

Snowy River Local Environmental Plan 1997 (1998 EPI 255)

[1998-255]



New South Wales

Status Information

Currency of version

Historical version for 24 December 2003 to 24 June 2004 (accessed 24 May 2024 at 8:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 24 December 2003

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New South Wales

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Snowy River Local Environmental Plan 1997 (1998 EPI 255)



New South Wales

Part 1 General provisions

1 Name of plan

This plan is *Snowy River Local Environmental Plan 1997*.

2 What are the aims of this plan?

The aims of this plan are to:

- (a) introduce planning controls for the short-term, which reflect local and State objectives, and
- (b) encourage the sustainable use of natural resources, and
- (c) protect viable agricultural and other rural industries from conflicting uses, and
- (d) protect water resources, water quality and minimise pollution, and
- (e) protect, conserve or enhance important natural and constructed features, areas of high landscape value, conservation areas, biological diversity, recreation areas and places or structures of heritage significance, and
- (f) ensure that development in rural areas has minimum detrimental impact on the visual qualities of the rural landscape and discourage buildings protruding above the skyline in rural areas, and
- (g) provide for rural residential development in suitably identified areas, and
- (h) locate new urban development adjacent to existing urban areas in urban zones, and
- (i) provide adequate land for a range of housing types, and
- (j) encourage adequate social and community services in locations of high accessibility, and
- (k) facilitate the broadening of the local economy to reduce adverse effects and other

fluctuations by encouraging new agricultural pursuits, year-round tourism, additional industries and other activities in appropriate locations, and

- (l) help reduce adverse effects due to seasonal and other major fluctuations in the local economy, and
- (m) accommodate in existing urban areas urban development generated by major tourist attractions of the area.

3 Where does this plan apply?

- (1) This plan applies to all land within the Snowy River Shire Council's area.
- (2) However, this plan does not apply to the following land:

Land to which [State Environmental Planning Policy No 73—Kosciuszko Ski Resorts](#) applies

4 How does this plan affect other instruments?

- (1) Local environmental plans applying to land within Snowy River Shire Council's area are repealed.
- (2) The numeric criteria referred to in clauses 24 (2), 26 (2) (a), 30 (1), 31 (3) and (4), 32 (a), 33 (1), (3), (6), (7) and (8), 34 (2), the Table to clause 53, clause 64 (4) (b) and Schedule 2 are intended to be subject to variation pursuant to [State Environmental Planning Policy No 1—Development Standards](#) (which applies to the requirement made by clause 35 (4) (d) in the same way as it applies to a development standard). Other numeric criteria in this plan are intended not to be subject to variation pursuant to [State Environmental Planning Policy No 1—Development Standards](#).

5 What are the meanings of terms in this plan?

- (1) Some of the terms used in this plan are defined in Schedule 1.
- (2) In this plan, a reference:
 - (a) 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) to a map is a reference to the map deposited in the office of the Council, and
 - (c) to land within a zone specified in clause 7 is a reference to land shown on the map as being within the zone.
- (3) The list of contents of this plan is not part of this plan.

6 Who is the consent authority?

The Council is the consent authority for the purposes of this plan.

6A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Snowy River Development Control Plan E3—Exempt Development* as adopted by the Council on 21 December 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Snowy River Development Control Plan C4—Complying Development* as adopted by the Council on 21 December 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 and complying development only if it complies with the development standards and other requirements applied to the development by *Snowy River Development Control Plan E3—Exempt Development* and *Snowy River Development Control Plan C4—Complying Development* as adopted by the Council on 21 December 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Snowy River Development Control Plan C4—Complying Development* adopted by the Council, as in force when the certificate is issued.

Part 2 General zoning provisions

7 What zones apply?

- (1) For the purposes of this plan, land to which this plan applies is within the following zones:
 - Zone 1 (a)—General Rural
 - Zone 1 (c)—Rural Residential
 - Zone 1 (d)—Rural Tourist Accommodation
 - Zone 2 (a)—General Residential
 - Zone 2 (b)—Mixed Residential
 - Zone 2 (v)—Village
 - Zone 3 (a)—Business
 - Zone 3 (b)—Urban Tourist Accommodation

- Zone 3 (c)—Commercial (Water Storage)
- Zone 4—Industrial
- Zone 6—Open Space
- Zone 7—Environmental Protection
- Zone 8—National Parks and Nature Reserves

- (2) Except as is provided elsewhere in this plan, this Part sets out the objectives of each zone and, for each zone, lists development that may be carried out without development consent or only with development consent and development that is prohibited.
- (3) The Council must not grant consent unless the proposed development is consistent with the aims and objectives of this plan and with the objectives of the zone within which it is proposed to be carried out.

8 Zone 1 (a)—General Rural

- (1) **What are the objectives of the zone?** The objectives of Zone 1 (a) are:

- (a) to protect, enhance and conserve the area's:
- (i) agricultural land to sustain its efficient and effective agricultural production potential and avoid unnecessary fragmentation of rural land holdings, while allowing subdivision for typical rural purposes, and
 - (ii) forests of existing and potential commercial value for timber production, and
 - (iii) deposits of minerals, coal, petroleum and extractive material, while allowing their efficient extraction, and
 - (iv) trees and other vegetation where they are significant to scenic amenity or natural wildlife habitat or are likely to control land degradation, and
 - (v) surface and ground water resources, and
 - (vi) places of significance for nature conservation, and
 - (vii) places and buildings of archaeological or heritage significance (including Aboriginal relics and places), and
- (b) to prevent development that could:
- (i) have an adverse impact on the rural character and scenic attributes of the area, or
 - (ii) create unreasonable or uneconomic demands for the provision or extension of

public amenities and services, or

(iii) be subjected to hazards, such as erosion, bush fires and flooding.

(2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 1 (a) without development consent:

agriculture (other than intensive animal keeping establishments); bush fire hazard reduction; home based child care.

(3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 1 (a) only with development consent:

bed and breakfast accommodation; clearing land; clubs; commodity exhibitions; communication facilities; dwelling-houses; educational establishments; extractive industries; forestry; home activities; horse riding establishments; institutions; intensive animal keeping establishments; landscaping works; liquid fuel depots; markets; mines; nature-based eco-tourism resorts; offensive or hazardous industries; on-farm tourist accommodation; private cemeteries; roads; roadside stalls; rural industries; rural tourist recreation facilities; sawmills; total destination resorts; transport terminals; utility installations; veterinary hospitals; waste disposal depots; water tanks.

(4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 1 (a).

9 Zone 1 (c)—Rural Residential

(1) **What are the objectives of the zone?** The objectives of Zone 1 (c) are:

- (a) to provide opportunities for rural residential living in localities that are at a convenient distance from the central services of urban settlements without interfering with long-term urban growth, and
- (b) to broadly define the rural character of each rural residential development, so the detail of rural amenity, form, character and standards may be dealt with by development control plans.

(2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 1 (c) without development consent:

agriculture (other than intensive animal keeping establishments); bush fire hazard reduction; home based child care.

(3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 1 (c) only with development consent:

clearing land; communication facilities; dwelling-houses; exhibition homes; forestry; home activities; horse riding establishments; landscaping works;

markets; public utility undertakings; roads; utility installations; veterinary hospitals; water tanks.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 1 (c).

10 Zone 1 (d)—Rural Tourist Accommodation

- (1) **What are the objectives of the zone?** The objective of Zone 1 (d) is to provide for tourist accommodation (such as caravan parks) in localities which have a suitable rural setting, where the use of services and ancillary facilities will be efficiently provided on an ecologically sustainable basis.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 1 (d) without development consent:

bush fire hazard reduction.

- (3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 1 (d) only with development consent:

camping grounds; caravan parks; clearing land; communication facilities; dwelling-houses or shops ancillary to the operation of accommodation facilities or recreation areas; educational establishments; horse riding establishments; landscaping works; markets; motels; reception establishments; recreation facilities; roads; rural tourist recreation facilities; total destination resorts; utility installations; water-oriented recreation facilities; water tanks.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 1 (d).

11 Zone 2 (a)—General Residential

- (1) **What are the objectives of the zone?** The objectives of Zone 2 (a) are:

- (a) to provide land for low density housing, and
- (b) to permit development compatible with the low density residential environment, while maintaining a high standard of residential amenity, and
- (c) to enable dwellings to be used for short-term tourist accommodation in appropriate circumstances.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 2 (a) without development consent:

bush fire hazard reduction; home based child care.

- (3) **What development is allowed only with consent?** Development for the purpose of the

following may be carried out within Zone 2 (a) only with development consent:

bed and breakfast accommodation; boarding houses; child care centres; clearing land; communication facilities; community facilities; dual occupancies; dwelling-houses; educational establishments; exhibition homes; holiday dwellings; home activities; landscape works; markets; roads; utility installations.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 2 (a).

12 Zone 2 (b)—Mixed Residential

- (1) **What are the objectives of the zone?** The objectives of Zone 2 (b) are:

- (a) to provide for a range of housing types and densities, while maintaining residential amenity, and
- (b) to encourage the efficient and effective use of infrastructure and services within existing residential areas, and
- (c) to provide a range of tourist accommodation compatible with the surrounding residential character.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 2 (b) without development consent:

bush fire hazard reduction; home-based child care.

- (3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 2 (b) only with development consent:

bed and breakfast accommodation; boarding houses; child care centres; clearing land; clubs; communication facilities; community centres; dual occupancies; dwelling-houses; educational establishments; exhibition homes; holiday dwellings; home activities; hospitals; integrated housing; lodges; markets; medium density housing; landscaping works; places of public worship; residential flat buildings; roads; utility installations.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 2 (b).

13 Zone 2 (v)—Village

- (1) **What are the objectives of the zone?** The objectives of Zone 2 (v) are:

- (a) to promote development in certain towns and villages in a way that is compatible with their residential and servicing functions, and
- (b) to provide broad controls for smaller urban settlements so location, form,

character and standards of development may be dealt with by development control plans.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 2 (v) without development consent:

bush fire hazard reduction.

- (3) **What development is allowed only with consent?** Development other than that included in subclause (2) or (4) may be carried out within Zone 2 (v) only with development consent.

- (4) **What development is prohibited?** Development for the purpose of the following is prohibited within Zone 2 (v):

brothels; extractive industries; generating works; institutions; junk yards; mines; offensive and hazardous industries; roadside stalls; rural tourist recreation facilities; waste disposal depots.

14 Zone 3 (a)—Business

- (1) **What are the objectives of the zone?** The objectives of Zone 3 (a) are:

- (a) to encourage a high standard of commercial development, create compact business centres which service the population and visitors and facilitate the expansion of business activities in appropriate locations, and
- (b) to set aside certain land for the provision of services required by the travelling public for the development of facilities for refreshment, accommodation, recreation and amusement, and
- (c) to permit non-commercial development where such development complements the intended commercial character of the locality, including dwellings above commercial development.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 3 (a) without development consent:

bush fire hazard reduction; home based child care.

- (3) **What development is allowed only with consent?** Development other than that included in subclause (2) or (4) may be carried out within Zone 3 (a) only with development consent.

- (4) **What development is prohibited?** Development for the purpose of the following is prohibited within Zone 3 (a):

agriculture; bed and breakfast accommodation; boarding houses; brothels; bulk stores; camping areas; caravan parks; dual occupancies; dwelling-houses other

than those used in conjunction with and in the same building as another use permissible in the zone; exhibition homes; forestry; horse riding establishments; industries other than home activities; institutions; junk yards; liquid fuel depots; lodges; mines; offensive and hazardous industries; residential flat buildings other than those constructed above shops or commercial premises; roadside stalls; rural industries; rural tourist recreation facilities; sawmills; water-oriented recreation facilities.

15 Zone 3 (b)—Urban Tourist Accommodation

(1) **What are the objectives of the zone?** The objective of Zone 3 (b) is to encourage a range of tourist accommodation with ancillary facilities connected to urban utility services and other infrastructure.

(2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 3 (b) without development consent:

bush fire reduction; home based child care.

(3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 3 (b) only with development consent:

bed and breakfast accommodation; boarding houses; child care centres; clearing land; clubs; commodities exhibitions; communication facilities; holiday dwellings; hospitals; lodges; motels; landscaping works; markets; places of public assembly; places of public worship; reception establishments; recreation facilities; refreshment rooms; roads; total destination resorts; utility installations.

(4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 3 (b).

16 Zone 3 (c)—Commercial (Water Storage)

(1) **What are the objectives of the zone?** The objectives of Zone 3 (c) are:

- (a) to ensure development in this zone is compatible with the water storage, domestic water supply and tourism functions of Lake Eucumbene and Lake Jindabyne, and
- (b) to protect the visual and functional integrity of the major lakes, and
- (c) to enable development of water-related activities which support tourism.

(2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 3 (c) without development consent:

agriculture; bush fire hazard reduction; water storage.

(3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 3 (c) only with development consent:

clearing land; landscaping works; roads; water-oriented recreational developments.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 3 (c).

17 Zone 4—Industrial

- (1) **What are the objectives of the zone?** The objectives of Zone 4 are:

- (a) to set aside land for the purpose of industries, and
- (b) to enable other forms of development incidental to the industrial use of the land or which are suitably located in an industrial area.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 4 without development consent:

bush fire hazard reduction.

- (3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 4 only with development consent:

brothels; bulk stores; bulky goods salesrooms or showrooms; car parks; car repair stations; clearing land; commodities exhibitions; industries; junk yards; landscaping works; liquid fuel depots; markets; motor showrooms; recreation facilities; retail plant nurseries and landscaping supplies; roads; sawmills; service stations; transport terminals; utility installations; warehouses; waste disposal depots; water tanks.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 4.

18 Zone 6—Open Space

- (1) **What are the objectives of the zone?** The objectives of Zone 6 are:

- (a) to identify existing publicly owned land, or land proposed to be publicly owned land following development, that is used or is capable of being used for active or passive recreation, and
- (b) to encourage the development of public open space in a manner which maximises the satisfaction of the community's diverse recreational needs, and
- (c) to enable development associated with, ancillary to, and supportive of, public recreational uses, and
- (d) to encourage the development of open space as a major urban landscape element.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 6 without development consent:

bush fire hazard reduction.

- (3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 6 only with development consent:

agriculture; clearing land; forestry; landscaping works; markets; recreation areas; roads; utility installations; water tanks.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 6.

19 Zone 7—Environmental Protection

- (1) **What are the objectives of the zone?** The objectives of Zone 7 are:

- (a) to protect the scenic values of the region, and
- (b) to protect the water quality of streams and lakes and protect ground water resources, and
- (c) to protect the biological diversity of the area, remnant native vegetation, places significant for environmental conservation and areas of habitat from adverse impact from development, and
- (d) to protect and conserve the area's extractive materials, while allowing their extraction with suitable rehabilitation of the land, and
- (e) to protect places and buildings of archaeological or heritage significance (including Aboriginal relics and places), and
- (f) to prevent development that could create unreasonable or uneconomic demands for the provision or extension of public amenities or services, or could be subject to hazards such as erosion, bush fires or flooding.

- (2) **What development is allowed without consent?** Development for the purpose of the following may be carried out within Zone 7 without development consent:

agriculture (excluding intensive animal keeping establishments); bush fire hazard reduction; home based child care.

- (3) **What development is allowed only with consent?** Development for the purpose of the following may be carried out within Zone 7 only with development consent:

bed and breakfast accommodation; clearing land; dwelling-houses; educational establishments; extractive industries; forestry; home activities; horse riding establishments; landscaping works; markets; nature-based eco-tourism resorts;

on-farm tourist accommodation; portable sawmills; private cemeteries; roads; rural industries; rural tourist recreation facilities; total destination resorts; utility installations; waste disposal depots; water tanks.

- (4) **What development is prohibited?** Development other than that included in subclause (2) or (3) is prohibited within Zone 7.

20 Zone 8—National Parks and Nature Reserves

- (1) **What are the objectives of the zone?** The objectives of Zone 8 are:

- (a) to identify and protect land reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to enable development compatible with the use of the land for a national park or nature reserve, which is referred to in and authorised by the *National Parks and Wildlife Act 1974*.

- (2) **What development is allowed without consent?** Development which is authorised by or under the *National Parks and Wildlife Act 1974* may be carried out without development consent within Zone 8.

- (3) **What development is allowed only with consent?** Nil.

- (4) **What development is prohibited?** Development other than that included in subclause (2) is prohibited within Zone 8.

Part 3 Special provisions

Division 1 Special requirements for specific types of development

21 What must Council take into account when considering a development application for development in rural and environmental protection zones?

- (1) This clause applies to land in Zone 1 (a), 1 (d) or 7.
- (2) In determining a development application relating to land to which this clause applies, the Council must consider, where relevant:
 - (a) the present use of the land, the quality of the land, its agricultural capability (including suitability for forestry) and its productive water resources and any impact the proposed development will have on the potential agricultural use of adjoining and adjacent land (In considering the quality of land for the purposes of this paragraph, the Council must have regard to the size of allotments and to the map prepared by the Director-General of the Department of Agriculture and marked “*Agricultural Land Classification Map—Snowy River Shire*”), and
 - (b) the future recovery (from known or prospective deposits) of minerals, coal,

petroleum, sand, gravel or other extractive materials, and

- (c) the cost of providing, extending and maintaining public amenities and services to buildings or works that will result from carrying out the proposed development, and
- (d) the future expansion of urban-zoned areas in the locality, and
- (e) any natural hazard likely to affect the development of other land as a result of the proposed development, and
- (f) both the immediate and the cumulative impact the proposed development will have on water quality, including ground water, and
- (g) whether the development will contribute to ribbon development or to changing the appearance or character of the area, and
- (h) whether the proposal incorporates satisfactory erosion, sedimentation and pollution control measures, and
- (i) the “*Snowy River Design Guidelines*”, issued by the Department of Urban Affairs and Planning.

22 What consents are required to subdivide land?

- (1) Consent must be obtained from the Council for all subdivisions.
- (2) However, consent is not required for minor boundary adjustments of an allotment that:
 - (a) will not result in any building contravening the deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) will not create any additional allotments, and
 - (c) will not change the area of any allotment by more than 10%.

23 What information must be provided to the Council when making an application to subdivide land within Zone 1 (a) or 7?

The Council must not consent to a subdivision of land in Zone 1 (a) or 7 unless it has considered the following:

- (a) the main purpose for which each allotment is to be used,
- (b) whether any allotment is intended to be created in accordance with clause 24 for the purpose of agriculture,
- (c) whether any allotment is intended to be used to erect a dwelling and whether building a dwelling is the main reason for creating the allotment,

- (d) the approximate location of any existing and proposed buildings, including dwellings on the land,
- (e) the location of existing easements on the land,
- (f) the location of trees, streams or lakes on or adjacent to the land,
- (g) the means, standard and location of access proposed for each allotment to be created.

24 What allotments can be created for agricultural purposes within Zone 1 (a) or 7?

- (1) The Council may consent to the creation of an allotment of any size for the purpose of agriculture from land in Zone 1 (a) or 7.
- (2) However, the Council must not consent to the creation of an allotment which is smaller than 800 hectares, if there is a dwelling located or intended to be located on the allotment.

25 What other lots of less than 800 hectares can be created within Zone 1 (a) or 7?

The Council may consent to the subdivision of land other than for the purpose of agriculture or a dwelling-house within Zone 1 (a) or 7 to create allotments of less than 800 hectares in area, but only if:

- (a) the principal lawful use of each such allotment to be created will be a use other than agriculture or a dwelling, and
- (b) the Council is satisfied that the allotment and the residue is suitable for the nominated uses and compatible with adjoining land uses and the physical environment generally.

26 What are the requirements for erecting dwellings on land within Zone 1 (a) or 7?

- (1) This clause applies to land within Zone 1 (a) or 7.
- (2) The Council must not grant consent to the erection of a dwelling on land to which this clause applies unless the land has no dwelling erected on it and the land:
 - (a) has an area of at least 800 hectares, or
 - (b) consists of an allotment that was created under an environmental planning instrument (or deemed environmental planning instrument) in force on the appointed day, and the dwelling could, immediately prior to the making of this plan, have been erected on the allotment under the provisions of that instrument, have been erected on the allotment, or
 - (c) comprises the whole of an existing holding having an area of less than 800 hectares and on which the dwelling could have been erected under any

environmental planning instrument applying to the land at 26 September 1985.

- (3) In considering any application for consent to development on land to which this clause applies, the Council must take into account whether the dwelling-house or any other structures that will result from the proposed development are sited, designed and constructed in a manner that will avoid any adverse impact on the natural and scenic character of the locality.

27 Are rural workers' dwellings allowed on land within Zone 1 (a) or 7?

With the consent of the Council, an additional dwelling may be erected on an allotment which has an area of at least 800 hectares and on which there is an existing dwelling occupied by a person engaged in the use of the land for the purpose of agriculture, where:

- (a) the allotment is in Zone 1 (a) or 7, and
- (b) the Council is satisfied that the dwelling is intended to house one or more rural workers who are employed on the allotment and that the nature of the agricultural activity carried out requires one or more resident rural workers to live on the allotment, and
- (c) the additional dwelling is located on the same allotment as the existing dwelling so that they can not be separately owned unless the Council consents to a subdivision of the allotment in accordance with this plan.

28 What requirements apply to development within Zone 1 (c)?

- (1) The Council must not consent to a subdivision of land in Zone 1 (c) for the purpose of erecting dwelling-houses, unless it is satisfied the criteria listed in Schedule 2 will be met.
- (2) The Council must not consent to a building on land in Zone 1 (c) unless it has considered, where relevant, the "*Snowy River Design Guidelines*", issued by the Department of Urban Affairs and Planning.
- (3) The Council must not consent to a subdivision of Lot 104 DP 817374, Parish of Clyde, into allotments intended to be used for the purpose of dwelling-houses unless the allotments will be connected to the Council's sewerage system.
- (4) On Lot 70 DP 553126, Parish of Jinderboine, the following development is prohibited:
 - (a) any building located in the area diagonally hatched on the map, and
 - (b) direct vehicular access to and from the section of road located between the western boundary of Main Road 286 and the eastern end of Old Jindabyne Road.

29 What additional land uses are allowed on specific sites?

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying

out development on land referred to in Schedule 3, being development specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

- (2) Subclause (1) does not affect the application, to or in respect of 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.

30 Can the Council consent to dual occupancy within Zone 1 (c)?

- (1) The Council may consent to a dual occupancy on an allotment in Zone 1 (c) on which a dwelling may be erected in accordance with clause 28, but only where the land has been connected to the Council's reticulated sewerage system, and only if one of the 2 dwellings does not exceed 100 square metres in gross floor area.
- (2) The Council must not consent to a detached dual occupancy on an allotment in Zone 1 (c) unless the allotment has an area of not less than 1.35 hectares.
- (3) The Council must not consent to the subdivision of an allotment in Zone 1 (c) on which a dual occupancy is located if:
 - (a) the subdivision will create a separate allotment for each dwelling, or
 - (b) in the case of a detached dual occupancy, the allotment in which the dual occupancy is situated would be less than 1.35 hectares.

31 What are the provisions for dual occupancy on land within Zones 2 (a), 2 (b) and 2 (v)?

- (1) This clause applies to land in Zone 2 (a), 2 (b) or 2 (v).
- (2) For the purpose of this clause, a **dual occupancy** may be created by:
 - (a) the conversion of a dwelling-house into two dwellings, by alteration or addition, or
 - (b) the erection of a building containing two dwellings on an allotment, where only two dwellings will be on the allotment, or
 - (c) the erection of two detached dwellings on an allotment of land.
- (3) The minimum allotment size for dual occupancy development is:
 - (a) where the development will result in the creation of two attached dwellings—700 square metres (except for allotments approved prior to the appointed day), or
 - (b) where the development will result in the creation of two detached dwellings—850 square metres.
- (4) The floor space ratio for any dual occupancy must be no greater than 0.4:1.

(5) (Repealed)

32 What are the provisions for integrated housing development?

The Council must not grant consent to integrated housing in Zone 2 (b) or 2 (v) unless:

- (a) each proposed allotment has an area of not less than 250 square metres, and
- (b) in the opinion of the Council, the proposed development makes adequate provision with respect to the privacy of each proposed dwelling-house, and
- (c) in the opinion of the Council, the proposed development makes adequate provision with respect to access to natural light for each proposed dwelling-house, and
- (d) the floor space ratio of each dwelling-house will not exceed 0.5:1 and the proportion of the site that will be covered by each dwelling-house will not exceed 40%, and
- (e) adequate arrangements will be made for the provision of water, drainage and garbage services for each proposed dwelling-house, and
- (f) the land is connected to the Council's sewerage system, and
- (g) the Council is of the opinion that the land is suitable for the development.

33 What standards apply to residential structures and subdivision on land within Zones 2 (a), 2 (b) and 2 (v)?

- (1) The Council may consent to the subdivision of land within Zone 2 (a) or 2 (b), or land within Zone 2 (v) that is connected to the Council's sewerage system, but only if each allotment created by the subdivision that will be used for the erection of a dwelling will have an area of not less than 700 square metres.
- (2) In considering a development application for subdivision the Council may consider:
 - (a) the physical characteristics of the land in relation to the design of the subdivision and its suitability for the subsequent structural development on the land, and
 - (b) whether the location of building envelopes should be a condition of the consent for the subdivision.
- (3) Land within Zone 2 (v) (to which the Council's reticulated sewerage system is not available) must not be subdivided for the purpose of dwelling-houses unless each allotment created by the subdivision that will be used for the erection of a dwelling has an area of not less than 2000 square metres and the Council has been satisfied by a soil test that the land is capable of septic disposal of domestic waste or the Council is otherwise satisfied that other means acceptable to it for disposal of domestic waste from the allotment will be provided.
- (4) Where in the opinion of the Council the circumstances so warrant, the Council may

consent to the creation of a hatchet shaped allotment of land within Zone 2 (a), 2 (b) or 2 (v), but only where the land is vacant and will not be adjacent to more than one other hatchet shaped allotment.

- (5) In this clause, a reference to the area of an allotment does not, in the case of a hatchet shaped allotment, include the access corridor of the allotment.
- (6) Each dwelling-house within Zone 2 (a), 2 (b) or 2 (v) requires a minimum allotment size of 700 square metres (except allotments approved before the appointed day) unless the dwelling-house results from integrated housing.
- (7) The Council must not consent to the erection or use of medium density housing or a residential flat building in Zone 2 (b) or 2 (v) if the floor space ratio exceeds 0.5:1 or if the proportion of the site covered by buildings exceeds 40%.
- (8) A person must not erect a building exceeding 9 metres in height on land within Zone 2 (a), 2 (b) or 2 (v).
- (9) The Council must not grant consent for a proposed subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* or for a subdivision under the *Community Land Development Act 1989* in respect of land within Zone 2 (a) on which a residential flat building or medium density housing is located.

34 What provisions apply to development in Zone 3 (b)?

- (1) The Council may consent to development principally for the purpose of providing holiday accommodation in Zone 3 (b), which may take the building form of dwelling-houses, dual occupancies, integrated housing, residential flat buildings and the like.
- (2) The Council must not consent to the erection of a building on land in Zone 3 (b) if the height of the building exceeds 9 metres or the floor space ratio exceeds 0.5:1 or if the proportion of the site covered by buildings exceeds 40%.

35 What are the main provisions for rural tourist development?

- (1) The Council must not consent to the carrying out of development for the purpose of on farm tourist accommodation unless:
 - (a) the allotment on which it will be carried out has an area of not less than 100 hectares, and
 - (b) the accommodation provided is ancillary to the principal and continuing use of the land for the purpose of agriculture, and
 - (c) the development is compatible with the current use of the allotment and uses on adjoining land.

- (2) The Council must not consent to the carrying out of development for the purpose of a nature-based eco-tourism resort unless it is satisfied that:
 - (a) the resort is located in close proximity to a predominantly natural area containing important natural features or ecosystems, and
 - (b) the resort includes facilities for the teaching, researching or dissemination of knowledge in respect of the environment, and
 - (c) the facility will be centrally managed by on-site management with all structural and land components being the responsibility of one management whether or not individual structures are owned by different entities, and
 - (d) the facility will operate on a year-round basis, and
 - (e) water supply and waste/waste water disposal techniques which are ecologically sustainable will be utilised.
- (3) The Council must not consent to the carrying out of development for the purpose of a total destination resort unless:
 - (a) the land is within an urban area, or the land is both adjacent to the Township of Jindabyne and no further than 2 kilometres from the Strzelecki monument, and
 - (b) any permanent residential accommodation is ancillary to and comprises a minor proportion of the tourist beds in relation to the total accommodation capacity, and
 - (c) reticulated water and sewerage services are provided.
- (4) Despite any other provisions of this plan, the Council may consent to development for the purpose of a rural tourist recreation facility or a horse riding establishment which incorporates accommodation for tourists if the Council is satisfied that such accommodation:
 - (a) is necessary to enable the facility to operate on a year-round basis, and
 - (b) will be available for tourists on a year-round basis, and
 - (c) will be ancillary to the principal function of the facility, and
 - (d) will not provide more than 55 tourist beds.
- (5) In determining an application for development referred to in subclause (2), (3) or (4) the Council must consider the need for adequate on-site staff accommodation.

36 Can a rural tourist development be subdivided?

- (1) This clause applies to land in Zone 1 (a), 1 (d) or 7.
- (2) In this clause, **rural tourist development** means nature-based eco-tourism resorts,

total destination resorts, rural tourist recreational facilities and other rural accommodation with a guest-bed capacity of 80 beds or more, but does not include camping grounds, caravan parks or on-farm tourist accommodation.

- (3) Regardless of other provisions of this plan, the Council may consent to subdivision of a rural tourism development for which consent has been granted if:
- (a) the subdivision will be under the [Community Land Development Act 1989](#), and
 - (b) the facility includes not less than 80 tourist beds, available on a year-round basis, and
 - (c) all components of the facility will be centrally managed, and
 - (d) lots created as a result of the subdivision will each contain the whole or part of one or more accommodation buildings and their curtilage, but any lot containing access and other common facilities, infrastructure or landscaping will be held in common ownership by all owners of the other lots created by the subdivision.

37 What subdivisions of land within Zone 3 (a), 3 (b), 3 (c), 4 or 6 are allowed?

Nothing in this plan prevents a person, with the consent of the Council, from subdividing land in Zone 3 (a), 3 (b), 3 (c), 4 or 6.

Division 2 Provisions for localities of specific environmental significance

38 Lake Eucumbene

- (1) The objective of this clause is to protect the following attributes in the catchment of Lake Eucumbene (**the lake**):
- (a) the visual qualities and scenery,
 - (b) the sense of isolation which can be enjoyed in many areas on and adjacent to the lake,
 - (c) the water quality, its water storage function and the ground water,
 - (d) the environmental attractions of the lake, including its attractions as a prime fishing venue,
 - (e) the agricultural use,
 - (f) the flora and fauna of the locality, including aquatic habitat.
- (2) This clause applies to land shown hatched with dashes on the map at and in the vicinity of the lake which is in Zone 1 (d), 3 (c) or 7.

- (3) On land to which this clause applies, any structures that occupy a total volume of more than 15 cubic metres, other than fences, gates and the like, must not be erected, except with the consent of the Council.
- (4) The Council must not consent to the erection of any building or other structure on land to which this clause applies, unless it is satisfied that the building or other structure will not be visible when viewed from the lake, except where this is not possible.
- (5) Subclause (4) does not apply to the erection of a structure on land in Zone 1 (d).
- (6) (Repealed)

39 Lake Jindabyne

- (1) The objectives of this clause are:
 - (a) to protect the scenic, recreational, water quality and water storage attributes of Lake Jindabyne (***the lake***), and
 - (b) to ensure that the lake and adjacent urban settlements continue to have a clear rural setting, and
 - (c) to ensure that buildings and works on land to which this clause applies are designed and located to minimise adverse visual impact when viewed from the lake.
- (2) This clause applies to land shown hatched with dashes on the map in the vicinity of the lake and to the lake itself, which is within Zone 1 (d), 3 (c) or 7.
- (3) On land to which this clause applies, any buildings or other structures that occupy a total volume of more than 36 cubic metres must not be erected, except with the consent of the Council.
- (4) The Council must not consent to the erection of any building on land to which this clause applies unless it is satisfied that it will not be visible when viewed from the lake, except where this is not possible.
- (5) Subclause (4) does not apply to land in Zone 1 (d) or to development of a total destination resort on land adjacent to an urban zone.

40 Eastern Approaches

- (1) This clause applies to land in Zone 7 that is shown horizontally hatched on the map and is referred to for the purposes of this plan as the ***Eastern Approaches to Kosciuszko National Park***.
- (2) In considering any application for consent to development of a site of land to which this clause applies, the Council must consider:

- (a) whether the development is designed and located so it causes no detriment to the scenic and rural character of the locality, particularly when viewed from the Alpine Way or the Kosciuszko Road,
 - (b) whether all waste water can be contained on-site and not be transferred to streams either by run-off or infiltration to ground water storage, and
 - (c) whether an adequate water supply is available.
- (3) The Council must not consent to development involving direct access from either the Alpine Way or Kosciuszko Road where practical alternatives exist or can be created.

41 Areas near Kosciuszko National Park

- (1) The objective of this clause is to ensure that any adverse impact on the Kosciuszko National Park as a result of development adjoining or adjacent to the Kosciuszko National Park is minimised.
- (2) The Council must not grant consent to the development of land in the vicinity of that Park unless the Council has considered:
 - (a) the likely impact of the development on the environment of that Park, and
 - (b) any management plans that apply to nearby areas within that Park, and
 - (c) any strategy adopted by the Council in relation to development near that Park.

42 River Corridors

- (1) This clause applies to land in Zone 7 in the vicinity of the Murrumbidgee River, Snowy River or Slacks Creek.
- (2) The Council, when determining a development application relating to land to which this clause applies, must assess:
 - (a) whether the proposed development, in its design, access, layout and location, minimises its impact on the environment, including the natural vegetation, underground water, any stream and the visual quality of the landscape in which the development would be located, and
 - (b) whether the development proposes to add, intensify or improve indigenous vegetation on the land, and
 - (c) whether the proposed development will involve the extraction of water from the river, and
 - (d) whether the proposed development includes measures which prevent soil erosion, and

(e) whether the proposed development will have a detrimental impact on the water quality of the nearby streams or of ground water.

(3) The Council must not consent to a building on land to which this clause applies within 500 metres from a river bank wherever possible.

Division 3 Special environmental, traffic and practicality provisions

43 What are the provisions promoting conservation of biological diversity?

(1) This clause applies to land in Zone 1 (a), 1 (c), 1 (d), 6 or 7.

(2) A person must not carry out development which involves removing bush rock on land to which this clause applies without the consent of the Council.

(3) In considering any application for consent to the clearing of land or the removing of bush rock from land to which this clause applies, the Council must take into consideration whether the clearing is necessary for the reasonable economic use of the land and must have regard to:

(a) the visual and scenic impact of the proposal on the surrounding area, and

(b) the risk of soil erosion or other land degradation which may arise from the clearing, and any proposed method of reducing or preventing soil erosion, and

(c) any cumulative effect on the environment, and

(d) the effect of the clearing on wildlife and wildlife movement patterns, and

(e) whether any significant habitat or vegetation system may be threatened by the proposal.

(4) Where a development application for development to which this clause applies is likely to have a significant environmental impact, the Council must give notice of the application to the Department of Land and Water Conservation and the National Parks and Wildlife Service, as relevant, and must consider any submission received within 28 days of sending the notice before determining the application.

(5) The Council may decline to consent to the clearing of land or removal of bush rock, unless it has considered a comprehensive management plan or a landscape plan for the land the subject of the application.

(6) When granting such a consent, the Council may impose conditions that require the planting of trees on some of the land the subject of the application, where this would clearly contribute to the conservation of biological diversity in the area.

44 Is there a tree preservation control for urban areas?

(1) This clause applies to land in Zone 2 (a), 2 (b), 2 (v), 3 (a), 3 (b) or 4.

- (2) A person must not ring-bark, cut down, lop, top, injure, remove or wilfully destroy a tree, except with the consent of the Council.
- (3) This clause does not apply to trees which were, before any of the actions referred to in subclause (2) took place:
 - (a) dead, or
 - (b) dangerous to human life or property, or
 - (c) implied to have been allowed to be so dealt with by a development consent or in a landscape plan approved by the Council, or
 - (d) confirmed by the Council in writing, within 14 days of having received notification in writing of any of the proposed actions in subclause (2), as being in a fuel free zone within the meaning of the document entitled "*Planning for Bush Fire Protection*" published by the Department of Bush Fire Services where the tree is of a size or species that represents a fire hazard in that fuel free zone.
- (4) The notification referred to in subclause (3) (d) must include the name and address of the person who gives it, the location of the tree or trees the subject of the action and the name of the tree species involved.
- (5) This clause does not apply to trees required to be lopped in accordance with the *Electricity Overhead Line Safety Regulation 1991*.

45 What are the controls on the location of development on or close to ridge lines?

- (1) The objectives of this clause are:
 - (a) to minimise the impact of development on the scenic qualities of the rural landscape, and
 - (b) to maintain the visual integrity of rural skylines.
- (2) Except as provided by subclause (3), a person must not erect a building on a ridge line, if the building would be visible from a public place such as an arterial road and appear as a skyline structure from that place or road.
- (3) The Council may consent to the erection of a building on a ridge line where:
 - (a) the proposed location of the building comprises the only part of the land on which it is proposed to be erected which has reasonable vehicular access to a public road, or
 - (b) the whole of the land on which it is proposed to be erected is within the ridge line, or
 - (c) the function and architecture of the building has such significance to the

community that, in the Council's opinion, it should stand out as a landmark.

46 What controls apply to wetlands and wetland catchments?

- (1) Regardless of any other provision of this plan, a person must not carry out any development on land within a wetland, except with the consent of the Council.
- (2) The Council must not consent to any development on land within a wetland except for the purpose of rehabilitation of the wetland.
- (3) The Council must not consent to development within a wetland's catchment unless it has considered a site management plan detailing the measures needed to protect the wetland from run-off, sedimentation and pollution during both construction and completion stages, and it is satisfied there will be no adverse impact on the wetland.

47 When can the Council consent to a market?

The Council may consent to a market only if it is satisfied that:

- (a) there will generally be a positive economic impact on any commercial centre in the vicinity of the proposed location of that market, and
- (b) any use of the land for the market will be adequately managed.

48 Development near zone boundaries

Where land is located within 20 metres of a zone boundary, the Council may consent to development on that land that is permissible in the adjoining zone on the other side of the boundary.

49 What are the restrictions on development fronting main or arterial roads?

- (1) When considering whether to grant consent to development on land which:
 - (a) fronts a classified or arterial road, or
 - (b) relies solely on a classified or arterial road for its access, or
 - (c) has access to a road which intersects with a classified or arterial road, where the point of access is within 90 metres of the intersection of the road and the classified or arterial road,the Council must consider:
 - (d) whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the classified or arterial road, and
 - (e) the access points and on-site management plans for vehicle movement and parking, and

- (f) the effect the development will have on future improvements or realignment of the classified or arterial road.
- (2) The Council must not consent to development of land within Zone 1 (a), 1 (c) or 7 listed in Schedule 4 if the development will have direct access to:
 - (a) an arterial road, or
 - (b) a road connecting to an arterial road, if the access to that road is within 90 metres of the alignment of the arterial road, measured along the alignment of the connecting road.

50 What are the requirements for the acquisition of land in Zone 6?

- (1) The owner of land within Zone 6 may, by notice in writing, require the Council to acquire the land.
- (2) The Council must acquire the land within the next 2 years after receiving the notice, but only if development consent has been refused for the land by the Council or there is no viable use of the land for which consent can be granted.
- (3) The Council is not required to acquire land that may be required to be provided without cost to the Council as a condition of consent to a subdivision of adjoining land in the same ownership.

51 What are the restrictions on land prone to flooding?

- (1) The Council must not consent to development on land which the Council considers to be prone to flooding if the development is likely to:
 - (a) restrict the flow of flood water on the land or on land in the general vicinity, or
 - (b) endanger life in time of flood, or
 - (c) increase the impact of flood water through erosion, siltation and the destruction of vegetation, or
 - (d) have an adverse effect on the water table of the land or of land in the general vicinity, or
 - (e) have its vehicular access cut off during the calculated 1 in 50 year flood, or
 - (f) is likely to pollute a waterway in times of flood.
- (2) The Council must also take into consideration the cumulative effect of development on flood behaviour, when determining a development application for any such land.

52 What are the provisions for areas of bush fire hazard?

- (1) In considering an application for consent to develop land the Council considers to be

subject to bush fire hazards, the Council must make an assessment of the nature and degree of the hazard, and any appropriate measures to reduce the hazard.

- (2) In the case of any such development involving a subdivision of land, the Council must also assess:
 - (a) whether the subdivision has been designed to enable the siting of any buildings to be erected on the land at least risk, and
 - (b) whether a perimeter road should be provided on the land adjoining the land the Council considers to be subject to bush fire hazards as a fire break or to allow access for fire fighting vehicles, and
 - (c) the necessity of increasing the depth of allotments near adjoining land which may be the source of a bush fire hazard, whether or not the source is defined by a perimeter road, for the purpose of providing a fire radiation zone.
- (3) In the case of development involving buildings, the Council must also assess:
 - (a) whether the buildings are to be located so as to reduce bush fire hazard, and
 - (b) whether fire proof building materials should be required, and
 - (c) whether there is adequate access for fire fighting purposes, and
 - (d) the means available to ensure that fire protection measures, including fire radiation zones and bush hazard reduction, will be appropriately maintained.

53 What building setbacks apply?

- (1) When granting consent for a building on land within Zone 1 (a), 1 (c), 1 (d) or 7 which has frontage to a road, the Council may impose a condition requiring that building be set back from the nearest alignment of the road at a distance determined by the Council having regard to:
 - (a) the scale and character of the landscape, and
 - (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road, and
 - (c) the nature, scale and function of the building.

(2) The minimum setbacks that are to be so required are fixed in the following table:

Minimum Building Setbacks

Zone	Public road (other than arterial or classified)	Arterial or classified road
1 (a)	25 metres	100 metres

1 (c)	12 metres	100 metres
1 (d)	25 metres	100 metres
7	50 metres	250 metres

54 What are the requirements for access?

In deciding whether to grant development consent, the Council must consider:

- (a) whether the standard of all weather access roads to the site of the proposed development is adequate to cater for existing and potential traffic, and
- (b) whether traffic associated with the proposed development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance, and
- (c) whether any financial contributions from the proposed development are sufficient to upgrade the roads likely to be affected, and
- (d) whether the proposed development will be carried out on land with frontage to a public road, thereby avoiding right of carriageways over other land, and
- (e) whether the number of access points from the site of the proposed development to an arterial road can be reduced.

55, 56 (Repealed)

57 Can land be used on a temporary basis?

Despite other provisions of this plan, the Council may consent to the use of land for any purpose (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

Division 4 Special requirements relating to heritage conservation

58 What are the aims in relation to heritage?

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the Snowy River local government area, and
- (b) to integrate heritage conservation into the planning and development control process, and
- (c) to provide for public involvement in the conservation of environmental heritage, and
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.

59 How are heritage items, heritage conservation areas and relics protected?

- (1) The following development may be carried out only with development consent:
 - (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
 - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
 - (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or
 - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
 - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

60 What notice of certain heritage development applications is required?

Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions) apply to the demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area (and to the use of a building or land referred to in clause 64 for a purpose which, but for that clause, would be prohibited by this plan) in the same way as those provisions apply to designated development.

61 What notice needs to be given to the Heritage Council?

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

62 Is the development of known or potential archaeological sites allowed?

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

63 Is development allowed in the vicinity of heritage items, heritage conservation areas or archaeological or potential archaeological sites?

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

64 Are there any conservation incentives?

- (1) The consent authority may grant consent to the use, for any purpose, of a building

that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:

- (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and
- (b) the conservation of the building depends on the granting of the consent.

(2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the consent authority may, for the purpose of determining:

- (a) the floor space ratio, and
- (b) the number of parking spaces to be provided on the site,

exclude the floor space of the heritage building from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the building depends on it making the exclusion.

(3) Despite the standards for subdivision in Zones 1 (a) and 7, the consent authority may grant consent to a subdivision into two lots of the land on which a heritage item is located, if it is satisfied that:

- (a) the subdivision will not adversely affect the heritage significance of that heritage item, and
- (b) a heritage management conservation plan which is consistent with the NSW Heritage Manual (available from the office of the Council) has been prepared for the heritage item and considered by the consent authority, and
- (c) the curtilage of the heritage item will be wholly contained within one lot, and
- (d) any structures to be built on the other lot not containing the heritage item, and their proposed use, are unlikely to adversely affect the heritage significance of the heritage item.

(4) In rural areas, the Council may consent to the erection of a dwelling-house on the allotment created by the subdivision that does not contain the heritage item if:

- (a) the allotment does not already contain a dwelling-house, and
- (b) the allotment is not smaller than 10 hectares, and
- (c) the Council has satisfied itself that the proposed structure will not adversely affect the heritage item, and the dwelling-house will be ancillary to the use or the proposed use of the land.

Division 5 Miscellaneous

65 Can a covenant stop a development consented to by the Council?

- (1) For the purpose of enabling development within any zone to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, the operation of any covenant, agreement or similar instrument prohibiting or imposing restrictions on the development, to the extent necessary to serve that purpose, is not to apply to the development.
- (2) Nothing in this subclause affects the rights or interests of any public authority under any instrument registered in the Land Titles Office.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this clause was made.

66 (Repealed)

Schedule 1 Definitions

(Clause 5)

adequate means satisfactory to the Council.

agriculture means:

- (a) the cultivation of crops, including cereals, fruit, vegetables or flower crops, or
- (b) the keeping or breeding of livestock, bees, poultry or other birds, or
- (c) the cultivation of plants in a wholesale plant nursery,

carried on as a commercial undertaking, but does not include a use of a building or place elsewhere specifically defined in this Schedule.

allotment means any lot, portion or parcel of land which has been lawfully created.

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

arterial road means a road described in Part 1 of Schedule 6.

bed and breakfast accommodation means a dwelling used for short-term accommodation for up to a maximum of 6 guest beds and the provision of breakfast while that dwelling is the permanent residence of and occupied by its owners.

boarding house means a house let in lodgings where people live with a degree of permanence.

brothel means a building or place habitually used for the purposes of prostitution, whether or not it is so used by only one prostitute.

building envelope means a two or three dimensional figure within which all buildings are to be

placed on an allotment.

bulk store means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

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

- (a) a large area for handling, storage or display, and
- (b) direct vehicular access to the site of the building by customers, for the purpose of loading items into their vehicles after purchase or hire.

bush fire hazard reduction means the removal of litter and other potential fuel (by controlled burning or other means) on the ground that it constitutes a bush fire hazard, in conformity with:

- (a) a notice, permit when required, or approved fuel management plan, within the meaning of the [Bush Fires Act 1949](#), or
- (b) a development consent,

but does not include the removal by mechanical means of more than 1000 square metres of forest, or the burning of hedge rows.

bush rock means naturally occurring rocks visible at the surface of the land, but does not include rocks:

- (a) on an area of land used for cropping or being prepared to be used for cropping, or
- (b) within an area of land the subject of a consent allowing the removal of extractive material.

camping ground and **caravan park** have the same meanings as in the [Local Government Act 1993](#).

car park means a building or place used for the parking of vehicles, and any manoeuvring space and access to it, whether operated for gain or not, but does not include car parking required by a condition of a development consent.

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

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

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

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school,

or a registered non-government school, within the meaning of the [Education Reform Act 1990](#), and

- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

classified road means a road described in Part 2 of Schedule 6.

clearing land means the killing or removal of indigenous vegetation other than grass, covering an area of more than 1000 square metres measured at canopy level, accumulative from 6 May 1996, but does not include the killing or removal of trees for the purpose of:

- (a) erecting or maintaining fence lines, where the clearing width measured to the tree trunk does not exceed a total of 6 metres on the land and where the land has a gradient of less than 15% and the removal of vegetation is carried out by above ground sawing or cutting only, or
- (b) complying with any law, or
- (c) the implementation of a comprehensive property management plan approved by the Council for all adjacent land in the same ownership or a landscape plan agreed to in writing by the Council, or
- (d) development within a State Forest or land reserved as a timber reserve within the meaning of the [Forestry Act 1916](#), or
- (e) lopping or removal of trees required to be lopped or removed in accordance with the [Electricity \(Overhead Line Safety\) Regulation 1991](#), or
- (f) bushfire hazard reduction.

club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes (other than the purpose of jointly owning a holiday dwelling), whether of the same or a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule.

commodity exhibition means the use of a building or place for less than 21 days for the purpose of exhibiting, promoting or selling equipment, merchandise or goods by wholesalers, distributors and manufacturers.

communication facility means a building, structure, work or place used primarily for transmitting or receiving signals for the purpose of communication, and includes a radio mast, a satellite dish and the like.

community centre means a building or place owned, leased, sub-leased or occupied by the Council and used to provide public facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health services,

- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding,
- (g) a gallery,
- (h) a museum,
- (i) any other like building or use.

Council means the Snowy River Shire Council.

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

development has the same meaning as in the Act.

display centre means a building or place used to display products or materials used in industry.

dual occupancy means two dwellings only (whether attached or detached) on a single allotment, but does not include dwellings for which consent is granted pursuant to clause 27 (rural workers' dwellings).

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

dwelling-house means a building containing only one dwelling.

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

exhibition home means a dwelling used for its display only.

existing holding means:

- (a) except as provided by paragraph (b), the area of a lot, portion or parcel of land as it was at 26 September 1985, or
- (b) where, at 26 September 1985, a person owned two or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels, as they were at 26 September 1985.

extractive industry means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive materials from the land on which it is carried on,

and includes any stockpiling, washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

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

floor space ratio in relation to a building, means the ratio of the gross floor area of the building (exclusive of the area of any carport or garage) to the area of the allotment on which the building is or is proposed to be erected.

forestry includes arboriculture, silviculture and the destruction or removal of trees and shrubs for the purpose of:

- (a) afforestation or the cutting, dressing and preparing (otherwise than in a sawmill) of wood and other forest products, or
- (b) establishing roads necessary for the removal of wood and other forest products, or
- (c) forest protection.

gross floor area, in relation to a building, includes all areas of all floors of that building, including its outer walls, but exclusive of the area of any carport or garage.

height in relation to a building, means the distance measured vertically from any point on the roof of the topmost floor of the building to the natural ground level immediately below that point.

helipad means an area or place not open to public use which is authorised by the Commonwealth Department of Transport and which is set apart for the landing and taking off of helicopters.

heritage conservation area means land shown as such an area on the map.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 7.

If an item is described as rural buildings, a ruin, a cultural landscape or a cultural streetscape in Schedule 7, the item is taken to be as further specified in Volume 2 (Inventory) of the *Snowy River Shire Heritage Study* (available for inspection at the office of the Council), as in force at the commencement of *Snowy River Local Environmental Plan 1997 (Amendment No 1)*.

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

holiday dwelling means a dwelling containing not more than 4 bedrooms and not more than 10 beds, used wholly for holiday accommodation by different groups of associated people, or by family groups, at different times.

home activity means the use of a dwelling, or a building with a floor space no greater than 50 square metres erected adjacent to a dwelling on the same allotment, or of land comprising the allotment, for the purpose of an office, light industry, occupation or business not being a shop, but only if:

- (a) the use is undertaken and carried out by the permanent residents of the dwelling, and
- (b) the use does not interfere with the amenity of adjacent properties or of the locality in which the

dwelling is situated, and

- (c) the use does not involve exposure to view of any matter relating to the use other than a sign or advertisement to indicate the name and occupation of the resident.

home based child care means the provision of care by a care giver, licensed under the [Children \(Care and Protection\) Act 1987](#), for up to 7 children (including the care giver's own children), in the dwelling in which the care giver resides.

horse riding establishment means land used for the renting, training, riding, stabling and keeping of horses or the teaching of horse riding, whether or not horse riding takes place only within the land and whether or not for gain, but does not include an establishment where the maximum number of horses kept at any one time does not exceed 7.

hospital means a building or place (other than an institution) used for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

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

hotel means the premises to which a hotelier's licence, granted under the [Liquor Act 1982](#), relates.

industry means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles for commercial purposes and includes the storage and stockpiling of extractive material.

institution means a penal or reformatory establishment.

integrated housing means:

- (a) the subdivision of land into 5 or more residential allotments, and
- (b) the erection of a single dwelling-house on each of the allotments created by that subdivision.

intensive animal keeping establishment means a building or place used for the purpose of intensive husbandry, boarding, breeding, training or keeping of animals, birds, fish, crustaceans, insects or the like, requiring the essential provision of special structures or the importation of feed from sources outside the land on which such development is conducted. It includes pet motels, fish breeding ponds, feedlots, piggeries and poultry farms, but does not include a place at which livestock or poultry intended solely for the personal consumption or enjoyment by the owner or occupier of the land are kept.

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

landscaping works means works involving the alteration of the earth's surface or of the landform and includes cut and fill works, drainage works, the construction of retaining walls, access tracks, sealed cycleways or walkways, mounding and ponding, but does not include maintenance or cleaning works, the planting of vegetation, landscaping within the curtilage of a dwelling-house or landscaping required by the conditions of a development consent.

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

lodge means a building that is used for holiday accommodation with shared facilities (such as communal living, dining and kitchen areas) and that contains not more than 50 beds.

market means a place or building used occasionally or periodically for the selling or offering for sale of goods or services from a variety of temporary stalls. It includes the use of land for a theme festival which includes a variety of temporary stalls and a likely attendance of more than 200 persons.

medium density housing means three or more dwellings that either form part of the same building or are situated on the same allotment, where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling. It includes town houses, villa-units and the like.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any method. It includes any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a place at which an extractive industry is carried out.

motel means premises used for the short-term accommodation of travellers (not being a hotel, holiday dwelling, or a dwelling used for bed and breakfast accommodation).

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not accessories are also sold or displayed there.

nature-based eco-tourism resort means an ecologically sustainable tourist accommodation establishment with on-site management and attractions involving support for, enjoyment of, and education about the natural characteristics of the land on which it is located and its surrounding landscape.

offensive or hazardous industry means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

on-farm tourist accommodation means accommodation for tourists provided on an allotment on which a dwelling-house exists occupied by a person engaged in the use of the allotment for the purpose of agriculture, where tourists using the accommodation are exposed to agricultural aspects and activities on the allotment.

place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open air theatre, drive-in theatre, music bowl or any other building of a like character used as such, whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment.

place of public worship means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

potential archaeological site means a site known to the Council to have archaeological potential.

private cemetery means a burial location containing one or more grave sites on an allotment of private land with a minimum area of 5 hectares.

public utility undertaking means any of the following undertakings carried on by or by authority of any government body or under the authority or in pursuance of any Commonwealth or State Act for the purpose of:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings, or
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services, or
- (c) the provision of sewerage or drainage services, or
- (d) communication facilities, or
- (e) telecommunications facilities,

and a reference to a person carrying on a public utility undertaking includes a reference to the Council, a county council, a Commonwealth or State government department, corporation or authority carrying on the undertaking.

reception establishment means a building or place used for the purpose of wedding receptions, birthday parties and the like.

recreation area means:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for passive recreational activities which promote the physical, cultural or intellectual welfare of visitors or persons within the community,

being facilities provided by:

- (d) the Council, or
- (e) the Crown, or
- (f) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community, or
- (g) any person entering into a lease, licence or other agreement with the Council or the Crown for the use of the land,

and includes parks, gardens, racecourses and showgrounds.

recreation facility includes an aerobics centre, billiard saloon, bowling alley, health studio, indoor

cricket hall, table tennis centre, squash court, swimming pool or gymnasium, and includes a building used for like indoor recreation purposes.

refreshment room means a restaurant, cafe, tea room, eating house or the like, where seating is provided for customers, and may include outdoor seating facilities within a road reserve.

relic means any deposit, object or material evidence (which may take the form of human remains) relating to:

- (a) the use or settlement of the Snowy River local government area, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the Snowy River local government area either before or after its occupation by persons of European extraction.

residential flat building means a building containing three or more dwellings that do not have individual entrances or direct private access to private open space at natural ground level, and includes dwellings used in conjunction with business premises, but does not include a dwelling-house, medium density housing or a dwelling resulting from dual occupancy development.

retail plant nursery means a building or place used for both the growing and retail selling of plants, whether or not landscape supplies and other ancillary products are also offered for sale there, and includes any such building or place used for both wholesale and retail selling of plants.

road includes the construction or forming of vehicular access.

Roads and Traffic Authority means the Roads and Traffic Authority constituted under the [Transport Administration Act 1988](#).

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

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

rural tourist recreation facility means a building or place used principally for:

- (a) an outdoor recreation facility, or
- (b) the display or sale of crafts or material of scientific or educational interest,

and may include associated refreshment rooms and staff accommodation, but does not include a horse riding establishment.

sawmill means a mill handling, cutting and processing timber from logs or baulks, whether constructed within a building or outdoors, and includes a place at which a portable sawmill is used.

service station means premises principally used for the fuelling of motor vehicles, involving the sale by retail of petrol, oil or other petroleum products, whether or not the premises are also used for one or more of the following:

- (a) the hiring of trailers,

- (b) the retail selling or the installing of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing or servicing of motor vehicles, (other than body building, panel beating or spray painting),
- (e) the retail selling of small consumer goods.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail or for hire, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule.

site coverage means the percentage of an allotment covered by buildings at ground level, including outbuildings, garages and carports.

sustainable use means a continuing use of land that does not cause irreversible harm to, or a substantial reduction of the resources that the use depends on for, its own existence or establishment.

the map means the map marked "Snowy River Local Environmental Plan 1997", as amended by the maps (or the specified sheets of the maps) marked as follows:

Snowy River Local Environmental Plan 1997 (Amendment No 1)

Snowy River Local Environmental Plan 1997 (Amendment No 2)—Sheets 1 and 2

total destination resort means a large, self-contained tourist-oriented resort providing a wide, all-inclusive range of facilities such as shops, holiday accommodation of not less than 200 beds and recreational components predominantly for its in-house guests.

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

tree means any vegetation taller than 4 metres, whether native or exotic.

urban area means land within Zone 2 (a), 2 (b), 3 (a), 4 or 6.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom or dwelling-houses or advertising structures.

veterinary hospital means a building or place used for the medical or surgical treatment of animals.

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

waste disposal depot means a building or place used for the disposal of waste materials, whether domestic, commercial or industrial, and includes a compost facility, a materials recycling depot and a waste transfer station.

water-oriented recreation development means development that facilitates recreational activities for the enjoyment of existing lakes or streams, or facilities required to convey people to recreational venues over water and includes boat ramps, ferry landing areas, jetties, marinas, recreational

harbours, sea plane docking facilities and the like.

water tank means a permanently placed container or vessel for the storage of more than 10 000 litres of water.

wetland means any of the areas of land shown on the map attached to the "*Kosciusko (Snowy River) Region Planning and Development Guidelines*" (available at the office of the Council) as wetlands.

Schedule 2 Criteria for rural residential subdivisions

(Clause 28 (1))

- (1) Existing rural residential lots must not be subdivided other than by a boundary adjustment that does not increase the number of allotments before the subdivision.
- (2) Allotments to be created by subdivision are not to be smaller than 0.3 hectare in area and not to be larger than 5 hectares in area. A range of allotment sizes is to be provided by the subdivision.
- (3) Allotments smaller than 2 hectares in area and allotments within 2 kilometres of the reach of the Council's sewage treatment system must be connected to the Council's sewerage system.
- (4) Where on-site effluent disposal is proposed an analysis of soil suitability and topography demonstrating that the land is suitable for on-site effluent disposal, consistent with the relevant recommendations of the publication "Water Study" by the Department of Land and Water Conservation—October 1995 (T.S. 95.169) is to be taken into account.
- (5) Allotments to be created must contain dwelling sites which are not affected by flooding or a seasonal high water table if they are not connected to the Council's sewerage system.
- (6) Reliable long term facilities must be provided for the supply of water for domestic and fire fighting purposes. Where the subdivision is not to be connected to the Council's town water supply, an alternative water supply is to be provided. This supply is to have an adequate minimum flow capacity, and be certified by a qualified hydrogeologist.
- (7) The land to be subdivided is to be linked by a bitumen two lane road to the nearest urban centre, where the subdivision would result in more than 10 lots.
- (8) The allotments to be created must include vehicular access that will be flood free in the event of a 1:50 year probability flood occurring.
- (9) The allotments to be created must be designed to minimise any bush fire hazard.
- (10) The aquatic environment must not be detrimentally affected by the proposed use of the land.

Schedule 3 Additional uses

(Clause 29 (1))

Land in SP 37248, Parish of Thredbo—development for the purpose of administration buildings; advertising structures; child care centres; conference rooms; private recreation; refreshment rooms; staff accommodation; tourist accommodation, subject to the condition that the Council must not consent to:

- (a) any development on the land:
 - (i) which would enable or encourage the total number of tourists being accommodated on the land at any time to exceed 480, or
 - (ii) which would enable the total number of staff employed to operate the complex being accommodated on the land at any time to exceed 20, or
 - (iii) which would be inconsistent with the provisions on the land of one high quality tourist accommodation complex for up to 480 tourists with facilities and amenities required to service the needs of the occupants and day visitors, or
- (b) the erection on the land of any building in excess of 8 metres in height above natural ground level, or
- (c) the use of the land by more than 250 day visitors at any one time, or
- (d) any development on the land for any of those purposes, if the consent would be granted after 1 September 2001 otherwise than pursuant to section 100A or 102 of the Act or regulations made under section 108 of the Act.

Land in SP 50034 Parish of Clyde—development for the purpose of hotels.

Land in Lot 12, DP 242010 Parish of Clyde—development for the purpose of educational establishments.

Land located at the foreshore of Lake Jindabyne, in the following table—all development permissible with or without consent in Zone 6.

Volume	Folio	Lot/portion	DP/Parish
11401	240	6	239537
11401	238	4	239537
11972	188	16	242010
10827	26	1	529123
10827	28	3	529023
11824	183	Part 5a, 8.40.46	Clyde
Part 15072	81	161	Clyde
Part 15072	81	178	Clyde

Schedule 4 Development with restricted access to rural arterial roads

(Clause 49 (2))

Development for the purpose of the following:

clubs; commodities exhibitions; community facilities; educational establishments; extractive industries; horse riding establishments; institutions; liquid fuel depots; markets; mines; nature-

based eco-tourism resorts; offensive or hazardous industries; places of public worship; roadside stalls; rural tourist recreation facilities; sawmills.

Schedule 5 (Repealed)

Schedule 6 Arterial and classified roads

(Schedule 1)

Part 1 Arterial roads

Alpine Way
Barry Way
Jindabyne/Kosciusko Road (M.R. 286)
Tourist Route 4023
Tourist Route 4040
Dalgety Bombala Road (M.R. 394)
Snowy Mountains Highway (S.H. 4)

Part 2 Classified roads

Adaminaby to Coolawye Road (Tourist Road No 4023)
Jindabyne to Rocky Plain Road (Tourist Road No 4040)
Cobbin-Beloko Road
Dalgety Bombala Road (M.R. 394)
Rockwell Road (S16)
Pahran-Rocky Plain Road (S77)
Buchanan Road (S97)
Berridale Middlingbank Munian Road (M.R. 585)
Middlingbank Road (S82)
Old Adaminaby-Angler’s Reach Road (S32)
Bucktown Road (S2)
Adaminaby-Bolaro Road (S1)
Berridale-Bobundara Road (S13)
Cooma Bobundara Road (S25)
Arable Road (S8)

Schedule 7 Heritage items

(Schedule 1)

Ref No	Item Description	Property Name	Property Location/Description
CAD.03	Dalgety Bridge	Snowy River	Dalgety
CAD.04	Hotel	Buckley’s Crossing Hotel	Lot 6 Sec 1, DP 758333, Dalgety
CAD.05	Community Hall	Dalgety Memorial Hall	Lot 97 DP 756676, Dalgety
CAD.06	Church	St Peters Anglican Church	Lot 2 Sec 2, DP 758333, Dalgety
CAD.07	Church	Our Lady Star of the Sea	Lot 21 DP 4259, Dalgety

CAD.08	Civic Building	Former Police Station	Lot 2 Sec 9, DP 758333, Dalgety
CAD.09	Commercial Building	Dalgety General Store	Lot A DP 380453, Dalgety
CAD.10	School	Dalgety Public School	Lot 1 DP 122479, Dalgety
CAD.11	Former Hotel		Lot 7 DP 658735, Campbell Street, Dalgety
CALD.01	Cultural Landscape	Dalgety Showground	Crown Reserve 28590
CAD.13	House	Fairview	Lot 2 Sec 6, DP 758333, Brierly Street, Dalgety
CAD.15	House		Lot 100 DP 800433, Dalgety
CAD.16	House		Lot 2 DP 200512, Hamilton Street, Dalgety
CAD.17	House		Lot 2 Sec 5 DP 758333, Hamilton Street, Dalgety
CAD.18	House		Lot 1 DP 350523, Cnr Hamilton & Campbell Streets, Dalgety
CAD.19	Bus Shed		Lot 1 DP 393669, Dalgety
CAD.20	Commercial Building	Golden Fleece Service Station	Lot 2 DP 585319, Dalgety
CAD.21	House		Lot 1 DP 654718, Campbell Street, Dalgety
CAD.22	House		Lot 4 DP 974931, Campbell Street, Dalgety
CAD.23	House		Lot 1 DP 393669, Campbell Street, Dalgety
CAD.24	House		Lot A DP 322980, Barnes Street, Dalgety
CAD.25	House		Lot 1 DP 585319, Campbell Street, Dalgety
CAD.26	House		Lot 16 Sec 1 DP 4259, Barnes Street, Dalgety
CAD.27	House	Dalgety—School Residence	Lot 1 DP 333140, Barnes Street, Dalgety
CAD.28	Rural Buildings		Lot 9 DP 131498, Campbell Street, Parish of Bobundara
CAD.29	Old Chapel Creek Bridge		Chapel Creek, Dalgety
CAD.30	New Chapel Creek Bridge	New Bridge	Chapel Creek, Dalgety

CA.LD.02	Lined Avenue	Cultural Landscape	Near Dalgety Bridge—Poplars & Pines
1.01	Monument	Strzelecki Monument	Lot 6 DP 239537, Jindabyne
1.02	Hall	Memorial Hall	Lot 30 DP 227005, Jindabyne
1.03	Church	St Andrews Uniting Church	Lot 10 DP 219583, Jindabyne
1.04	Church	St Columbkilles Church & Hall	Lot 1 DP 539277, Jindabyne
1.09	Cemetery	Jindabyne Cemetery	Lot 210 DP 729856, Jindabyne
1.12	House	Crackenback	Lot 22 DP 707976, Parish of Crackenback
1.13	Wollondibby Cottage and Grave	Wollondibby Cottage, Woolshed and 1848 Cemetery	Lot 1 DP 245722, Parish of Thredbo
1.14	Former Leeseville Hotel, Cottage and Woolshed	Leeseville	Lots 14, 19 and 123 DP 756686, Parish of Clyde
1.15	House, Rural Buildings, Orchard and Pine Trees	Cobbin Farm	Lot 2 DP 882864, Parish of Clyde
1.17	Rural Building	The Stone House	Lot 52 DP 756699, Parish of Ingebirah
1.19	Ruin	The Bark Hut	Lot 55 DP 756699, Parish of Ingebirah
1.20	Grave and Hut		Lot 60 DP 756699, Tin Mine Track, Ingebirah
1.21	Miners Hut		Lot 60 DP 756699, Tin Mine Track, Ingebirah
1.23	Church	St Thomas Church & Moonbah Cemetery	Lot 1 DP 89733, Barry Way, Mowamba
1.24	House	The Potato Pit No 2	Lot 1 DP 744675, Parish of Mowambah
1.25	Mine Ruins		Lot 60 DP 756699, Parish of Ingebirah
1.26	Rural Buildings	Glenrock Homestead	Pt Lot 5 DP 756672, Parish of Abington
1.28	Rural Buildings	Glen Miln	Lot 29 DP 756667, Parish of Abington
1.29	Church	St Andrews Anglican Church	Lot 146 DP 219583, Jindabyne
1.30	Rural Buildings	Moonbah	Lot 129 DP 756686, Parish of Clyde
1.31	Rural Buildings	The Park Homestead	Lot A DP 374698, Parish of Abington

1.32	Rural Buildings	Pleasant View	Lot 1 DP 821719, Parish of Abington
L1.01	Monument	Jindabyne Foreshore Park	Lot 6 DP 239537, Jindabyne
2.01	Rural Buildings	Boloco	Lot 123 DP 756672, Parish of Beloka
2.02	Church and Cemetery	St James Anglican Church and Boloco Cemetery	Lot 172 DP 729689, Parish of Beloka
2.03	Church	St James Anglican Boloco Church	Lot 16, DP 756730, Parish of Beloka
2.04	Cemetery	Boloco Cemetery	Lot 16 DP 756730, Parish of Beloka
2.05	Rural Buildings	Ironmungie	Lots 1-3 DP 873883, Parish of Coonhoonbula
2.06	Rural Buildings	Matong	Lot 2 DP 871607, Parish of Coonhoonbula
2.07	Rural Buildings	Numbra Vale	Lots 1, 40, 96-98 and Lot 1 DP 421049, Parish of Numbra
2.10	Rural Buildings	Jimembuen Homestead	Pt Lot 1 DP 756708, Parish of Matong
2.11	Rural Buildings	Jimembuen Station	Lots 2, 29 and Pt Lot 1 DP 756708, Parish of Matong
2.13	Schoolhouse		Lot 1 DP 719016, Parish of Matong
2.14	Rural Buildings	Boloco South	Pt Lot 10 DP 756672, Parish of Beloka
2.15	Rural Buildings	Boloco	Portions 25, 31, 34, 63, 73,74 and 94 DP 756730, Parish of Wilson
2.16	Rural Buildings	Emohruo	Lot 1 DP 749653, Parish of Wilson
2.22	Bridge	Bridge (1) over Numbra Creek	Lucernedale
2.23	Bridge	Bridge (2) over Numbra Creek near Matong Homestead	near Matong Homestead
L2.01	Lake	Lakeview	Lot 145 DP 756701, Parish of Matong
3.01	Rural Buildings	Coolringdon	Lots 73, 74 and 162-164 Parish of Coolringdon
3.03	Historical Site, Cemetery and Church	St Mary the Virgin Anglican Church and Gegendzerick Cemetery	Crown Land & Lot 1 DP 724285, Lot 1 DP 724448 and Lot 1 DP 724809, Parish of Gordon
3.04	Rural Buildings	Kiah Lake Homestead and outbuildings	Lot 29 DP 756715, Parish of Myack
3.06	Rural Buildings	Hazeldean Homestead	Lots 125 and 127 DP 750545, Parish of Cooma

3.07	Rural Building	Outstation on Hazeldean	
3.08	Rural Buildings	Springwell	Lot 2 DP 208390, Parish of The Brothers
3.09	Rural Buildings	Severn Park	Lot 2 DP 591358 and Lot 60, DP 756731, Parish of Wullwye
3.10	Historical Site—Cemetery	Christ Church Maneroo	Myalla Road, Cooma
3.11	Church and Rectory	Christ Church Maneroo	Myalla Road, Cooma
3.12	Former Rectory	Koolaroo	Lot 29 DP 750535, Parish of Cooma
3.13	Rural Buildings	Myalla	Lot 4 DP 756716, Parish of Cooma
3.14	Rural Buildings	Wullwye	Lot 164 DP 756694, Parish of Gordon, Wullwye
3.15	Rural Buildings	Bush Hall	Lot 1 DP 573752, Parish of Gygederick
3.16	House and Stable	The Old Parsonage	Lot 2 DP 545233, Parish of Gordon
3.17	Church	Uniting Church Alpine Parish	Lot 21 DP 756681, Parish of Bullenbalong
3.18	Rural Buildings	Kara	Lot 48 DP 756702, Parish of Jinderboine
3.19	Rural Buildings	Avonside	Lot 20 DP 848079 and Lot 52 DP 756702, Parish of Jinderboine
3.21	Hotel	Past Times (former Pine Valley Hotel)	Lot 1 DP 230790, Parish of Jillamatong
3.22	Hotel	Berridale Inn	Lot 3 DP 591480, Berridale
3.23	Church	All Saints Anglican Church	Lots 3, 5 & 6 DP 223961, Myack Street, Berridale
3.24	Church	St Stephens Uniting Church	Lot 6 Sec 16, DP 1242, Florence Street, Berridale
3.25	Church	St Joseph's Catholic Church	Lot 19 Sec 8 DP 1242 and Lots 155 & 160 DP 727609, Mary Street, Berridale
3.26	School	Berridale Public School	Lots 4–10 and Lots 16–20 Sec 15 DP 1242, Berridale
A3.01	Archaeological Site	Murlingbung Flour Mill Site	West of Murlingbung
3.27	Rural Buildings	Willow Grove	Lot 373 DP 750535, Parish of Cooma

3.28	Rural Buildings	Mandalong	Lots 1 & 2 DP 114755, Lots 78, 83 & 190 DP 750561, Lots 1 & 2 DP 795653, Lot 2 DP 848178, Enclosure Permit 204421, Parish of The Brothers
3.31	Rural Buildings	Stratford	Lot 10 DP 749533, Parish of Gordon
3.34	Historical Site and Building	Bobundara	Pt Lot 1 DP 607651, Parish of Maffra, Lot 189 DP 704174, Lot 2 DP 731773, PO 84/11, Parish of Myalla
3.35	Rural Buildings	Cherry Tree	Lot 2 DP 734518, Parish of Arable
3.37	Rural Building	Alloura	Lot 74 DP 756698, Parish of Gygederick
3.41	Rural Building	Boonara	Lot 160 DP 756694, Parish of Gordon
3.42	Rural Building	Sunnyside	Lots 9, 77 & 100 DP 756694, Parish of Gordon
3.46	Rural Buildings	Murlingbung	Lots 213 & 268 DP 41919, Parish of Bullenbalong
3.47	Rural Building	Cottage belonging to Murlingbung	Lot 2 DP 592293, Parish of Bullenbalong
3.48	Church	St Thomas Anglican Church	Lot 69 DP 756679, Parish of Buckenderra
3.49	Rural Buildings	Coolamatong Homestead	Lot 1 DP 756687, Parish of Coolamatong
3.50	Relic	Milestones collection	Lot 11 Sec 5 DP 1242, Kosciusko Road, Berridale
3.51	Civic Building	Council Chambers	Lot 10 Sec 5 DP 1242, Berridale
3.52	Civic Building	Ballantrae House (former Council Chambers)	Lot C DP 386520 and Lot 1 DP 214050, Myack Street, Berridale
3.54	Community Building	CWA Hall	Lot 2 DP 223961, Myack Street, Berridale
3.55	Civic Building	Former Post Office & Police Station	Lot 5 Sec 5 DP 1242, Myack Street, Berridale
3.56	Civic Building	Bakery	Lots 6 & 7 DP 244222, Berridale
3.57	Civic Building	Berridale Police Station and Residence	Lot 1 DP 520315, Hosking Street and residence, Lot 3 DP 213354, Mackay Street, Berridale
3.58	House	Cottage (rear of Council Chambers)	Lot 10 Sec 5 DP 1242, Berridale

3.59	House		Lot 1 DP 569197, 10 Myack Street, Berridale
3.61	House		Lot 161 DP 756694, Berridale
3.63	House		Lot A DP 394238, Myack Street, Berridale
3.65	House		Lot 3 Sec 19 DP 1242, Berridale
3.66	Commercial Building	Our Daily Bread	Lot 21 DP 619389, Cnr William & Myack Streets, Berridale
3.68	House	The Old Oliver House	Lots 3 & 4 Sec 2 DP 1242, Bent Street, Berridale
3.70	House		Lot 21 DP 708046, Creek Street, Berridale
3.71	House		Lot 12 Sec 15 DP 1242, James Street, Berridale
3.72	House		Lot 1 DP 805708, Mackay Street, Berridale
3.74	House		Lot 4 DP 259751, 16 Florence Street, Berridale
3.75	House		Lot 1 Sec 17 DP 1242, 32 Mary Street, Berridale
3.76	House		Lot 4 DP 5261, 46 Jindabyne Road, Berridale
3.78	House		Lot 3 DP 5261, 48 Jindabyne Road, Berridale
3.79	House		Lot 8 DP 5261, 38 Jindabyne Road, Berridale
3.80	Community Building	Former Picture Theatre—GUOOF Hall	Lot 9 DP 5261, Jindabyne Road, Berridale
3.81	Commercial Building	Col's Classic Cars (formerly Bartell's Garage)	Lots 10 & 11 DP 5261, Jindabyne Road, Berridale
3.82	House		Lot 5 Sec 1 DP 1242, 3 Park Street, Berridale
3.83	Commercial Building	Former Dry Cleaners	Lots 5 & 6 Sec 1 DP 1242, 1-3 Park Street Berridale
3.84	House	The Garnet	Lot B DP 339055, Kiah Lake Road, Parish of Myack
3.85	House		Lot A DP 339055 and Part Lot 13 DP 756715, Kiah Lake Road, Parish of Myack

3.86	Rural Buildings	Oakvale	Lots 38, 88, 89, 94, 96, 104, 122 and 142 DP 756687, Parish of Coolamatong and Lots 137, 138, 139, 140, 143 and 170 DP 756694, Parish of Gordon
3.87	Rural Buildings	Kiah Lodge	Lot 2 DP 598807, Parish of Myack
3.88	Rural Buildings	Rockwell	Lots 1 & 2 DP 703710
3.90	Rural Buildings	Kelton Plain	Lots 1-5 DP 795657 and Lots 6-9 DP 795653
3.91	Rural Buildings	Hilltop	DP 756727, Parish of Townsend
3.95	Rural Buildings	Ravensworth	DP 750561, Parish of The Brothers
3.96	Rural Buildings	Nioka	Lot 167 DP 750545, Parish of Jillamatong
3.97	Rural Buildings	Little Plain	Lot 52 DP 756680, Parish of Coolamatong
3.99	Rural Buildings	Lakeview	
L3.01	Lake	Buckleys Lake	Lot 101 DP 756731, Parish of Wullwye (Water Reservoir 690)
L3.02	Cultural Streetscape	Jindabyne Road, Berridale	Jindabyne Road, urban Berridale
L3.03	Memorial and Park	War Memorial and Reserve	Jindabyne Road and Myack Street
4.01	Archaeological Site and Rural Buildings	Happy Valley	Portions 22 and 23 DP 756677, Parish of Bolaira
A4.02	Archaeological Site	Bolaira View (see also 4.45)	Lot 7 DP 756677, Yaouk Road, Adaminaby
4.04	Racecourse	Adaminaby Racecourse	Lot 133 DP 729403, Lots 1, 2 & 3 DP 202185, Parish of Bolaira
4.05	Rural Buildings	Bolaro Shearing Area	Lot 1 DP 756684 and Lot 1 DP 614863, Parish of Chippendale
4.06	Church	St Mary's Catholic Church	Lot A DP 28078, Parish of Bolaira
4.07	Church	St Johns Anglican Church	Lot H DP 28078, 13 Stoke Street, Adaminaby
4.08	Church	The Uniting Church	Lot F DP 28078, Stoke Street, Adaminaby
4.09	House	Denison Cottage	Lot 11 Sec 17 DP 758008, Old Adaminaby
4.10	Former Adaminaby Court House		Lot 8 DP 758008, Denison Street, Old Adaminaby

4.11	School	Caravan Park and Public School	Lots 376, 377 and 378 DP 821745, Rainbow Street, Old Adaminaby
4.12	Church	Adaminaby Methodist Church	Lot 378 DP 821745, Old Adaminaby
4.14	Cemetery	Old Adaminaby Cemetery	Parish of Seymour
4.15	Retail Centre	Adaminaby Shopping Centre	Adaminaby
4.16	Civic Building	Adaminaby Police Station	Lot 13 Sec 2 DP 758006 and Lot 168 DP 28080, York & Denison Streets, Adaminaby
4.17	Community Building	Adaminaby Memorial Hall	Lot 79 DP 28078, York Street, Adaminaby
4.18	Commercial Building	Formerly CBC Bank relocated from Old Adaminaby	Lot 68 DP 28078, Adaminaby
4.19	School	Adaminaby Public School	Lot 194 DP 756677, Adaminaby
4.20	House	Adaminaby Chiropractor	Lot 67 DP 28078, Denison Street, Adaminaby
4.21	Sculpture	The Big Trout	Lot 4 DP 28078, Adaminaby
4.22	House		Lot 23 DP 28078, Baker Street, Adaminaby
4.24	House	Keval	Lot 4 DP 28078, 4 Druitt Street, Adaminaby
4.25	House		Lot 6 DP 28078, 8 Druitt Street, Adaminaby
4.26	House		Lot 73 DP 28078, 9 Druitt Street, Adaminaby
4.27	House		Lot 72 DP 28078, 11 Druitt Street, Adaminaby
4.28	House	Ashburton	Lot 97 DP 28078, 23 Druitt Street, Adaminaby
4.30	House		Cnr Lot 88 DP 28078, 10 Cosgrove Street, Adaminaby
4.31	House		Lot 57 DP 28078, York Street, Adaminaby
4.33	House		Lot 87 DP 28078, York Street, Adaminaby

4.34	Rural Buildings	Lawarra	Pt 24 DP 750534 and Lots 7 & 19 and Pt Lot 2 DP 900497, Parish of Coolringdon
4.40	Rural Buildings	Hazelwood	Lot 110 DP 756677, Parish of Bolaira
4.43	Ruins and Pioneer Grave Sites	Boconnoc	Part Portions 23 & 28, DP 756709, Parish of Middlingbank
4.44	Rural Buildings	Bolaira View	Lot 74 DP 756677, Parish of Bolaira
4.45	Waterwheel and Building	Bolaira View (Outrider Cottage)	
4.46	Rural Buildings	Milroy	Lots 15, 32, 35, 40, 56, 57, 60–2, 65, 79, 80, 81, OCP 77/28, 116 and 123 DP 756684, Parish of Chippendale and Lot 33 PO 82/4 DP 756720, Lots 1 and 2 DP 720143, Lot 1 DP 133617, Parish of Nungar
4.47	Rural Buildings	Fontenoy	Lot 48 DP 756684, Parish of Chippendale
4.48	Rural Buildings	Heatherbrae	Lot 27 DP 756692, Parish of Gabramatta
4.49	Rural Buildings	Gabramatta	Lot 1 DP 756692, Parish of Gabramatta
4.50	Rural Buildings	Fairview	Pt Lot 1 and Lot 95 DP 756729, Parish of Wallgrove
4.52	Rural Buildings	Coolringdon Chalet	Lot 17 DP 756718, Parish of Nimmo
4.53	Rural Building	Jimmy's Hut	Lot 40 DP 756696, Parish of Gungarlin
4.54	Rural Building	Bulmanns Hut	Lot 21 DP 756718, Parish of Nimmo
4.55	Bridge	Nimmo Bridge	Eucumbene River on the boundary of Middlingbank and Nimmo Parishes
4.56	Rural Buildings	Polygon	Lot 105 DP 756677, Parish of Bolaira
4.57	Rural Building	Neriwa	Lot 136, DP 756709, Parish of Middlingbank
L.4.01	Cultural Streetscape	Denison Street	Denison Street, Adaminaby
L.4.02	Cultural Streetscape	Snowy Mountains Highway	Snowy Mountains Highway, urban Adaminaby

5.01	Homestead, garden, garden structures, relics of original driveway and entrance, cottages, building relics, shearing shed and associated buildings, sheds, old plantings	Murranumbra	Lot 2, DP 756707, Parish of Marrinumbra.
5.02	House, garden, garage, shed, pine trees	Tallawa	Lot 40, DP 756707, Parish of Marrinumbra.
5.03	Ruins	Old Glenmore	Lot 2 DP 354168, Parish of Abington
5.04	House and Exotic Plantings	Briardale	Lot 1 DP 577655, Parish of Caddigat
5.05	Rural Buildings and Ruins	Bushy Park	Lot 2 DP 1033120, Parish of Jinderboine
5.06	2 Lodges, Commissioner's house and Sports Stadium	Jindabyne Winter Academy of Sport and Recreation	Lot 101 DP 1019527, Parish of Clyde
5.07	Recreation Hall (former Cooma North Primary School Building)	Carinya	Lot 10 DP 861805, Parish of Abington