of building or structure—4m.
- (3) The building or structure must be less than 50 years old.

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- (4) Must not involve the demolition of any part of a residential dwelling.
- (5) The site must be secured from public access with adequate fencing or hoarding.
- (6) Must be carried out by hand and no machinery is to be used.
- (7) Must be carried out in a safe manner and in accordance with the requirements of AS 2601—2001, *Demolition of structures*.
- (8) Redundant plumbing and drainage must be capped off in accordance with AS/NZS 3500:2003, *Plumbing and drainage*, the *New South Wales Code of Practice for Plumbing and Drainage*, 3rd Edition (produced by the Committee on Uniformity of Plumbing and Drainage Regulations on 1 July 2006) and must be inspected by the Council before the capped off works are concealed.
- (9) Redundant electricity supply must be disconnected by a licensed electrician.
- (10) If work involves asbestos—work must be carried out in accordance with the WorkCover Authority's *Guidelines for Practices involving Asbestos in Buildings*.

### **Minor external or internal alterations to commercial premises**

- (1) Must be alterations or renovations to existing commercial buildings.
- (2) Must only involve the replacement of doors, windows, walls, ceilings or floor linings, deteriorated frame members as well as bathroom and kitchen renovations and the construction of new shelving displays, benches, partitions, built-in vanities, cupboards and wardrobes.
- (3) Must not change the building's classification under the *Building Code of Australia*.
- (4) Must not increase customer service area or the gross floor area of the premises.
- (5) Must not affect the structural integrity of the building.
- (6) Must not reduce fire safety or reduce accessibility to a fire exit.

### **Minor external or internal alterations to residential premises**

- (1) Must be alterations or renovations to previously completed residential buildings.

- (2) Must only involve the replacement of doors, windows, walls, ceilings or floor linings, deteriorated frame members as well as bathroom and kitchen renovations and the construction of new shelving displays, benches, partitions, built-in vanities, cupboards and wardrobes.
- (3) Must obtain approval from the Council for any changes to plumbing or drainage.
- (4) Must not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.
- (5) Must not affect the structural integrity of the building.
- (6) Must not reduce light and ventilation from windows, reduce doorways or enclose open areas.

**Ornamental water features**

- (1) Maximum depth of water—0.3m.
- (2) Maximum area—4m<sup>2</sup>.
- (3) Must be:
  - (a) at least 7.5m from any property boundary adjoining a road, and
  - (b) at least 1m from any other property boundary, and
  - (c) clear of any service mains (water, sewer, drainage, gas), and
  - (d) clear of any easements.
- (4) Any water pump must be new.
- (5) Any overflow must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

**Painting of buildings and structures**

- (1) Must involve the repainting of a building or structure that has previously been painted.
- (2) Colours must be representative of the period of the building or structure and be in accordance with local heritage assets.

**Park and street furniture**

- (1) Must be constructed by or for the Council on land under the control of the Council.

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- (2) Must be designed, fabricated and installed in accordance with AS 4685—2004, *Playground equipment safety* and the *Building Code of Australia*.
- (3) Must not display any advertising.

### **Pergolas and verandahs**

- (1) Maximum area—36m<sup>2</sup>.
- (2) Maximum height—3m.
- (3) Must be:
  - (a) at least 7.5m from any property boundary adjoining a road, and
  - (b) at least 1m from any other property boundary, and
  - (c) clear of any service mains (water, sewer, drainage, gas), and
  - (d) clear of any easements.
- (4) Must be an open structure at ground level.
- (5) Stormwater run-off from must not be directed onto an adjoining property.
- (6) The design and construction must be in accordance with a structural engineer's design, manufacturer's specifications or AS 1684.2—2006, *Residential timber-framed construction, Part 2: Non-cyclonic areas*.

### **Playground equipment**

- (1) Must be for use in connection with the residential use of land.
- (2) Maximum height—2.5m.
- (3) Must be behind the front setback of the property.
- (4) Must be constructed in accordance with the manufacturer's specification.

### **Portable classrooms**

- (1) Must be in the grounds of an educational establishment.
- (2) Must be installed to manufacturer's specifications.
- (3) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.



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**Poultry houses and poultry yards in residential areas**

- (1) Must be on land within Zone No 2 (a) or 2 (v).
- (2) Maximum height—2.7m.
- (3) Maximum area of poultry house—16m<sup>2</sup>.
- (4) Maximum area of poultry yard (including poultry house)—30m<sup>2</sup>.
- (5) Must not be used to house more than 20 birds.
- (6) Must not be on the front setback of the property.
- (7) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 25m from any adjoining residence, and
  - (c) at least 1.2m from any property boundary, and
  - (d) clear of any service mains (water, sewer, drainage, gas), and
  - (e) clear of any easements.
- (8) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must be kept at least 4.5m, and any other poultry must be kept at least 30m, from any dwelling house, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (9) The floor must be paved with concrete or mineral asphalt underneath the roosts or perches unless the poultry house is:
  - (a) at least 15.2m from any dwelling-house, public hall or school, or
  - (b) on clean sand.
- (10) Must be enclosed to prevent the escape of poultry.
- (11) Stormwater run-off must not be directed onto an adjoining property and must not contaminate adjoining land or waterways after rainfall.
- (12) Where possible, stormwater run-off must be directed to the street drainage system.

**Poultry houses in rural areas**

- (1) Must be on land within Zone No 1 (a), 1 (c) or 1 (c1).
- (2) Maximum area—100m<sup>2</sup>.

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- (3) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from property boundary, and
  - (b) clear of any service mains (water, sewer, drainage, gas), and
  - (c) clear of any easement.
- (4) Fowls (that is, birds of the species *Gallus gallus*) or guinea fowls must be kept at least 4.5m, and any other poultry must be kept at least 30m, from any dwelling house, public hall, school or premises used for the manufacture, preparation, sale or storage of food.
- (5) The floor must be paved with concrete or mineral asphalt underneath the roosts or perches unless the poultry house is:
  - (a) at least 15.2m from any dwelling-house, public hall or school, or
  - (b) on clean sand.
- (6) Must be enclosed to prevent the escape of poultry.
- (7) Must not be used to house more than 100 birds.

### **Public car parks**

Must be constructed by or for the Council on Council owned land.

### **Re-cladding roofs and walls**

- (1) Must only involve the replacement of existing materials with similar materials that are compatible with the existing building and finish.
- (2) Must not involve structural alterations or changes to the external configuration of a building.

### **Repairs to buildings and structures**

- (1) Must only involve replacement of missing or deteriorated components such as bricks or other masonry units, sections of mortar or render, weatherboards and external timber elements, sections of decorative detail like balusters and cast iron lace panels, shed iron or slates of other roofing components, gutters and downpipes, landscape and garden elements such as kerbs and edges.

- (2) Must use materials that are similar to and compatible with the existing building and finish.

**Satellite and microwave dishes on commercial premises**

- (1) Maximum diameter—2.5m.
- (2) Must not be on the front facade or roof of a building where it would be readily visible from a public road.
- (3) Must not project above the ridgeline of the building.
- (4) Must not encroach onto existing car parking spaces or loading area.

**Satellite and microwave dishes on residential premises**

- (1) Must only be erected for purposes associated with a residential dwelling.
- (2) Maximum diameter—2m.
- (3) Must not be on the front facade or roof of a building where it would be readily visible from a public road.
- (4) Must not project above the ridgeline of the building.

**Scaffolding**

- (1) Must comply with AS/NZS 1576.1:1995, *Scaffolding, Part 1: General requirements*.
- (2) Must be removed immediately following the completion of works.

**Shade structures**

- (1) Must not be on the front setback of the property.
- (2) Must not be used as a carport.
- (3) Maximum area (public pool area)—100m<sup>2</sup>.
- (4) Maximum area (any other case)—36m<sup>2</sup>.
- (5) Must be structurally adequate.
- (6) Must not display any advertising, except for the details of the manufacturing company.

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### Shipping containers

- (1) Must be on land within Zone No 1 (a).
- (2) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 40m from any property boundary, and
  - (c) clear of any registered easements, and
  - (d) clear of septic disposal areas.
- (3) Must not be used for commercial or industrial purposes.
- (4) Must be associated with the lawful use of the land for large scale broad-acre or intensive agricultural operations.
- (5) Must not display any advertising, except for the details of the manufacturing company.
- (6) Must be close to existing buildings.
- (7) Must not be on a ridgeline or other visually prominent area that can be viewed from adjoining properties.
- (8) Maximum—1 per property.

### Silos

- (1) Must be on land within Zone No 1 (a).
- (2) Maximum capacity—120 tonnes.
- (3) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any property boundary adjoining a public road, and
  - (c) at least 10m from any other property boundary, and
  - (d) clear of any registered easements, and
  - (e) clear of septic disposal areas.
- (4) Must not be used for commercial or industrial purposes.
- (5) Must be associated with the use of the land for large scale broad-acre or intensive agricultural operations.
- (6) Must not display any advertising, except for the details of the manufacturing company.
- (7) Must be constructed of prefabricated metal to manufacturer's specifications.

- (8) Must not be on or near a ridgeline so as to be visible from adjoining properties.

**Skylights and roof vents**

- (1) Maximum area—1m<sup>2</sup>.
- (2) Must at least 0.9m from any property boundary or any wall separating attached dwellings.
- (3) Must not reduce the structural integrity of, or involve structural alterations to, the building.
- (4) Must be non-opening.
- (5) Must be adequately weatherproofed.
- (6) Must be installed in accordance with manufacturer's specifications.

**Solar water heaters**

- (1) Must be installed by a licensed tradesperson in accordance with manufacturer's specifications.
- (2) Associated work must not reduce the structural integrity of the building or involve structural alterations.
- (3) Any openings created by associated work must be adequately weatherproofed.

**Stockyards and shelters**

- (1) Must be on land within Zone No 1 (a).
- (2) Maximum area—0.5ha.
- (3) Maximum height—2.4m.
- (4) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any property boundary adjoining a road, and
  - (c) at least 5m from any other property boundary.
- (5) Must not be used for intensive livestock keeping or as a dairy.
- (6) Must be constructed of timber or metal and be structurally adequate.

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### **Street lights**

- (1) Must be installed by or for the Council on land under the control of the Council.
- (2) Must be designed, fabricated and installed in accordance with AS/NZS 1158:2007, *Lighting for roads and public spaces*.

### **Street signs**

Must be installed by the Council or the Roads and Traffic Authority in accordance with AS 1742, *Manual of uniform traffic control devices*.

### **Subdivision—consolidation of allotments or rectifying encroachments**

- (1) Services provided to each lot must remain located wholly within the boundary of the allotment that they serve.
- (2) Must remove any redundant access points and restore any kerb and gutter at those points.
- (3) Must not create any new access points to a public road.
- (4) Must adequately set back allotment boundaries from buildings and structures.
- (5) Must lodge a subdivision certificate with the Council prior to the registration of the plan of subdivision.

### **Subdivision—public purposes**

- (1) Must be by or for the Council on Council owned land.
- (2) Must be for the purpose of the provision of a public utility or service, such as road works, water or sewerage supply, public car parking, parks and gardens.
- (3) Must not create new allotments for industrial, commercial or residential use.
- (4) Must lodge a subdivision certificate with the Council prior to registration of the plan of subdivision.

### **Temporary structures associated with building sites (including building site sheds, offices, amenities and waste storage facilities)**

- (1) Must be erected in relation to building work that may lawfully be commenced.
- (2) Must not encroach onto any public road, footway or thoroughfare.
- (3) Must be wholly within the boundary of the building site.

- (4) Must be structurally adequate.
- (5) Must be removed immediately following the completion of the relevant building work.
- (6) Must not include additional road access points or alterations to the existing road access conditions.

**Walls—non boundary retaining walls**

- (1) Maximum height—0.6m.
- (2) Must be at least 40m from any waterway.
- (3) Must not interfere with the existing flow of stormwater run-off.
- (4) Stormwater run-off must not be directed onto adjoining property.
- (5) Masonry walls must comply with AS 3700—2001, *Masonry structures*, AS 3600—2001, *Concrete structures* and AS/NZS 1170:2007, *Structural design actions*.
- (6) Timber walls must comply with AS 1720—1997, *Timber structures* and AS/NZS 1170:2007, *Structural design actions*.

**Waste storage containers**

- (1) Must be on land under the control of the Council.
- (2) Maximum length—3m.
- (3) Must be removed within 14 days.
- (4) Must have adequate public liability insurance cover.
- (5) Must be well maintained and have the name and address of the owner clearly displayed.
- (6) Must be for use in connection with exempt development or works approved by or for the Council.
- (7) Maximum—1 per property.

**Water heaters**

- (1) Must not be a solar system on a roof.
- (2) Must be new and installed by an appropriately licensed person.
- (3) Must not reduce the structural integrity of, or involve structural alterations to, any building.

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### Water storage tanks

- (1) Must be installed in accordance with manufacturer's instructions.
- (2) Must be at least 1m from any property boundary.
- (3) All plumbing work must be carried out by a licensed plumber.
- (4) Installation must be in accordance with AS/NZS 3500.1:2003, *Plumbing and drainage, Part 1: Water services*.

### Windmills

- (1) Must be on land within Zone No 1 (a), 1 (c) or 1 (c1).
- (2) Must be at least 5m from any property boundary.
- (3) Must not be on any easement.
- (4) Must be free-standing and not rely on other structures for support.
- (5) Design, structure and footing specifications must be certified by a practising structural engineer.
- (6) Must be installed in accordance with the manufacturer's specifications.
- (7) The structure must not encroach within the Obstacle Limitation Surfaces (OLS) developed for Cowra airport.

**Note.** OLS plans are available for inspection at the Council's Environment Services Department.

### Windows, glazed areas and external doors

- (1) Must be the replacement of existing windows with materials that comply with AS 1288—2006, *Glass in buildings—Selection and installation* and AS/NZS 2208:1996, *Safety glazing materials in buildings*.
- (2) Must not reduce the area provided for light and ventilation.
- (3) Must not reduce the structural integrity of the building.
- (4) Must not reduce the fire safety of occupants of the building.
- (5) Does not apply to conversion of garages.



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## Schedule 4 Complying development

(Clause 10B)

### Part 1 Criteria for complying development

#### Additions to rural dwelling-houses

- (1) Must be on land within Zone No 1 (a), 1 (c) or 1 (c1).
- (2) Minimum front setback—20m.
- (3) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 5m from any other property boundary, and
  - (c) at least 2m from any service main (water, sewer, drainage, gas), and
  - (d) clear of any easements, and
  - (e) clear of any septic disposal areas.
- (4) Must be carried out on an existing lawful dwelling-house.
- (5) The dwelling-house being altered, and the additions proposed, must be single storey only.
- (6) Must not include additional road access points or alterations to the existing road access conditions.
- (7) If the dwelling-house is serviced by an on-site waste system—an On-site Waste Disposal Appraisal Form (available from the Council) must be properly completed by a licensed plumber, certifying that the system will accommodate the additional loads.
- (8) Must submit structural engineering certificates for all structural components of the building with the application for the complying development certificate.
- (9) Maximum—1 dwelling-house per property.

#### Additions to urban dwelling-houses

- (1) Must be on land within Zone No 2 (a) or 2 (v).
- (2) Minimum front setback—7.5m.
- (3) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 4.5m from any property boundary adjoining a public road, and

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- (c) at least 0.9m from any other property boundary, and
  - (d) at least 2m from any service main (water, sewer, drainage, gas), and
  - (e) clear of any easements, and
  - (f) clear of any septic disposal areas.
- (4) Must be carried out on an existing dwelling-house.
  - (5) The dwelling-house being altered, and the additions proposed, must be of single storey only.
  - (6) If the dwelling-house is serviced by an on-site waste system—an On-site Waste Disposal Appraisal Form (available from the Council) must be properly completed by a licensed plumber, certifying that the system will accommodate the additional loads.
  - (7) Must not involve additional road access points or alterations to the existing road access conditions.
  - (8) Must submit structural engineering certificates for all structural components of the building with the application for the complying development certificate.
  - (9) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

### **Bed and breakfast accommodation**

- (1) Must be on land within Zone No 1 (a).
- (2) Minimum number of bathrooms—2.
- (3) Maximum number of guest bedrooms—2.
- (4) Must be in an existing lawful dwelling-house.
- (5) Must not be in a residential flat building.
- (6) Must not alter the structure of the building.
- (7) Minimum of 3 car parking spaces on the site.
- (8) Must have a fire extinguisher and fire blanket within any kitchen or cooking area.
- (9) Must not include additional road access points or alterations to the existing road access conditions.
- (10) Outdoor advertising on the premises will be limited to 1 small sign to be erected within the subject property boundary.

- (11) If the dwelling-house is serviced by an on-site waste system—an On-site Waste Disposal Appraisal Form (available from the Council) must be properly completed by a licensed plumber, certifying that the system will accommodate the additional loads.

**Change of use from commercial premises to retail premises or retail premises to commercial premises**

- (1) Must involve an existing building being converted from retail premises to commercial premises or from commercial premises to retail premises.
- (2) Must not involve a conversion to or from a restaurant, cafe or bar.
- (3) Must not increase the customer service area or the gross floor area of the premises.
- (4) Must not reduce the fire safety of the building.
- (5) Must not include additional road access points or alterations to the existing road access.
- (6) Must not include alterations to the existing car parking arrangements.
- (7) Must include disabled access to the main entry of the building in accordance with AS 1428.1—2001, *Design for access and mobility, Part 1: General requirements for access—New building work* and must not encroach onto the public footpath.

**Garages and carports in urban areas—area greater than 36m<sup>2</sup>**

- (1) Must be on land within Zone No 2 (a) or 2 (v).
  - (2) Maximum height of walls—2.7m.
  - (3) Maximum area—55m<sup>2</sup>.
  - (4) Minimum front setback—7.5m
  - (5) Must be:
    - (a) at least 4.5m from any property boundary adjoining a public road, and
    - (b) at least 0.9m from any other property boundary, and
    - (c) at least 2m from any service main (water, sewer, drainage or gas), and
    - (d) clear of any easements, and
    - (e) clear of septic disposal areas.
  - (6) Must be used as a garage or carport.
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- (7) Must only be erected for purposes associated with and ancillary to residential use of the land.
- (8) Must use new materials for the roof and external walls.
- (9) Must not include additional road access points or alterations to the existing road access.
- (10) Must submit structural engineering certificates for all structural components of the building with the application for the complying development certificate.
- (11) Stormwater run-off must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.

### **Machinery sheds, hay sheds and shearing sheds—area greater than 200m<sup>2</sup>**

- (1) Must be on land within Zone No 1 (a).
- (2) Maximum area—300m<sup>2</sup>.
- (3) Maximum height—6m.
- (4) Must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any boundary adjoining a public road, and
  - (c) at least 2m from any service main (water, sewer, drainage, gas), and
  - (d) clear of any easements, and
  - (e) clear of septic disposal areas.
- (5) Must be used as a machinery shed, hay shed or shearing shed.
- (6) Must only be erected for purposes associate with or ancillary to the agricultural use of the land.
- (7) Must not project above surrounding land ridgelines.
- (8) Must not include additional road access points or alterations to the existing road access conditions.
- (9) Must submit structural engineering certificates for all structural components of the building with the application for the complying development certificate.
- (10) Maximum cut for site levelling—1m.
- (11) Maximum fill for site levelling—1m.

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**Outdoor swimming pools and spa pools**

- (1) Must be on land within Zone No 1 (a), 1 (c), 1 (c1), 2 (a) or 2 (v).
- (2) If on rural zoned land—must be:
  - (a) at least 40m from any waterway, and
  - (b) at least 20m from any property boundary adjoining a public road, and
  - (c) at least 15m clear of any overhead power lines or transformer, and
  - (d) clear of any easements, and
  - (e) clear of septic disposal areas.
- (3) If on residential zoned land—must be:
  - (a) at least 7.5m from any property boundary adjoining a public road, and
  - (b) at least 1.2m from any other property boundary or permanent structure, and
  - (c) at least 15m from any overhead power lines or transformer, and
  - (d) at least 2m from any service main (water, sewer, drainage or gas), and
  - (e) clear of any easements.
- (4) Must not be used for commercial purposes.
- (5) Must not be on land used for on-site car parking space required to be provided under any previous development consent.

**Residential dwellings**

- (1) Must be on land within Zone No 2 (a).
- (2) Minimum front setback—7.5m.
- (3) Maximum height (as measured from natural ground level to the underside of the eaves)—3m.
- (4) Must be:
  - (a) at least 4.5m from any property boundary adjoining a public road, and
  - (b) at least 0.9m from any other property boundary, and
  - (c) at least 2m from any service main (water, sewer, draining or gas), and
  - (d) clear of any easements.

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- (5) Must be on an allotment of land with an area greater than 700m<sup>2</sup>.
- (6) Must be a single storey.
- (7) If a driveway or footpath will be on a public road reserve or other public land:
  - (a) utility services (gas, water, electricity) and street trees must be protected, and
  - (b) no additional road access points or alterations to the existing road access conditions are to be undertaken.
- (8) Must, where possible, be serviced by the Council's sewerage system.
- (9) Where the building is to be erected above the level of the adjoining street kerb and gutter—maximum cut for site levelling must not exceed 1m.
- (10) Where the building is to be erected below the level of the adjoining street kerb and gutter—maximum fill for site levelling must not exceed 0.5m.
- (11) Stormwater run-off from the dwelling must be directed to the Council's stormwater drainage infrastructure or to an established inter-allotment drainage system.
- (12) Maximum—1 per property.

### Retaining walls

- (1) Maximum height—1m.
- (2) Must be at least 0.9m from any property boundary.
- (3) Must not interfere with the existing flow of stormwater run-off.
- (4) Stormwater run-off must not be directed onto adjoining properties.

### Strata subdivisions

- (1) Must be on residential zoned land.
- (2) Must relate to an existing lawful development and must comply with the conditions (if any) of any existing development consent.
- (3) All access, manoeuvring areas and communal open space areas must be designated as common property.
- (4) Utility services (gas, water, electricity) must be provided to each lot and the usage of services by each lot must be measured separately.

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## Part 2 Complying development certificate conditions

### Approved plans and documentation

Development must take place in accordance with the approved plan and supporting documentation lodged in respect of the complying development certificate, except where varied by the following conditions.

### Construction work

- (1) This clause applies to all development that involves construction work.
- (2) The person carrying out the construction work must, at all times, maintain a copy of the plan and specifications approved with the development consent on the work site.
- (3) The construction work must not encroach on an adjoining property without the written consent of the owner or authority in control of the land.

**Note.** A copy of any written consent for construction work encroaching on to an adjoining property must be submitted to the Council or the accredited certifying authority before commencing work on the affected land.

- (4) Construction work that includes the use of power tools in a manner that creates noise that can be heard within a habitable room in any other residential premises must only be carried out during the following hours:
  - (a) Monday–Friday—7:00am and 6:00pm, and
  - (b) Saturday—8:00am and 1:00pm,but not on a public holiday.
- (5) The loading, unloading and storage of goods and building materials, or the carrying out of building operations related to the construction work, must be carried out within the confines of the property and not on public roads or other public space.
- (6) All building rubbish and debris (including that which can be wind blown) must be contained in a suitable container on the work site for disposal at an approved Waste Landfill Depot.
- (7) Any footpaths, roads or utility installations that are damaged during construction work must be repaired to a standard equivalent to that existing prior to commencement of construction at the expense of the person having the benefit of the complying development certificate.

## 2008 No 541

Cowra Local Environmental Plan 1990 (Amendment No 15)

Schedule 1 Amendments

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### **Plumbing and drainage**

- (1) This clause applies to all development that includes alteration or installation of plumbing or drainage.
- (2) Before commencing work to which this clause applies, the person having the benefit of the complying development certificate must obtain all relevant approvals, permits or certificates required for any of the following:
  - (a) connection to, or disconnection from, the Council's Reticulated Sewerage System, or carrying out sewerage work,
  - (b) connection to, or disconnection from, the Council's Reticulated Water Supply System,
  - (c) connection to, or disconnection from, the Council's stormwater drainage infrastructure,
  - (d) installation of an On-site Sewage Management System.
- (3) Plumbing and drainage must be carried out by a licensed plumber in accordance with the requirements of AS/NZS 3500:2003, *Plumbing and drainage* and the *New South Wales Code of Practice for Plumbing and Drainage*, 3rd Edition (produced by the Committee on Uniformity of Plumbing and Drainage Regulations on 1 July 2006).
- (4) Drainage must be:
  - (a) discharged at least 3m from of any building or structure in a manner that does not cause soil erosion, or
  - (b) where possible, directed to the Council's stormwater drainage infrastructure.

### **Swimming pools and spa pools**

- (1) This clause applies to any development that includes the alteration or installation of a swimming pool or spa pool.
- (2) Any associated exterior lighting must be designed and installed so that it will not cast light onto any adjoining property.
- (3) Any backwash water or water discharged from the pool during emptying must be discharged:
  - (a) in accordance with AS/NZS 3500:2003, *Plumbing and drainage*, the *New South Wales Code of Practice for Plumbing and Drainage*, 3rd Edition (produced by the Committee on Uniformity of Plumbing and Drainage Regulations on 1 July 2006), and



- (b) in an area serviced by a reticulated sewerage system—into that system, and
  - (c) in an area that is not serviced by a reticulated sewerage system—into absorption trenches, details of which must be submitted to, and approved by, the Council prior to the commencement of work.
- (4) The swimming pool or spa pool must not be filled with water until the fencing around the pool has been completed to the satisfaction of the Principal Certifying Authority.
- (5) A poster prepared by the Royal Life Saving Society on expired air resuscitation must be exhibited in a prominent position adjacent to the pool.