

Armidale Local Environmental Plan 1988

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New South Wales

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New South Wales

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Armidale Local Environmental Plan 1988



Part 1 Preliminary

1 Name of plan

This plan may be cited as *Armidale Local Environmental Plan 1988*.

2 Aims, objectives etc

(1) The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the City of Armidale by protecting or conserving:
 - (i) the City,
 - (ii) areas of high scenic value, and
 - (iii) places and buildings of heritage significance to the City, and
- (b) to replace the existing planning controls by a single local environmental plan to help facilitate growth and development of the City in a manner which is consistent with the objectives specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development of urban land,
 - (ii) facilitates the efficient and effective delivery of services and facilities, and
 - (iii) facilitates a range of residential opportunities in accordance with demand.

(2) The particular objectives adopted by this plan to achieve the aims referred to in subclause (1) are:

- (a) to maintain or increase the level of economic activity of the City's industry,
- (b) to maintain and enlarge the City's specialised commercial role,
- (c) to prevent the location of major public or private sector development outside the City centre otherwise than in accordance with this plan,

- (d) to maintain and enlarge the City's retailing role,
- (e) to maintain existing scientific, research and general education activity within the City,
- (f) to develop new scientific and research activities supportive of the City's economy,
- (g) to attract higher levels of investment in new tourist facilities in the City,
- (h) to increase the number and range of accommodation facilities within the City,
- (i) to increase the attractiveness of the City centre for the location of office-based activity,
- (j) to emphasise and develop the distinctive landscape defined by major topographic features,
- (k) to develop as principal boulevards those major approach roads which connect the City centre to the boundaries of the City,
- (l) to limit the visual impact of all future building developments adjacent to principal boulevards so that they do not detract from the strong visual characteristics of the boulevards,
- (m) to develop a regular and consistent landscape, streetscape and built treatment of all streets,
- (n) to ensure that the landscape is the dominant feature of all streets,
- (o) to reduce the impact of new developments on the amenity of the street environment,
- (p) to ensure that areas and elements of historic interest are conserved in a manner in keeping with their original character,
- (q) to prevent loss or degradation of historic buildings, precincts, streetscapes and parklands,
- (r) to promote sympathetic design solutions within environmental heritage areas,
- (s) to protect those areas not heavily used by pedestrians,
- (t) to minimise the energy needs of all new buildings and recycling projects,
- (u) to protect and conserve places and buildings of archaeological or heritage significance and to protect Aboriginal relics and places,
- (v) to integrate the conservation of the heritage of the City of Armidale into planning and development control,

- (w) to provide for public involvement in the conservation of the heritage of the City of Armidale, and
- (x) to ensure that any new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings or from the streetscapes and landscapes of the City of Armidale and the distinctive character they impart to the City.

3 Land to which plan applies

This plan applies to all land within the City of Armidale, as shown on the zoning map, with boundaries as indicated on that map.

4 Relationship to other environmental planning instruments

Interim Development Order No 2—City of Armidale, and such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, are repealed to the extent that they applied to that land.

5 Definitions

(1) In this plan:

aboriginal sites survey means the report on the 1988 Survey for Aboriginal sites in the City of Armidale, deposited in the office of the Council of the City of Armidale.

advertisement means any sign, notice, device or representation that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of that advertisement, but does not include:

- (a) a business identification sign, or
- (b) a building identification sign, or
- (c) signage the display of which is exempt development, or
- (d) a sign on a vehicle, or
- (e) a traffic sign or traffic control facility.

alter in relation to a heritage item or to a building or work within a 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,

but does not include the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

ancillary dwelling means a dwelling that is fundamental but subordinate, to the operation of a non-residential use.

animal establishment means a building or place used or intended for use for the intensive purposes of either husbandry, boarding, or training or keeping of animals, birds, fish, crustaceans, insects or the like, generally requiring the importation of feed from sources outside the land on which such development is conducted.

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

archaeologically sensitive areas means those areas hatched in black and marked "Category 1" and "Category 2" on the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 1)*".

brothel means a building or place used for prostitution and includes an escort agency.

building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business carried on in the building and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

bulky goods retailing means the use of a building or place primarily for the sale by retail or auction, or the hire of display, of items (whether goods or materials) which:

- (a) are of such a size, shape, range or weight as to require:
 - (i) a large area for handling, storage and display, and
 - (ii) direct vehicular access to the site of the building or place for use by members of the public for the purpose of loading items into their vehicles after purchase or hire, and
- (b) are of such kind:
 - (i) that the items are required to be displayed in premises not easily accommodated in traditional commercial centres, and
 - (ii) that a person using the items is unlikely to purchase items of the same kind frequently.

business identification sign means a sign that indicates no more than the following:

- (a) the name of the person carrying on business at the premises at which the sign is displayed, and no other name,

- (b) the business carried on by the person at the premises at which the sign is displayed,
- (c) the address of the premises,
- (d) a logo or other symbol that identifies the business.

cluster housing means the erection of 3 or more dwelling-houses on a single allotment of land.

community facility means a building or place owned or controlled by the council, a public authority or a body of persons associated for the physical, social, cultural, economic or intellectual welfare of the local community, including:

- (a) a public library, a rest room, meeting rooms, recreation areas, child minding (including care and ancillary education), facilities, cultural activities, social functions and like purposes, and
- (b) a local community club, being a building or place used by persons sharing like interests, but not including a registered club,

whether or not that building or place is also used for another purpose.

conservation area means an area of heritage significance, being land shown edged with a broken black line and marked "Conservation Area" on the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 7)—Heritage Conservation*" as amended by the maps (or specified sheets of the maps) marked as follows:

conservation plan means a document identifying the heritage significance of an item and outlining the policies that will preserve that significance in the future development and use of the item.

council means the Armidale Dumaresq Council.

demolition, in relation to a heritage item or to a building or work within a conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work, in whole or in part.

dual occupancy means the creation of not more than 2 dwellings, whether separate or in one building, on a single allotment of land.

floor space ratio, in relation to a building, means the ratio of the gross floor area of the building to the area of the allotment on which the building is situated.

heritage item means a building, work, relic, tree or place of heritage significance to the City of Armidale:

- (a) described in Schedule 1, and

- (b) shown edged in a black line on the map marked “*Armidale Local Environmental Plan 1988 (Amendment No 7)—Heritage Conservation*” as amended by the maps (or specified sheets of the maps) marked as follows:

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

high technology industry means an industry or associated commercial activity which:

- (a) is directly associated with the activities of an established research establishment or tertiary educational establishment or which involves computer technology investigation, development, application or production or is predominantly occupied with the use of advanced technologies, or
- (b) involves scientific or industrial research, new technology products, biotechnology, new materials technology, instrumentation technology, telecommunications, or any other new manufacturing processes or fields or research and development which the council considers to be high technology, and do not require the provision of any essential service mains or vehicular access of a greater capacity than is required for normal residential subdivisions.

holding means one or more adjoining allotments which are in the one ownership as at the appointed day.

integrated housing development means the subdivision of land and the erection of one (but not more than one) dwelling-house on each lot created by that subdivision.

local light industry means any light industry which:

- (a) is carried on in a building or buildings, the total floor space of which does not exceed 500 square metres, and
- (b) occupies a site which does not exceed 1 000 square metres in areas, and
- (c) does not require the provision of any essential service mains of a greater capacity than that usually required for development in the locality, and
- (d) does not, by the carriage of goods or materials, create traffic on public roads in the locality likely to create congestion or danger or require roads of a higher standard than would be necessary for other development permitted in the locality, and
- (e) is compatible with or complementary to the operation of high technology industries or research establishments.

maintenance means the continuous protective care of the existing fabric, finish, appearance or setting of a heritage item or a building or work in a conservation area.

medical centre means a building or place used for the purpose of providing professional health services (such as preventative care, diagnosis, medical or surgical treatment, or counselling) to outpatients only, and includes professional consulting offices.

movable dwelling park means land used for the siting of transportable structures manufactured for the purposes of permanent or semi-permanent habitation.

prime crop or pasture land means land within the City of Armidale which is identified by the Director-General of the Department of Agriculture as being with Class 1, 2 or 3 of the classification set out in the *Rural Land Evaluation Manual*, or other land identified by that Director-General as having agricultural significance.

professional consulting office means a building or place used for the purpose of professional or like activities that do not involve dealing with members of the public on a direct and regular basis or otherwise than by an appointment, except where this is a minor activity ancillary to the main purpose for which the building or place is used.

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

strategy plan means the *City of Armidale Strategy Plan 2001* as adopted by the council.

technologists' consulting rooms and offices means offices or rooms used by technologists employed in research establishments or high technology industries for administration purposes, not being premises used for the purposes of research or experimentation.

utility installation means any infrastructure provided by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purposes of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage, sewage treatment or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) water quality control facilities.

zoning map means the map marked "*Armidale Local Environmental Plan 1988—Zoning Map*", as amended by the maps (or specified sheets of the maps) marked as follows:

Armidale Local Environmental Plan 1988 (Amendment No 1)

Armidale Local Environmental Plan 1988 (Amendment No 6)

Armidale Local Environmental Plan 1988 (Amendment No 8)—Sheet 2

Armidale Local Environmental Plan 1988 (Amendment No 9)

Armidale Local Environmental Plan 1988 (Amendment No 10)—Sheet 2

Armidale Local Environmental Plan 1988 (Amendment No 18)—Sheet 1

Armidale Local Environmental Plan 1988 (Amendment No 22)

Armidale Local Environmental Plan 1988 (Amendment No 24)

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the council, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the zoning map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

6 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except clauses 8, 15, 16, 19 (in its application to car repair stations), 29 and 33, are adopted for the purposes of this plan.

7 Consent authority

The council shall be the consent authority for the purposes of this plan.

Part 2 Zones

8 Zones indicated on the map

For the purposes of this plan, land to which this plan applies shall be within a zone specified hereunder if the land is shown on the zoning map in the manner specified hereunder in relation to that zone:

Zone No 1 (a) (Rural Agriculture)—coloured light brown with red edging and red notation 1 (a).

Zone No 1 (b) (Rural Residential)—coloured light brown with red edging and red notation 1 (b).

Zone No 2 (Residential)—coloured light scarlet with red edging.

Zone No 3 (Business)—coloured light blue with red edging.

Zone No 3 (a) (Mixed Use)—coloured light blue with black edging and black notation 3 (a).

Zone No 4 (Industrial)—coloured purple with red edging.

Zone No 5 (a) (Special Uses—Community Services)—coloured yellow with red edging, red “use” notation and red notation 5 (a).

Zone No 5 (b) (Special Uses—Railway)—coloured blue-purple with red edging and red notation 5 (b).

Zone No 5 (c) (Special Uses—Controlled Access Road)—a broken red band between red edging.

Zone No 6 (a) (Public Open Space)—coloured dark green with red edging, red “use” notation and red notation 6 (a).

Zone No 6 (b) (Private Open Space)—coloured dark green with red edging, red “use” notation and red notation 6 (b).

Zone No 7 (Environmental Protection)—coloured orange with red edging.

Zone No 9 (Reservations)—coloured light green with red edging.

Zone No 10 (Enterprise)—coloured light brown with red edging, dark blue hatching and red notation 10.

9 Zone objectives and development controls

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Zone Objectives” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the development (if any) that:
 - (a) may be carried out without development consent,
 - (b) may be carried out only with development consent (including complying development), and
 - (c) is prohibited,is specified in that table under the headings “Without Development Consent”, “Only with Development Consent” and “Prohibited”, respectively, in the matter relating to the zone.

- (3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this land applies unless the council is of the opinion that the carrying out of development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (Rural Agriculture)

1 Zone objectives

The objectives of the zone are:

- to protect, conserve and encourage the existing and potential agricultural use of rural land, and
- to prevent the fragmentation of agricultural land, and
- to allow for non-agricultural uses which are compatible with the use of rural land for agricultural purposes.

2 Without development consent

Development for the purposes of:

agriculture (other than intensive livestock agriculture and intensive plant agriculture);

bushfire hazard reduction;

maintenance dredging;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

telecommunications facilities.

Development not included in Item 2 or 4.

4 Prohibited

Development for the purposes of:

airline terminals;
boarding houses;
brothels;
bulky goods—sales/showrooms
car parking stations;
commercial premises;
group of convenience shops;
hazardous industries;
hazardous storage establishments;
highway service centres;

industries;
institutions;
integrated housing;
motor showrooms;
multi-unit housing;
offensive industries;
offensive storage establishment;
residential flat buildings;
vehicle body repair workshops;
vehicle repair stations.

Zone No 1 (b) (Rural Residential)

1 Zone objectives

The objectives of the zone are:

- to facilitate development primarily for the purposes of low-density residential uses and associated activities on large and semi-rural allotments, and
- to ensure that the type and intensity of development are appropriate and compatible with the environmental characteristics of the land, the future need for associated public services and amenities, and
- to ensure that development within the zone does not compromise the efficient and effective development of urban areas of the City or jeopardise the sustainable use of adjacent lands.

2 Without development consent

Development for the purposes of:

agriculture (other than intensive livestock agriculture or intensive plant agriculture);
bushfire hazard reduction;
maintenance dredging;
utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

telecommunication facilities.

Development not included in Item 2 or 4.

4 Prohibited

Development for the purposes of:

abattoirs;
airline terminals;
boarding-houses;
brothels;
bulky goods and sales rooms or showrooms;
car parking stations;
cemeteries;
commercial premises;
depots;
extractive industries;
forestry;
group of convenience shops;
hazardous industries;
hazardous storage establishments;
heliports;
high technology industries;
highway service centres;
hire establishments;
hospitals;
hotels;
industries;
institutions;
integrated housing;
intensive livestock agriculture;
light industries;
markets;
materials recycling facilities;
medical centres;
mining;
mortuaries;
motels;
motor showrooms;
multi-unit housing;
offensive industries;
offensive storage establishments;
passenger transport terminals;
refreshment rooms;
residential flat buildings;
restaurants;
roadside stalls;
road transport terminals;
sawmills;
service stations;
shops;
stock and saleyards;
tourist facilities;
transport depots;
vehicle body repair workshops;
vehicle repair stations;
warehouse distribution centres.

Zone No 2 (Residential)

1 Zone objectives

The objectives of the zone are:

- to provide the opportunity for a variety of residential activities to meet the needs of the community, and
- to facilitate development for small business and other activities which are compatible with the predominant residential characteristics of the zone.

2 Without development consent

Development for the purposes of:

- agriculture (other than intensive livestock or intensive plant agriculture);
- bushfire hazard reduction;
- maintenance dredging;
- utility installations.

Development of land which is consistent with a Plan of Management adopted by the council for that land under Part 2, Chapter 6 of the [Local Government Act 1993](#).

Exempt development.

3 Only with development consent

Development for the purposes of:

boarding houses;
breed society offices;
building identification signs;
business identification signs;
caravan parks;
child care centres;
community facilities;
convenience shop;
corner shops;
dams;
educational establishments;
entertainment facilities;
exhibition homes;
group of convenience shops;
health consulting rooms;
hospitals;
housing for aged and disabled persons;
manufactured home estates;

medical centres;
motels;
multi-unit housing;
places of worship;
retail plant nurseries;
shops with residences;
telecommunications facilities;
transitional group homes;
veterinary hospitals.

Other development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 3 (Business)

1 Zone objectives

The objectives of the zone are:

- to sustain and where possible strengthen the function of the Armidale Central Business District as a regional centre for private and public business operations and employment and for community interaction, and
- to identify the Central Business District and other established commercial business precincts within the City as the appropriate location for retail, commercial, service and other compatible activities, in a manner which respects the City's environmental attributes and heritage significance, and
- to protect ground floor premises with street frontages in the zone for use as shops and commercial premises, and

- to promote a diversity of land uses within the zone which will increase its attractiveness for community use and as a place of activity, while ensuring that the achievement of the above objectives is not significantly threatened.

2 Without development consent

Development for the purposes of:

- bushfire hazard reduction;
- utility installations.

Exempt development.

3 Only with development consent

Development not included in Item 2 or 4

4 Prohibited

Development for the purposes of:

- abattoirs;
- agriculture;
- animal boarding or training establishments;
- aquaculture;
- caravan parks;
- cemeteries;
- extractive industries;
- forestry;
- hazardous industries;
- hazardous storage establishments;
- heliports;
- highway service centres;
- industries (with a floor space greater than 500 square metres);
- institutions;
- intensive livestock agriculture;
- intensive plant agriculture;
- landfills;
- light industries (with a floor space greater than 500 square metres);
- manufactured home estates;
- mining;
- offensive industries;
- offensive storage establishments;
- roadside stalls;
- road transport terminals;
- rural industries;
- rural workers' dwellings;
- sawmills;
- stock and saleyards;
- warehouse or distribution centres.

Zone No 3 (a) (Mixed Use)

1 Zone objectives

The objectives of the zone are:

- (a) to allow a mixture of compatible land uses (being residential, retail and commercial land uses), and
- (b) to locate mutually supportive and compatible uses (such as residential uses, places of employment and retail), in close proximity to each other, and in peripheral Central Business District locations well serviced by community facilities and infrastructure, and
- (c) to ensure that development in the zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale, while allowing commercial activities which cannot be appropriately accommodated in the City centre, such as bulky goods retailing.

2 Without development consent

Development for the purposes of:

- agriculture (other than intensive livestock or intensive plant agriculture);
- bushfire hazard reduction;
- maintenance dredging;
- utility installations.

Exempt development.

3 Only with development consent

Development not included in Item 2 or 4.

4 Prohibited

Development for the purposes of:

agriculture;	institutions;
animal boarding or training establishments;	intensive livestock agriculture;
aquaculture;	intensive plant agriculture;
caravan parks;	landfills;
cemeteries;	light industries (with a floor space greater than 500 square metres);
commercial premises (with a floor space greater than 500 square metres);	manufactured home estates;
extractive industries;	mining;
forestry;	offensive industries;
hazardous industries;	offensive storage establishments;
hazardous storage establishments;	roadside stalls;
heliports;	road transport terminals;
highway service centres;	rural industries;
industries (with a floor space greater than 500 square metres);	rural workers' dwellings;
	sawmills;
	stock and sale yards;
	warehouse or distributions centres.

Zone No 4 (Industrial)

1 Zone objectives

The objectives of the zone are:

- to facilitate development for industrial, warehousing, transport, servicing and other compatible employment activities, and
- to ensure that development in the zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale, while allowing commercial activities which cannot be appropriately accommodated in the City centre, such as bulky goods retailing.

2 Without development consent

Development for the purposes of:

agriculture (other than intensive livestock agriculture);

bushfire hazard reduction;

maintenance dredging;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

- brothels;
- bulky goods retailing;
- corner shops;
- takeaway food outlets;
- tattooists;
- telecommunications facilities.

Other development not included in Item 2 or 4

4 Prohibited

Development for the purposes of:

- | | |
|-----------------------------|--|
| bed and breakfasts; | home occupations; |
| boarding houses; | hospital institutions; |
| caravan parks; | housing for aged and disabled persons; |
| cemeteries; | integrated housing; |
| child care centres; | intensive livestock agriculture; |
| commercial premises; | intensive plant agriculture; |
| dual occupancies; | manufactured home estates; |
| dwelling-houses; | markets; |
| educational establishments; | medical centres; |
| entertainment facilities; | mining; |
| exhibition homes; | motels; |
| forestry; | multi-unit housing; |
| group of convenience shops; | offensive industries; |
| group homes; | residential flat buildings; |
| heliports; | restaurants; |
| highway service centres; | roadside stalls; |
| home businesses; | rural workers' dwellings; |
| | tourist facilities. |

Zone No 5 (a) (Special Uses—Community Services)

1 Zone objectives

The objectives of the zone are:

- to facilitate the development of land within the zone for a range of community service uses whether provided publicly or privately and including, but not limited to, educational establishments, places of worship, health care services and ancillary activities, and
- to promote a diversity of land uses within the zone which will increase its attractiveness for community use, while ensuring that the viability of the Business and Industrial Zones is not compromised, and
- to provide for future development of land within this zone, not required for community services, which reflects adjoining or nearby land uses, provided that the viability of the Business and Industrial Zones is not compromised.

2 Without development consent

Development for the purposes of:

bushfire hazard reduction;

maintenance dredging;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

agriculture;	intensive livestock agriculture;
ancillary dwellings;	intensive plant agriculture;
cemeteries;	landfills;
child care centres;	markets;
community facilities;	materials recycling facilities;
convenience shops;	medical centres;
dams;	mortuaries;
depots;	motels;
dwellings;	passenger transport terminals;
educational establishments;	places of worship;
energy generating facilities;	recreation facilities;
entertainment facilities;	refreshment rooms;
generating works;	registered club restaurants;
group homes;	restaurants;
health consulting rooms;	rural industries;
heliports;	rural workers' dwellings;
high technology industries;	telecommunications facilities;
home businesses;	transport depots;
hospitals;	veterinary hospitals.
housing for aged and disabled persons;	

Other development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 5 (b) (Special Uses—Railway)

1 Zone objectives

The objectives of the zone are:

- to provide for development within the zone for railway purposes, and
- to provide for future development of land within this zone, not required for railway purposes, which reflects adjoining land uses.

2 Without development consent

Development for the purposes of:

bushfire hazard reduction;

railways;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

telecommunication facilities.

Development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 5 (c) (Special Uses—Controlled Access Road)

1 Zone objectives

The objectives of the zone are:

- to provide for development within the zone for road purposes, and
- to provide for future development of land within this zone, not required for road purposes, which reflects adjoining land uses.

2 Without development consent

Development for the purposes of:

bushfire hazard reduction;

roads;

utility installation.

Exempt development.

3 Only with development consent

Development for the purposes of:

telecommunication facilities.

Development not included in Item 2 that is consistent with one or more of

the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 6 (a) (Public Open Space)

1 Zone objectives

The objectives of the zone are:

- to identify land which is used, or intended to be used, for public open space, recreation and associated purposes, and
- to protect and where appropriate enhance the environmental characteristics of the zone including landscape quality and flora and fauna habitat, and to safeguard ecological processes, and
- to ensure compatibility between this plan and the Councils' Plans of Management for community land under the [Local Government Act 1993](#).

2 Without development consent

Development for the purposes of:

bushfire hazard reduction;
utility installations.

Development of land which is consistent with a Plan of Management adopted by the Council for that land under Part 2, Chapter 6 of the [Local Government Act 1993](#).

Exempt Development.

3 Only with development consent

Development for the purposes of:

ancillary dwellings;
building identification signs;
business identification signs; materials recycling facilities;
child care centres; recreation facilities;
community facilities; registered clubs;
dama; refreshment rooms;
energy generating facilities; telecommunications facilities;
generating works; tourist facilities;
landfills;
markets;

Other development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 6 (b) (Private Open Space)

1 Zone objectives

The objectives of the zone are:

- to identify land which, is used, or intended to be used, for private open space, recreation and associated purposes, and
- to protect and where appropriate enhance the environmental characteristics of the zone for flora and fauna habitat as well as human recreation.

2 Without development consent

Development for the purposes of:

bushfire hazard reduction;
maintenance dredging;
utility installations.

Exempt Development.

3 Only with development consent

Development for the purposes of:

ancillary dwellings;
building identification signs;
business identification signs;
child care facilities ancillary to uses
allowed with consent;
community facilities;
dams;
energy generating facilities;
entertainment facilities;
heliport;
landfills;

recreation facilities;
refreshment rooms;
registered clubs;
restaurants;
telecommunications facilities;
tourist facilities.

Other development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 7 (Environmental Protection)

1 Zone objectives

The objectives of the zone are:

- to conserve and enhance the environmental, visual and recreational values of the hills and ridges in the hinterland surrounding Armidale, and
- to only allow development which will not detract from or threaten the scenic or environmental characteristics of the land.

2 Without development consent

Development for the purposes of:

agriculture (other than intensive livestock agriculture and intensive plant agriculture);

bushfire hazard reduction;

maintenance dredging;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

animal boarding or training establishments;
aquaculture;
bed and breakfasts;
boarding houses;
building identification signs;
business identification signs;
child care centres;
community facilities;
educational establishments;
energy generating facilities;
forestry;
group homes;
health consulting rooms;
home businesses;
housing for aged and disabled persons;

medical centres;
mortuaries;
place of worships;
retail plant nurseries;
rural industries;
telecommunications facilities.

Other development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 9 (Reservations)

1 Zone objectives

The objectives of the zone are:

- to identify land proposed to be acquired by the council or another public authority for public purposes such as community facilities, flood mitigation and arterial roads, and
- to enable land to be used for the purpose it was acquired, and
- to allow land to be temporarily used where the council or another public authority does not require immediate use.

2 Without development consent

Development for the purposes of:

- agriculture;
- bushfire hazard reduction;
- maintenance dredging;
- utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

- telecommunications facilities.

Development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Zone No 10 (Enterprise)

1 Zone objectives

The objectives of the Zone are:

- to facilitate development in association with residential development for high technology industry, research, ancillary and other compatible employment activities, provided the activities are not of a nature which would be offensive or hazardous in the locality, and
- to ensure that development in the zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale City.

2 Without development consent

Development for the purposes of:

- agriculture;

bushfire hazard reduction;

maintenance dredging;

utility installations.

Exempt development.

3 Only with development consent

Development for the purposes of:

advertisements;

ancillary dwellings;

aquaculture;

child care centres which are ancillary to an enterprise;

dams;

educational establishments;

energy generating facilities;

generating works;

heliports;

high technology industries;

intensive livestock agriculture;

intensive plant agriculture;

refreshment rooms;

telecommunications facilities.

Development not included in Item 2 that is consistent with one or more of the zone objectives.

4 Prohibited

Development not included in Item 2 or 3.

Part 3 Special provisions

10 Development control plans and codes

The council shall not grant consent to the carrying out of development on any land in respect of which a development control plan applies, unless it has first considered the provisions of that development control plan.

10A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Armidale Local Approvals Policy/Development Control Plan (LAP/DCP) 1999* as adopted by the council on 23 August 1999 is **exempt development**, despite any other provisions of this plan.
- (2) Development listed as complying development in *Armidale Local Approvals Policy/Development Control Plan (LAP/DCP) 1999* as adopted by the council on 23 August 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 it is 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 *Armidale Local Approvals Policy/Development Control Plan (LAP/DCP) 1999* as adopted by the council on 23 August 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Armidale Local Approvals Policy/Development Control Plan (LAP/DCP) 1999* adopted by the council, as in force when the certificate is issued.

11 Heritage advertisements and notifications

(1) Except as provided by subclause (2):

(a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

(i) the demolition of a building or work that is a heritage item, and

(ii) the demolition of a building or work within a conservation area, and

(iii) the use of a building or land referred to in clause 20A for a purpose which, but for that clause, would be prohibited under this plan,

in the same way as those provisions apply to and in respect of designated development, and

(b) where a person makes a development application to demolish a building or work that is a heritage item, the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of its intention to do so.

(2) Subclause (1) does not apply to the partial demolition of a heritage item or the total or partial demolition of a building or work within a conservation area, if, in the opinion of the council, the demolition will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the City of Armidale.

12 Subdivision and the erection of dwellings

(1) A person shall not subdivide land to which this plan applies except with the consent of the council.

(2) A person who makes an application for development consent to subdivide land shall, on the application form:

- (a) state the primary purpose for which each allotment created by the subdivision is intended to be used,
 - (b) state whether it is intended to erect a dwelling on any allotments created by the subdivision and, if so, which allotments, and
 - (c) show the approximate location of any dwelling erected on the land at the date of the application.
- (3) Nothing in this plan prevents the subdivision of land within Zone No 1 (a) or 1 (b) on which a dwelling-house lawfully stands, where:
- (a) one allotment created by the subdivision comprises the allotment on which that dwelling-house stands, and
 - (b) any other allotment created by the subdivision is consolidated and used for the purposes of agriculture or forestry with the allotment with which it is consolidated.
- (4) The council may consent to the creation of one but not more than one additional dwelling on land to which this plan applies (whether by the erection of a new dwelling or the alteration of an existing dwelling) so as to create not more than 2 dwellings, where:
- (a) a dwelling could be erected on the land in accordance with this plan,
 - (b) no additional access to a public road is required from the land,
 - (c) separate ownership of the proposed dwelling would only be achieved by a subdivision of the land, and
 - (d) in the opinion of the council, the dwelling to be erected on that land will not interfere with the purpose for which the land is being used.
- (5) Where a dwelling-house is erected, altered or added to, or is proposed to be erected, altered or added to, in accordance with this clause, being a dwelling-house erected on land in respect of which development for the purposes of a residential flat building is prohibited, the separate occupation of the several lots illustrated by a proposed strata plan relating to that dwelling-house is prohibited.
- (6) The council shall not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except in accordance with this plan.

12A Development of residential land

- (1) This clause applies to land within Zone No 2.
- (2) In this clause, a reference to the area of an allotment does not, in the case of a hatchet-shaped allotment, include a reference to the area of the access corridor of the allotment.

- (3) A person must not carry out development for the purposes of a dwelling-house on an allotment of land to which this clause applies unless the area of the allotment is not less than 400 square metres.
- (4) However, integrated housing development may be carried out on an allotment of land to which this clause applies if (but only if) each proposed allotment has an area of 230 square metres or more.
- (5) Nothing in this plan prevents a person from erecting a dwelling-house on an allotment of land to which this clause applies if the allotment is an allotment created for residential purposes prior to the appointed day.

13 Development of land on adjoining boundaries

- (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.
- (2) Subject to subclause (3), development may, with the consent of the council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the zone boundary.
- (3) The council shall not consent to the carrying out of development referred to in subclause (2) unless it is satisfied that the carrying out of the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of the land concerned and will not adversely affect the relevant planning objectives or amenity of the locality.

14 Development of rural land or land within the environment protection zone

- (1) The council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (b) unless it has made an assessment, where relevant, of the effect of the carrying out of that development on:
 - (a) the present and potential use of the land for the purpose of agriculture,
 - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
 - (c) the future recovery of known or prospective areas of valuable deposits of minerals, sand, gravel or other extractive materials,
 - (d) the protection of areas of significance for nature conservation or of high scenic value, places and building of archaeological or heritage significance and Aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public infrastructure and

services to the development, and

- (f) the future expansion of settlements in the vicinity.
- (2) In assessing the effect referred to in subclause (1), the council shall have regard not only to the land the subject of the application but also to land in the vicinity.
- (3) The council shall not consent to an application to subdivide land within Zone No 1 (a) where any allotment to be created by the subdivision is to be used primarily for the purposes of agriculture (other than intensive agriculture), unless each allotment created for that purpose is, in the opinion of the council, physically capable of sustaining agricultural food or fibre production of a form common in the area.
- (4) The council shall refuse to consent to the creation of an allotment within Zone No 1 (a) where, in the opinion of the council:
- (a) the allotment comprises prime crop or pasture land,
 - (b) the creation of the allotment is likely to adversely affect the existing and potential capability of the land the subject of the application to produce food or fibre, or
 - (c) the proposed allotment could lead to a potential conflict in the use of land in the vicinity for agriculture.
- (5) Subject to subclause (6), the council shall not consent to an application to subdivide land within Zone No 1 (a) where any allotment to be created by the subdivision is to be used primarily for purposes other than agriculture or a dwelling, unless in the opinion of the council:
- (a) the land does not comprise any prime crop or pasture land or any land that is or could be used for a form of agriculture common to the area, and
 - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (6) Subject to subclause (9), the council may grant consent to an application to subdivide land within Zone No 1 (a) so as to create an allotment to be used for a purpose other than agriculture or a dwelling where, in the opinion of the council:
- (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,
 - (b) no other land in the locality could reasonably be used for that purpose, and
 - (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.

(7), (8) (Repealed)

(9) The council shall not grant consent to a development application to subdivide land within Zone No 1 (a) or 7 unless:

- (a) in respect of land within Zone No 1 (a), the area of each allotment to be created is not less than 5 hectares, or
- (b) in respect of land within Zone No 7, the average area of the allotments to be created is not less than 10 hectares.

15 Development of rural residential land

The council shall not grant consent to a development application to subdivide land within Zone No 1 (b) unless:

- (a) the area of each proposed allotment is not less than 0.2 hectares, and
- (b) the average area of the proposed allotments within the subdivision is not less than 0.5 hectares.

16 Development along arterial roads

(1) The council shall not grant consent to an application to carry out development on land which has frontage to an arterial road unless, in the opinion of the council:

- (a) access to that land is provided by a road other than the arterial road, wherever practicable or essential, and
- (b) the safety and efficiency of the arterial road will not be adversely affected by:
 - (i) the design of the access to the proposed development,
 - (ii) the emission of smoke or dust from the proposed development, or
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

(2) The council shall not consent to the development of rural land within Zone No 1 (a) or 1 (b) for:

- (a) bulk stores,
- (b) caravan parks,
- (c) car repair stations,
- (d) commercial premises,
- (e) hotels,

- (f) industries (other than home or rural industries),
- (g) junk yards,
- (h) mines,
- (i) motels,
- (j) place of public assembly,
- (k) recreation facilities and establishments,
- (l) refreshment rooms,
- (m) retail plant nurseries,
- (n) roadside stalls,
- (o) sawmills,
- (p) service stations,
- (q) stock and sales yards,
- (r) transport terminals (other than bus stations),
- (s) warehouses,
- (t) clubs,
- (u) hospitals,
- (v) educational establishments,
- (w) liquid fuel depots, or
- (x) places of public worship,

if the development of the land for any such purpose will have direct access to an arterial road or to a road connecting to an arterial road and the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

- (3) Where it appears to the council that development on land within Zone No 5 (c), which may be carried out in accordance with subclause (1), cannot be carried out within a reasonable time after the appointed day the council may, subject to this clause, consent to the carrying out of other development on that land.
- (4) In granting consent under subclause (3), the council shall impose conditions (including conditions relating to the removal or alteration of the development, the reinstatement

of the land or the payment of compensation) so as to ensure that that consent and any development carried out in pursuance of that consent will not prejudice or increase the cost of the ultimate acquisition by the council or any other statutory authority of the whole or any part of the land within Zone No 5 (c).

- (5) The council shall not grant consent under subclause (3) to development on land within Zone No 5 (c) without the concurrence of the Commissioner for Main Roads.
- (6) In deciding whether to grant concurrence under subclause (5), the Commissioner of Main Roads shall take into consideration:
 - (a) whether the type and volume of traffic likely to utilise the proposed development is likely to constitute a traffic hazard or to reduce the capacity and efficiency of the arterial road to carry traffic, and
 - (b) whether the location, nature and design of the proposed development ensures that through traffic movements on the arterial road will not be impeded.
- (7) The council shall not, without the approval of the Commissioner for Main Roads, cause to be aligned or realigned any main road or any other road which the Commissioner for Main Roads has notified as a proposed main road.

17 Solar access as a matter for consideration

A person shall not erect a building on land if, in the opinion of the council, the building when erected would significantly affect the access of solar radiation between the hours of 9 am and 3 pm Eastern Standard Time (as measured on the day of the winter solstice) to existing or likely developments on adjoining land or on other land in the locality.

18 Overshadowing of The Mall

- (1) In this clause, **height**, in relation to a building, means the greatest vertical distance between the footpath level abutting the frontage of the site on which that building is located and the topmost point of that building at the footpath alignment.
- (2) A person shall not erect a building on land abutting the northern side of Beardy Street between Dangar and Marsh Streets exceeding 10 metres in height unless that part of the building exceeding that height is set back one metre from the boundary of the footpath on the northern side of Beardy Street for each metre by which the building exceeds 10 metres in height.

19 Development of Armidale Showground

Nothing in this plan prevents the development of land known as the Armidale Showground for the purpose of trade stands, livestock pens, judging rings and pavilions involving the occasional display of goods for sale or in an exhibition.

20 Heritage items and conservation areas

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic,
 - (c) excavate for the purpose of exposing the relic,
 - (d) damage or despoil the place or tree (except as provided by clause 22 (2)),
 - (e) erect a building on or subdivide land on which the building, work, tree or relic is situated or that comprises the place,except with the consent of the council.
- (2)
 - (a) The council shall not grant consent to an application to carry out development referred to in subclause (1) that involves erecting a building or altering an existing building unless it has taken into consideration the relevant matters in subclause (6) and the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting,
 - (b) the council may require that a conservation plan accompany such a development application, to enable the council to fully consider the heritage significance of the item and the impact of the proposed development on the significance of the item and its setting.
- (3) The council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.
- (4) A person shall not, in respect of a conservation area:
 - (a) demolish a building or work within the area,
 - (b) alter a building or work within the area in a manner which would significantly alter its external appearance,
 - (c) damage or move a relic within the area,
 - (d) excavate within the area for the purpose of exposing or removing a relic,
 - (e) damage or despoil a place within the area, or

(f) erect a building on or subdivide land within the area,
except with the consent of the council.

- (5) The council shall not grant consent to an application to carry out development referred to in subclause (4) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area.
- (6) The council shall not grant consent to an application to carry out development referred to in this clause, being an application to erect a new building or to alter an existing building, unless the council has made an assessment of:
- (a) the pitch and form of the roof,
 - (b) the style, size, proportion and position of the openings for windows and doors, and
 - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing building (if any) to be altered or in the conservation area.

20A Conservation incentives

- (1) Nothing in this plan prevents the council from granting consent to an application to:
- (a) use, for any purpose, a building that is a heritage item, or the land on which the building is erected, or
 - (b) use, for any purpose, a building within a conservation area or the land on which the building is erected,
- if it is satisfied that:
- (c) the proposed use would have little or no adverse effect on the amenity of the area, and
 - (d) the conservation of the building depends on the council's granting consent under this clause.
- (2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the council may:
- (a) for the purposes of determining the floor space ratio, and
 - (b) for the purposes of determining the number of parking spaces to be provided on the site, and
 - (c) for the purposes of calculating any contributions under section 94 of the *Environmental Planning and Assessment Act 1979*,

exclude the item from its calculations, but only if the council is satisfied that the conservation of the item depends upon the council's granting consent under this clause.

20B Development of places of potential archaeological significance and archaeologically-sensitive areas

- (1) Where the council receives an application to carry out development on land which is identified as a heritage item of potential archaeological significance in Part 2 of Schedule 1, the council shall not grant consent until it has received from the applicant and considered:
 - (a) a conservation plan which includes an assessment of how the proposed development would affect the conservation of the item, and
 - (b) written evidence that the applicant has complied with the provisions of Division 9 of Part 6 of the *Heritage Act 1977* in relation to any proposed excavation arrangements on the site.
- (2) The council shall not grant consent to an application to carry out development on land within an archaeologically-sensitive area unless:
 - (a) in the case of land within Category 1, the council has considered the recommendations arising from an archaeological survey or study to be carried out by the applicant in consultation with the council and the National Parks and Wildlife Service, and
 - (b) in the case of land within Category 2, the council has consulted with and considered the recommendations of the National Parks and Wildlife Service concerning the need for archaeological investigations to be carried out prior to the carrying out of the development.

21 Access

- (1) A person other than the council shall not construct a road which has access to an existing public road except with the consent of the council.
- (2) Notwithstanding subclause (1), a person other than the council shall not construct a road which has access to an existing or proposed main or arterial road without the prior concurrence of the Commissioner for Main Roads.
- (3) In deciding whether to grant concurrence under subclause (2), the Commissioner for Main Roads shall take into consideration:
 - (a) whether the type and volume of traffic likely to utilise the proposed road is likely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main road to carry traffic, and

- (b) whether the location, standard and design of the proposed road ensures that through traffic movements on the main road will not be impeded.

22 Tree preservation

- (1) Except as provided by subclause (2), a person must not ringbark, cut down, top, lop, remove, injure, poison or wilfully destroy any tree or trees with an overall height of 5 metres above ground, without the written approval of council.
- (2) The approval referred to in subclause (1) is not required where:
 - (a) the tree is dead, or
 - (b) the tree's condition constitutes an immediate threat to life or property, or
 - (c) the tree is included in any current list of noxious plants from time to time published by the New England Tablelands (Noxious Plants) County Council, or
 - (d) the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service mains, or
 - (e) the work involves only minor pruning which is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy, and is not likely to jeopardise the tree's existence.
- (3) An application for the council's approval under subclause (1) must be accompanied by the written consent of the property owner to the proposed work.
- (4) The council must not grant approval for any action referred to in subclause (1) unless it has assessed the following matters:
 - (a) the reason for the proposed work,
 - (b) the visibility and contribution of the tree or trees in the local landscape or streetscape,
 - (c) the type and rarity of the species,
 - (d) the number of trees in the vicinity,
 - (e) whether the tree may become dangerous or damage property or utility services,
 - (f) whether new plantings are proposed or are desirable,
 - (g) the effect of the tree or trees on local views, on solar access to properties and on local amenity,
 - (h) any heritage significance of the tree,

(i) soil conservation and erosion issues.

(5) This clause does not apply to trees in a State Forest or on other Crown timber lands within the meaning of the *Forestry Act 1916*, or to trees trimmed or otherwise dealt with in accordance with clause 23 of the *Electricity (Overhead Line Safety) Regulation 1991*.

23 Community use of educational establishments

(1) Nothing in this plan prevents the council from granting consent to:

(a) the community use of the facilities and sites of educational establishments,

(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 educational establishments,

whether or not the development is ancillary to any such purpose.

(2) Nothing in this plan prevents a person from carrying out development pursuant to a consent referred to in this clause.

24 Acquisition of reserved land

(1) The owner of any land within Zone No 6 (a) or 9 may, by notice in writing, require the council to acquire that land.

(2) On receipt of a notice referred to in subclause (1), the council shall acquire the land.

25 Roads, cycleways, drainage, recreation areas and parking

(1) Subject to subclause (3), nothing in this plan prevents the council, or any person acting on the council's behalf, from carrying out development on land within any zone for the purposes of roads, cycleways, stormwater drainage (or other utility service infrastructure), recreation areas, landscaping, gardening, bushfire hazard reduction or parking.

(2) The reference in subclause (1) to the carrying out of development for the purpose of roads includes a reference to the winning of extractive material within the road reserve by a public authority for the purpose of road construction.

(3) Nothing in subclause (1) permits any development without the council's consent if the proposed development is to be carried out on any place listed in Schedule 1 to this plan.

26 Uses ancillary or incidental to a gas works

(1) Nothing in this plan prevents the council from granting its consent to development of

lot 1, section 171, 237 Beardy Street, Armidale, for the purpose of offices, showrooms, staff facilities and other purposes ordinarily ancillary or incidental to a gas works.

- (2) The council shall not grant its consent to development under subclause (1) until it is satisfied that the use of the land will revert to public open space purposes immediately upon cessation of those purposes ancillary or incidental to a gas works.

27 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this plan or in accordance with a consent granted under the Act in relation to development carried out in accordance with this plan:
- (a) section 37 of the *Strata Titles Act 1973*, and
 - (b) any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Pursuant to section 28 of the Act, before making of this plan:
- (a) the Governor approved of subclause (1), and
 - (b) the Minister for the time being administering section 37 of the *Strata Titles Act 1973*, concurred in writing in the recommendation for the approval of the Governor of that subclause.

28 (Repealed)

29 Temporary use of public land

- (1) In this clause:
- (a) **public land** means land vested in (or held by trustees on behalf of) the Crown, a Minister of the Crown, a statutory body, or the council, and
 - (b) a reference to a person's having temporary use of land is a reference to the person's use of the land concerned for a maximum period of 14 days (whether consecutive or not) in a calendar year.
- (2) Despite any other provision of this plan, a person may, without the consent of the council, have the temporary use of any public land for any purpose unless the use of the land for that purpose:
- (a) would constitute the carrying out of designated development or development for the purposes of hazardous or offensive industries or storage establishments, as defined by *State Environmental Planning Policy No 33—Hazardous and Offensive Development*, or

(b) would involve the erection or alteration of any structure intended to be permanent.

(3) Nothing in this clause permits a person to have the temporary use of public land:

(a) without the consent of the owner of the land (or any trustees controlling the land),
or

(b) without complying with the conditions of any development consent in force in relation to the land or the proposed use of the land.

30 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out, on land described in Schedule 2, the development specified in that Schedule in relation to that land, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of the development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the council in respect of the development.
- (3) Nothing in this clause requires development consent to be obtained for a dual occupancy or dwelling-house on land subdivided in accordance with item 3 of Schedule 2.

31 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 3 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 3 is land that was classified, or reclassified, as operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Part 2 of Schedule 3:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 3, to the extent (if any) that is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all

trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those specified opposite the land in Column 3 of Part 3 of Schedule 3.

- (5) In this clause, the relevant amending plan, in relation to land described in Part 3 of Schedule 3, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 3, the Governor approved of subclause (4) applying to the land.

Schedule 1 Heritage items

(Clauses 5 (1), 20B)

(Note—

This schedule is supported by the map marked “*Armidale Local Environmental Plan 1988—Amendment No 7—Heritage Conservation*” held by the council showing the whole of the sites on which these items are situated or appropriately identified)

(Numbers at left refer to inventory item numbers and map)

Part 1 Buildings and grounds

A. Individual Buildings

Barney Street

1	No 88 (part)	Southall
2	No 88 (part)	SH Smith House including grounds (Landscape Item L28)
3	Nos 140-146	
4	No 166	ASCA building (cnr Markham Street)

Beardy Street

5	No 135-137	AMP Society
6	No 139-141	Westpac (cnr Faulkner St)
7	No 143-145	Court House (cnr Faulkner St)
8	Nos 157-163	
	No 191	Refer to Moore St, Item 109
9	No 195	J Richardson and Co (cnr Dangar St)
10	No 203-207	Former cinema
11	No 261	Victoria Cottage
12	No 307	(Corner Ohio Street)

13	No 62	JB Moriarty (cnr Douglas St)
14	Nos 88-90	
15	Nos 134-136	
16	Nos 144-156	Imperial Hotel (cnr Faulkner St)
17	Nos 158-160	Armidale Post Office (cnr Faulkner St)
18	Nos 164-166	Former CBA Bank
19	Nos 172-174	Tattersall's Hotel
20	No 176	Commonwealth Bank
21	Nos 194-196	New England Hotel (cnr Dangar St)
22	No 208	State Bank
23	No 282	(Corner Butler Street)
24		Bishopscourt site—see Uralla Road
Bona Vista Road		
25		Bona Vista and grounds (Landscape Item L86)
Brown Street		
26	No 89	Wiluna
27	Nos 91-93	Including garden and hedge (Landscape Item L63)
28	No 111	House and Stable
181	No 113	
29	No 131	
31	No 84	Trelawney (cnr Taylor St) including garden (Landscape Item L64)
32	No 98	
33	No 108	Birida (cnr Marsh St) including garden (Landscape Item L8)
34	No 134	
35	No 138	
36	No 166	(Corner Allingham Street)
37	No 196	Areello
38	No 198	
	No 247	(refer Item 117—Railway Parade)

182 No 193

183 No 195

Butler Street

39 Armidale High School (cnr Kentucky St)
including grounds (Landscape Item L11)

40 No 163

41 No 102 (Corner Brewery Lane)

Chapel Street

42 (No 65 Galloway St) Corner Galloway Street including garden
(Landscape Item L16)

Crescent Street

43 No 3 Former Trim and Co store

Dangar Street

44 No 133 Arran Cottage

45 No 137
No 161 (refer item 119—Reginald Avenue)

46 No 114

47 No 160 (Corner Brown Street)

48 No 176 (Corner Mann St) including trees (Landscape
Item L27)

49 No 194 (Corner Mossman Street)

Dorothy Avenue

50 No 3

Douglas Street

51 Nos 98-106 (Excluding No 102)

Donnelly Street

No 118 (refer item 65—Nos 68-70 Faulkner Street)

Dumaresq Street

52 No 93 Former hotel

54 No 263

178 No 271

Faulkner Street

55	No 89	Legacy House
56	No 111	Pastoral Chambers
57	No 121	
58	No 139	
59	No 147A	Masonic Hall
60	No 137	Johnstone Memorial Hall
61	No 137	St Paul's Presbyterian Church including grounds, fence, trees and hedge (Landscape Item L43)
62	No 157	(Corner Brown Street) including hedge and garden layout (Landscape Item L40)
63	No 169	(Corner St Andrews Avenue)
64	No 177	Highbury (Corner Mann St) including hedge and trees (Landscape Item L38)
65	Nos 68-70	(also known as 118 Donnelly St)
66	No 110	Police Station (cnr Moore St)
67	No 118	Lands office (cnr Cinders Lane)
68	No 120	Former State Emergency Services office (cnr Cinders Lane)
69	No 124	Folk Museum (cnr Rusden St)
70	No 128	Lindsay House (cnr Barney St)
71	No 132	Denham Cottage including garden (Landscape Item L42)
72	No 160	Uloola (cnr Reginald Avenue) including garden (Landscape Item L36)

Galloway Street

No 65 (refer item 42—Chapel St)

Glen Innes Road

73		Canowindra including garden setting (Landscape Item L85)
74	Nos 79-81	(Corner Gordon Street)

Golgotha Street (South)

75 No 96

Grafton Road

76 No 20

Jeffery Street

77 No 79

78 No 83

79 No 95

80 No 109

Jessie Street

81 No 168

82 No 170

Sturry (cnr Mann St) including garden
(Landscape Item L21)

Judith Street

83 No 3

Soudan

Kennedy Street

84 No 27

Kentucky Street

85

Former Public School buildings (Opposite the C
B Newling Centre of the University of New
England)

86 No 46

Kirkwood Street

87 No 160

179 No 187

(Corner Markham Street)

Lambs Avenue

184 No 171A

Former Railway Gatekeeper's Cottage

Mann Street

88 No 65

Opawa including garden and trees (Landscape
Item L69)

89	No 108	Teringa
90	No 118	Loombra (cnr Faulkner St) including garden and cedar tree (Landscape Item L56)
91	No 128	including garden, hedge and fence (Landscape Item L57)
92	No 146	Linden Hall
93	No 200	Carlisle
Markham Street		
94	No 123	
95	No 129	Owl Scot (cnr Barney St)
96	No 136	(Corner Butler Lane—see also Part 2 of Schedule 1, Item A12)
97	No 208	(Corner Murray Avenue)
98		Hepplegate
Marsh Street		
99	No 45	
100	No 49	
101		St Kilda Cellars (see also Item 127)
102	No 175	
103	No 179	(Corner Mann Street) including Himalayan Cypress trees (Landscape Item L46)
177	No 34	Cotswold, including fence and grounds (Landscape Item L90)
104	No 168	Belmore Cottage (cnr Brown St) including garden, trees and hedge (Landscape Item L37)
105	No 184	Comeytrove (cnr Mann St) including garden and trees (Landscape Item L45)
106	No 192	(Corner Drummond Avenue)
Martin Street		
107	No 32	
Millie Street		
108	No 18	Kiola

Moore Street

109 No 32 The Stables (cnr Dangar St) (Part of 191 Beardy St)

110 No 100 Former sheriff's cottage (cnr Faulkner St at rear of Court House)

Mossman Street

111 No 113

112 No 145 The Turrets including garden (Landscape Item L51)

113 No 144

New England Highway

Canowindra refer to Glen Innes Rd item 73
Bishopscourt refer to Uralla Rd item 24

Niagara Street

114 No 120 Johnson and Kennedy Service Station (cnr Rusden St)

Ohio Street

116 No 66

Railway Parade

117 No 247 Former Police lock-up

Reginald Avenue

118 No 3 Mongoola

119 No 10 Kilbucho, including garden (Landscape Item L24) (Corner Dangar Street, known as 161 Dangar Street)

Rusden Street

120 No 69

121 Town Hall

122 No 161 Minto Building (Former Central Hotel) (cnr Jessie St)

123 No 163-165 Baptist Church and Hall (cnr Jessie St)

180 No 277 (Corner Niagara Street)

126	No 94	Mallam House
127		St Kilda Hotel (cnr Marsh St)
131	No 222	Railway Hotel
132	No 286	St Mary's Anglican Church

Short Street

133		Wyevale
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Taylor Street

134	No 7	
135	No 36	
136	No 150	

The Boulevarde

137		Former St. Patrick's Orphanage including grounds (Landscape Item L89)
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Uralla Road

24		Former Bishops Court and grounds (Landscape Item L82)
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B. Buildings in groups or located on special sites

Armidale Cemetery

(bounded by O'Connor Street, Lambs Avenue and Lynches Road)

138		Cemetery buildings
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(See also inventory items A11 and L80)

Armidale Racecourse

139		Jockeys' rooms
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Armidale Railway Station

(Brown Street)

140		Railway Station
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141		Pair of railway cottages
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142		Former stationmaster's residence
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Listing includes archaeological inventory items A6 and A7

Armidale Showground

(bounded by Dumaresq, Kennedy, Kirkwood and Canambe Streets)

143A		Grandstands
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143B	The Queen Victoria Jubilee Urinal
143C	Twin chimneys
144	Main pavilion
Catholic Church—Convent—School Group	(bounded by Dangar, Barney, Jessie and Rusden Streets)
145	Cathedral of St. Mary and St. Joseph (cnr Dangar and Barney Streets)
148	Merici House (Dangar Street)
149	Former St. Ursula's College (Barney Street)
150	Chapel, Ursuline Convent (Corner Barney and Jessie Streets)
151	Ursuline Convent (Jessie Street)
152	St. Anne's Building, St. Mary's School (Jessie Street)
153	St. Mary's School, 1959 Building (No 156 Rusden Street, corner Jessie Street)

Listings include grounds, particularly churchyard (Landscape Item L31) and convent grounds (Landscape Item L22)

New England Girls' School Group

(New England Highway)

154	Akaroa
155	Chapel
156	Dining room complex
157	Music building
158	St. John's Junior School

CB Newling Centre of The University of New England

(Bounded by Mossman, Faulkner, Kentucky and Dangar Streets)

159	Former Teachers' College, Main Building
160	Residence

Listing includes grounds (Landscape Item L50)

O'Connor Catholic High School Group

(Bounded by Kirkwood, Kennedy, Donnelly and Canambe Streets)

161	De La Salle Brothers Residence (No 37 Kirkwood Street)
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- 162 Original Main Building
- 163 1920's classroom building
- Listing includes Kirkwood Street entry gates, avenue of trees and grounds (Landscape Item L78)

St. Peter's Church Group

(Bounded by Dangar, Tingcombe, Faulkner and Rusden Streets)

- 130 No 116 St. Peter's Church Hall
- 164 St. Peter's Anglican Cathedral Church (Dangar Street)
- 165 Deanery
- 166 The Diocesan Registry (No 118 Rusden Street, corner Faulkner Street)

Listing includes churchyard and rectory garden (Landscape Item L32)

The Armidale School

(Bounded by Douglas, Barney, Kennedy and Mann Streets)

- 167 Original Main Building including classrooms, library, dormitory and headmaster's residence
- 168 Chapel (Douglas Street)
- 169 Wakefield House (Barney Street)

Listing includes grounds (Landscape Item L18)

The University of New England

- 170 Booloominbah
- 171 The Lodge (Enquiries Cottage)
- 172 Sub-Lodge
- 173 Science Block (Library Road)
- 174 Shingled cottage (Library Road)
- 175 Trevenna

Listing includes grounds to Booloominbah and Trevenna (Landscape Items L2 and L1)

Uniting Church Group

- (No 114 Rusden Street)
- 128 Wesley Hall
- 129 Uniting Church

Listing includes grounds and gardens of Parsonage (Landscape Item L74)

Part 2 Items of potential archaeological significance

(Numbers at left refer to map and inventory sheet numbers)

Beardy Street

A1		Timber suspension footbridge and former pool entrance and community craft shop
A2		Site of Edward Allingham's Mill (cnr Allingham Street)
A3	No 231	Former gasworks residence
A4	No 237	Armidale City Gasworks—large gas holder

Brewery Lane

A5		Site of Simpson's Brewery
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Brown Street

A6		Former boiler for footwarmers Armidale Railway Station
A7		Turntable—Armidale Railway Station

Crescent Street

A8		Stone kerbing
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Dumaresq Street

A9		Site of Tuck's Brewery (between Butler and O'Dell Streets)
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Faulkner Street

A10		Site of Trim's Store (cnr Dumaresq St)
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Lambs Avenue/Lynches Road

A11		General Cemetery (see also items 138 and L80)
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Markham Street

A12	No 136	Site of cordial factory and cottage (cnr Butler Lane—see also Item 96)
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Rusden Street

A13	No 237	Domed cistern
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Tancredi Street

A14		Site of B A Moses' Tannery
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Taylor Street

A15 Site of Robert Kirkwood's Mill

A16 Site of Commissioner's Quarters MacDonald Park

City generally

Sites containing Aboriginal relics as identified in the Aboriginal Sites Survey deposited in the office of the council

Mann Street

L69 No 63 (part L69) Tree

L52 No 89 Garden

L53 Nos 91-93 Gardens, hedge and fence

L60 No 157 Garden

L54 No 112 Garden, hedge

L58 No 150 Hedge and peppercorn tree

L61 No 164 Garden

Marsh Street

L48 No 137 Two Himalayan Cedar trees

L47 Nos 159-163 Hedge, fence, garden trees

L44 No 189 Garden

Mossman Street

L35 No 120 Yo-Merrie garden (cnr Faulkner Street)

Rusden Street

L91 No 291 Cypress trees in garden

L92 Drummond School grounds and trees

Taylor Street

L66 Newling Administration Centre and playing fields grounds

Part 3 Landscape items

NOTE—

THIS LIST DOES NOT INCLUDE LANDSCAPE ITEMS ALREADY IDENTIFIED IN PART 1 OF THIS SCHEDULE.

(Numbers at left refer to map and inventory sheet numbers)

Beardy Street

L5 Monument and tree (east side of Court House)

Bona Vista Road

L87 No 19 Trees and garden

Cooks Road

L84 Maroombra garden (200m south of Erskine Street)

Dangar Street

L33 Victorian cast iron post box (cnr Rusden Street)

L6 Central Park, including rotunda

L26 Armidale Public School grounds (bounded by Faulkner and Brown Streets)

L29 No 146 Himalayan Cedar tree (cnr Barney Street)

L25 Nos 184-188 Hedges and tree

Dangarsleigh Road

L17 Terangan grounds

Douglas Street

L76 Armidale Sportsground (cnr Dumaresq St)

Elm Avenue

L3 Entrance to University of New England

Erskine Street

L83 No 125 Presbyterian Ladies College grounds

Faulkner Street

L39 No 187 Garden, trees and hedge

L37 No 189 Hedge

L34 No 201 Garden (corner College Avenue)

L41 No 140 Elm trees

Jessie Street

L20 No 178 Garden

Lambs Avenue/Lynches Road

L80 Armidale Cemetery

Lynches Road

L88 No 68 Trees in garden (cnr Barclay Road)

Schedule 2 Development for certain additional purposes

(Clause 30)

Column 1	Column 2	Column 3
Land	Development	Conditions
<p>1. <u>16-22 Uralla Road (New England Highway) Armidale</u>, being Lot 1, DP 701519 and Portion 660 Parish of Armidale, County of Sandon, as shown edged heavy black on the map marked "<i>Armidale Local Environmental Plan 1988 (Amendment No 2)</i>".</p>	<p>Development for the purposes of a livestock breed society headquarters.</p>	...
<p>2. <u>78 Glen Innes Road (New England Highway) Armidale</u>, being Lot 9, DP 255035, as shown edged heavy black on the map marked "<i>Armidale Local Environmental Plan 1988 (Amendment No 5)</i>".</p>	<p>Subdivision into lots of not less than 0.8 hectares, and Development for the purposes of a livestock breed society headquarters on one of those lots.</p>	...
<p>3. The following land in Armidale, as shown edged heavy black on the map marked "<i>Armidale Local Environmental Plan 1988 (Amendment No 6)</i>", as amended by the map marked "<i>Armidale Local Environmental Plan 1988 (Amendment No 10)—Sheet No 1</i>":</p> <p>(a) Part Lot 21, DP 829599, <u>Link Road</u>,</p> <p>(b) Part Lot 2, DP 514404, part Lot 2, DP 501213 and part Lot 951, DP 755808, <u>Rockvale Road</u>.</p>	<p>Subdivision of all or part of any parcel specified in Column 1 of this item into allotments having an average size not greater than 2000 square metres, and Development, on each lot having an area not greater than 5000 square metres created by such a subdivision, for such purposes as are permitted on land within Zone No 2.</p>	<p>A subdivision under this item must be registered at the Land Titles Office within 5 years after the commencement of <i>Armidale Local Environmental Plan 1988 (Amendment No 6)</i>, provided that the Council may, on an application to it within that period which shows good cause why an extension of time should be granted, extend that period by up to 2 years for any of the parcels identified in Column 1 of this item.</p>

4. 85-87 Queen Elizabeth Drive being lots 1 and 2, DP 195565, as shown edged heavy black on Sheet 1 of the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 8)*".
- Development for the purposes of a livestock breed society headquarters. ...
5. 11 Fiona Place being Lot 1 DP 589383 and adjacent land being part Lot 22 DP 825109 as shown edged heavy black on Sheet 1 of the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 14)*".
- Development for the purpose of a livestock breed society headquarters. Consolidation of the land into one allotment.
6. 126 Barney Street, Armidale, being Lot 12, DP 71812, as shown edged heavy black on the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 16)*".
- Development for the purpose of a livestock breed society headquarters. Retention and renovation of existing building.
7. 80 Brown Street, Armidale, being Lot A DP 696046, as shown edged heavy black on Sheet 2 of the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 18)*".
- Development for the purpose of an agriculture commodity trading business. ...
8. 27 Marsh Street, Armidale, being Lot 12, DP 544404, as shown edged heavy black on the map marked "*Armidale Local Environmental Plan 1988 (Amendment No 21)*".
- Development for the purpose of a professional consulting office. The public display of locally historic survey and building equipment.
9. 78 Glen Innes Road, Armidale, being Lot 1, DP 826910.
- Development for the purposes of high technology industry, medical centres, professional consulting offices and technologists' consulting rooms and offices. ...

Schedule 3 Classification or reclassification of public land as operational

(Clause 31)

Part 1 Land classified, or reclassified, before the application of

amendments made to s 30 of LGA 1993

Location	Description
Land at the rear of Nos 119 and 121 Beardy Street, Armidale.	Lot 14, DP 576825, and Lot 16, DP 560183, as shown edged heavy black on the map marked "Armidale Local Environmental Plan 1988 (Amendment No 15)".
Land approximately 40m east of Queen Elizabeth Drive and Elm Avenue intersection.	Part Lot 22 DP 825109, as shown edged heavy black on Sheet 2 of the map marked "Armidale Local Environmental Plan 1988 (Amendment No 14)".
Land off Conningdale Crescent, Armidale.	Lot 10, DP 718207, Lot 27 DP 773491 and Lot 39 DP 787459.
Land at the south-west corner of Central Park, adjoining Barney and Dangar Streets.	Part of Lot 1, DP 123964, as shown edged heavy black on the map marked "Armidale Local Environmental Plan 1988 (Amendment No 20)".

Land shown edged heavy black on the map marked "Armidale Local Environmental Plan 1988 (Amendment No 17)" and numbered on that map as follows:

20	Vacant land in Allingham Street, Armidale	Lot 28, DP 775355
4	Land at 139 Allingham Street, Armidale—Scout Hall	Part Lot 17, Part Lot 18, Part Lot 19, Section 21
40	Land in Arundel Drive, Armidale—Water Treatment Plant	Lot 1, DP 534791; Lots 5 and 6, DP 730129, Part Lot 865, Section 208
5	Land at 93 Barney Street, Armidale—Tennis Courts (For Access and Tennis Courts)	Lot 7, DP 595886; Lot 30, DP 792886
46	Vacant land at 157 Barney Street, Armidale	Part Lot 8, Section 25
26	Land in Beardy Street, between Dangar and Faulkner Streets, called "The Mall"	Lot 1, DP 728605, RB 9023, Section 5
92	Land at 131 Beardy Street, Armidale—Public Walkway adjoining ANZ Bank	Lot 38, DP 851828 and Part Allotment 1, Section 3
CP10	Land at 240 Beardy Street, Armidale, designated as a public carpark	Lot 16, DP 802100, Section 23
CP8	Land in Beardy Street, Armidale, adjoining City Gas, designated as a public carpark	Lot 1, DP 781352, Section 173
12	Land at 235–237 Beardy Street, Armidale—City Gas	Lot 19, DP 594665; Lot 21, DP 621344, Section 173
75	Land in Bona Vista Road, off Nathaniel Pidgeon Drive, Armidale, access denial strip	Lots 28 and 29, DP 748736

80	Land in Box Hill Drive, off Erskine Street, Armidale, access denial strip	Lots 55 and 56, DP 813182; Lot 83, DP 827568; Lot 62, DP 819329
56	Land in Box Hill Drive and Erskine Street, off Northey Drive, Armidale, access denial strips	Lots 34 and 35, DP 718892
25	Land in Bundarra Road, Armidale—Armidale Saleyards	Lots 1036 and 1060, DP 755808, Section 506
13	Land at 24 Centennial Close, Armidale	Lots 1 and 2, SP 40472, Section 184
CP3	Land in Cinders Lane, Armidale, designated as a public carpark	Part Lots 12 and 13, Lot 1, DP 114800, Section 5
45	Land in Cinders Lane, Armidale, laneway from carpark	Lot 6, DP 564754
89	Land in Cooks Road, Armidale, access denial strip	Lot 29, DP 838599
55	Land in Crest Road and Erskine Street, Armidale, access denial strip	Lots 15 and 16, DP 740876
93	Land at the rear of 196–200 Donnelly Street, corner Kirkwood and Donnelly Streets—Kirkwood Parkway, Armidale	Lot 53, DP 846398, Section 170
33	Vacant land at 72 Douglas Street, Armidale	Lot 1, DP 783749, Section 13
34	Vacant land at 74 Douglas Street, Armidale	Part Lot 3, Section 13
101	Land in Douglas Street, south of Dumaresq Creek, Armidale	Lot 1, DP 187281, Section 181
19	Land at 120 Dumaresq Street, Armidale—City Band Room Site	Lot 11, DP 42052, Section 2
21	Land at 121 Dumaresq Street, Armidale	Lot 9, DP 565499, Section 176
CP9	Land at 186 Dumaresq Street, Armidale—Armidale Swimming Centre Carpark	Part Lots 2 and 3, Section 171
51	Land in Dumaresq Street, corner Martin Street, Armidale, access denial strip	Lots 17 and 18, DP 771261
22	Land in Dumaresq Street, Armidale—Armidale Swimming Centre	Lots 2 and 3, Section 171
CP7	Land bounded by Dumaresq Street and Jessie Street, Armidale, designated as a public carpark	Lots 13 and 14, DP 574307; Lot 23, DP 621344, Section 173
94	Land at 83–89 Erskine Street (16–26 Taylor Street), Armidale—part of Bruce Browning Park	Part Lot 883, DP 755808
91	Land in Erskine Street (Kurrajong Close), Armidale, access denial strip	Lots 19 and 20, DP 843554
42	Vacant land in Erskine Street, east of Centennial Close, Armidale	Part Lots 5 and 6, Part Lot 38, DP 731316

81	Land in Erskine Street, off Howard Place and Centennial Close, Armidale, access denial strip	Part Lot 22, DP 258840; Lots 39 and 40, DP 731316
48	Land in Erskine Street, corner Kennedy Street, Armidale, access denial strip	Lot 5, DP 827576
72	Land in Erskine Street, off Fittler Close, Armidale, access denial strip	Lot 18, DP 818595
65	Land in Erskine Street, off Grantham Place, Armidale, access denial strip	Lot 18, DP 251408
79	Land in Erskine Street, off Northey Drive, Armidale, access denial strip	Lots 39, 40 and 41, DP 789128
69	Land in Erskine Street and Cooks Road, off Williams Place, Armidale, access denial strips	Lots 19, 20 and 21, DP 816182
102	Land in Erskine Street, Cooks Road and Daisy Hill Drive, Armidale	Lots 2 and 3, DP 838837
58	Land in Erskine Street and McDonald Drive, Armidale	Lots 30 and 31, Part Lot 32, DP 713862
98	Land in Erskine Street and Kennedy Street, corner Aldred Avenue, Armidale	Lots 27 and 28, DP 849394
86	Airspace above road reserve at 111 Faulkner Street, Armidale	Lot 1, DP 815964
35	Land at 118-120 Faulkner Street, Armidale	Lot 16, DP 528282, Section 5
11	Land at 141-141A Faulkner Street, Armidale—Kent and Hughes Houses	Lots 1, 2 and 3, DP 741631, Section 9
14A	Land in Faulkner Street, Armidale—Armidale Public Library	Part Lots 12 and 13, Section 5
14B	Land in Faulkner Street, Armidale—Armidale Folk Museum	Part Lot 13, Section 5
CP1	Land bounded by Faulkner Street and Dumaresq Street, Armidale, designated as a public carpark	Part Lots 12 and 13, Lot 26, DP 578544; Lot 19, DP 564706; Lot 21, DP 564704; Lot 15, DP 554363; Lot 9, DP 578363; Lot 10, DP 586855; Part Lot 7; Lot 7, DP 580595; Lot 23, DP 607519, Section 3
36	Vacant land at 8 Fitzgerald Avenue, Armidale	Lot 19, DP 16570, Section 41
67	Land in Galloway Street, east of Soudan Terrace, Armidale, access denial strip	Lot 4, DP 253268
3A	Land in Garibaldi Street, Armidale—South Hill Reservoir	Lots 1 and 2, Part Lots 3, 4 and 20, Section 73
78	Land in Glen Innes Road, Armidale, access denial strip	Lot 3, DP 836910

105	Land in Golgotha Street, off Dumaresq Street, Armidale, access denial strip	Lot 7, DP 258847
60	Land in Kelly's Plains Road and Ross Street, Armidale, access denial strips	Lots 11 and 12, DP 259244
88	Land off Kennedy and Hampden Streets, Armidale	Lots 5, 6, 7 and 8, Section 89
77	Land in Lynches Road, west of Markham Street, Armidale, access denial strip	Lot 26, DP 816133
49	Land in Madgwick Drive, Armidale, access denial strip	Lot 2, DP 800449
1	Land at 90 Madgwick Drive, Armidale—Pump Station	Lot A, DP 341798, Section 618
82	Land in Mann Street West, Armidale—Stock Route, rear of Lot 5, DP 581391	Lot 4, DP 581391, Section 594
43	Land in Mann Street West, Armidale—Stock Route, rear of Lot 10, DP 579803	Lot 9, DP 579803
28	Land at 66 Mann Street, Armidale—East Armidale Tennis Club	Part Lots 10, 11 and 12, Section 147
6	Land at 279–289 Mann Street, Armidale—Armidale City Council's Works Depot	Part Lots 1–3 , DP 579803; Part Lot 527, Lot 10, DP 579803; Lot 11, DP 738360, Section 504
17	Land at 82 Marsh Street, Armidale—Armidale Visitors' Centre & Coach Station	Part Lot 2, DP 613782, Section 157
84	Land in Martin Street/Mott Street, Armidale—Stock Route	Lot 7, DP 537050
53	Two parcels of land in Milson Place, Armidale, as public reserve/access denial strips	Lots 41 and 42, DP 786525
CP11	Land in Moore Street, Armidale, designated as a public carpark	Lot 10, DP 42052, Section 4
31	Land at 65 Mossman Street, Armidale	Lot B, DP 412426, Section 147
CP6	Land in Naughten Avenue, Armidale, designated as a public carpark	Lot 14, DP 625233; Lots 16 and 18, DP 625134; Lot 20, DP 625135; Lot 22, DP 624946, Section 11
63	Land in New England Highway, off Cotterell Place, Armidale, access denial strips	Lots 11 and 12, DP 259914
76	Land in the New England Highway, off Link Road, Armidale, access denial strips	Lots 22, 23 and 24, DP 829599
62	Land in New England Highway, off Moyes Street, Armidale, access denial strip	Lot 72, DP 253419
68	Land in New England Highway, off Moyes Street, Armidale, access denial strip	Lot 64, DP 253418

39	Land in Newton Street, Armidale—Drummond Park Reservoir	Lot 1174, DP 748415, Section 108
44	Land in Niagara Street, corner Brewery Lane, Armidale, access denial strip	Lot 190, DP 828921
29	Land in O'Connor Road, Armidale—Armidale Lawn Cemetery	Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Lots 575 to 584, DP 755808, Sections 76 and 401, and closed roads
97	Vacant land in Proctor Street, Armidale	Lot 23, DP 1160, Section 415
74	Land in Queen Elizabeth Drive, off Fiona Place, Armidale, access denial strip	Lot 3, DP 818402
99	Land in Rockvale Road (Rockvale Gardens Subdivision), Armidale, access denial strip	Lot 17, DP 856074
27	Land in Rockvale Road, Armidale—North Hill Tennis Club	Part Lot 907, DP 755808, Section 209
7	Land in Roseneath Lane, Armidale—Landfill Site	Lot 2, DP 820293, Section 314
38	Land in Roseneath Lane, Armidale—Landfill Site Extensions	Lot 2, DP 808124, Section 314
100	Land in Roseneath Lane (108–134 Long Swamp Road), Armidale—Waste Transfer Station	Lot 1, DP 808124, Section 314
3B	Land in Ross Street, Armidale—Southern High Level Reservoir	Lot 5, DP 597273; Lot 3, DP 548104
54	Land in Ross Street, Armidale, access denial strip	Lots 17 and 48, DP 732610; Part Lot 7, DP 732610
87	Land in Ross Street, Armidale, access denial strip	Lot 10, DP 836850, Section 414
64	Land in Ross Street, off Dalton Drive, Armidale, access denial strip	Lot 85, DP 251062
66	Land in Ross Street, off Hawthorn Close, Armidale, access denial strip	Lot 29, DP 251480
73	Land in Ross Street, off The Avenue, Armidale, access denial strip	Part Lot 50, DP 732610
52	Land in Ross Street, off Wyevale Close, Armidale, access denial strip	Lot 41, DP 785370
CP2	Land in Rusden Street, Armidale, designated as a public carpark	Lot 34, FP 83557; Lot 1, FP 361497; Lots 8 and 11, DP 534199; Lot 1, DP 745091; Lot 53, DP 748416; Lots 54 and 55, DP 774394; Lot 10, DP 534199; Lot 1, DP 524359, Section 4
10	Land at 129 Rusden Street, Armidale—Old Council Chambers	Part Lot 12, Plan 927, Section 5
8	Land at 135 Rusden Street, Armidale—Civic Administration Building	Lot 2, DP 908245; Part Lot 15, Section 5

CP4	Land at 149, 153 to 155 Rusden Street, Armidale, designated as a public carpark	Lots 3 and 4, DP 532766; Lot 10, DP 524567; Lots 13 and 14, DP 525216; Lot 5, DP 527670; Part Lot 1, Lot X, Part Lot Y, Lot 1, DP 514815, Section 6
90	Land at 188 Rusden Street, Armidale—Womens' Housing Group	Lot 21, DP 579804
CP5	Land in Rusden Street, between Taylor and Marsh Streets, Armidale, designated as a public carpark	Lot 16, Plan 927, Section 10
9	Land in Rusden Street, Armidale—Armidale Town Hall	Part Lot 12, Section 5
83	Vacant land at 46–48 Tancredi Street, Armidale	Lots 4 and 5, Section 604
70	Land in Tancredi Street, off Alahna Drive, Armidale, access denial strip	Lot 36, DP 814786
50	Land in Tancredi Street, corner Martin Street, Armidale, access denial strip	Lot 53, DP 801521
59	Land in Tancredi Street, off Samuelson Crescent, Armidale, access denial strip	Lots 14, 15 and 16, DP 263611
61	Land in Tancredi Street and Golgotha Street, Armidale, access denial strip	Lot 18, DP 261220
71	Land in The Avenue, off Ross Street and Markham Street, Armidale, access denial strip	Lot 10, DP 732610
16	Land in The Avenue, Armidale—St Patrick's Reservoir and access road	Lot 70, DP 778232
2	Land in Thorndike Lane and Link Road, Armidale	Lot 2, DP 223507; Lot 3, DP 600775
57	Land in White Avenue, Armidale, access denial strip	Lot 21, DP 711016

Part 2 Interests changed

Part 3 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Armidale		
Between Beardy Street and Dumaresq Creek	Lot 11, DP 25398— <i>Armidale Local Environmental Plan 1988 (Amendment No 23)</i>	Nil.