

Cowra Local Environmental Plan 1990

[1990-745]



New South Wales

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New South Wales

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Cowra Local Environmental Plan 1990



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Cowra Local Environmental Plan 1990*.

2 Aims, objectives etc

- (1) The principal aims of this plan are to promote the growth, development and prosperity of the Shire of Cowra and to assist present and future residents of the Shire in their endeavours to maintain their prosperity, security and present rights.
- (2) The particular aims of this plan are:
 - (a) in relation to the rural needs of the Shire:
 - (i) to encourage and preserve all forms of agriculture, and
 - (ii) to preserve agricultural land for all forms of agriculture, and
 - (iii) to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and
 - (iv) to minimise the potential for land use conflict between agriculture and settlement by requiring new dwellings to be ancillary to agricultural use, and
 - (v) to minimise the fragmentation and loss of agricultural land, and
 - (vi) to reduce the uncoordinated demand for roads, infrastructure and services on the wider community, and
 - (vii) to improve the natural resource outcomes associated with sustainable management of rural lands, and
 - (viii) to minimise settlement of rural areas for lifestyle purposes and encourage such development to be located after broad strategic land use assessment, and
 - (ix) subject to subparagraph (i), to provide for other types of development

appropriate in rural zones, particularly tourist oriented and employment generating development, and

- (x) to ensure mineral resources and energy generation potential are not sterilised by competing land uses.
 - (b) in relation to the residential needs of the Shire—to encourage a variety of densities, locations, building materials and styles of construction for residential development, and
 - (c) in relation to the commercial needs of the Shire—to provide adequate areas for present retail and commercial enterprises and for future expansion, and
 - (d) in relation to the industrial needs of the Shire—to provide for new industrial development, including heavy industry, which will contribute to the local economy of and employment in the Shire, and
 - (e) in relation to community facilities—to encourage the provision of community services and facilities, and
 - (f) in relation to tourism—to provide opportunities for tourist oriented development, and
 - (g) in relation to flooding—to promote awareness of flood severity and frequency so as to minimise the risk to life and property from severe flooding effects, and
 - (h) to enable the Council to prepare development control plans to provide more detailed policies and guidelines concerning the development of land, and
 - (i) in relation to heritage conservation:
 - (i) to conserve the environmental heritage of the Cowra Shire area, and
 - (ii) to integrate heritage conservation into the planning and development control processes, and
 - (iii) to provide for public involvement in the matters relating to the conservation of Cowra Shire area's environmental heritage, and
 - (iv) to ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings, as well as streetscapes and landscapes of Cowra Shire and the distinctive character that they impart to the Cowra Shire area.
- (3) The particular objectives adopted by this plan to achieve the aims referred to in subclause (2) are set out in relation to the respective zones in the Table to clause 9.

3 Land to which plan applies

This plan applies to all land within the Shire of Cowra as shown edged heavy black on the map.

4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Interim Development Order No 1—Municipality of Cowra*, and
- (b) Cowra Local Environmental Plans Nos 1–5.

5 Interpretation

(1) In this plan:

agricultural machinery showroom means a building or place used for the display and sale of agricultural machinery, whether or not agricultural machinery accessories are also displayed or sold there.

alter, in relation to a heritage item means:

- (a) the making of structural changes to the outside of the heritage item, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

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

community centre means a building or place used for the purpose of providing 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 facilities, or used for any other

Council means the Council of the Shire of Cowra.

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

environmentally sensitive land means land identified as class VII or VIII, or land with a slope greater than 18°, on a map prepared by the Soil Conservation Service of NSW, a copy of which is deposited in the office of the Council.

existing holding means:

- (a) except as provided by paragraph (b) the area of a lot, portion or parcel as it was on the appointed day, as reduced by:
 - (i) any subsequent subdivision for the purpose of a boundary adjustment, and
 - (ii) any area of land subsequently excised for a public purpose, or
- (b) where, on the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels, the aggregation of the areas of those lots, portions or parcels as they were on the appointed day, or as reduced by:
 - (i) any subsequent subdivision for the purpose of a boundary adjustment, and
 - (ii) any area of land subsequently excised for a public purpose,
- (c) any lot created by a subdivision approved by the Council on or after 20 November 1986 provided the subdivision plan is registered by the Registrar General on or before 20 November 1990.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances but does not include any metal or mineral.

flood prone land means land which would be inundated as a result of a 1 in 100 year flood, as indicated on the map marked “*Cowra Flood Inundation Map 1983*”, prepared by the Department of Water Resources, a copy of which is deposited in the office of the Council.

floodway means the channel of a river or stream and those portions of the flood plain adjoining the channel which are required to carry and discharge floodwaters.

heritage item means a building, work, relic, tree, or place of heritage significance to the Cowra Shire area, as described in Schedule 1 and shown in a distinctive manner on the map.

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

intensive agriculture means an agricultural enterprise of an intensive nature on land where horticulture, irrigated agriculture or intensive livestock keeping is the primary use of the land.

land degradation means any decline in the quality of natural land resources, commonly caused through improper use of the land by humans and includes the

effects of erosion, sedimentation, dryland salinity, invasion of noxious and woody weeds, soil acidification and structural decline, water logging and excessive flooding.

maintenance, in relation to a heritage item, means the continuous protective care of the fabric of an heritage item and its setting.

plant depot means a building or place used for the parking or servicing of movable plant by the owner or lessee of that building or place in relation to an occupation or business carried on at some other location.

prime agricultural land means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and deposited in the office of the Council, copies of which are deposited in an office of the Department of Agriculture, as Class A1, Class A2 or Class A3 (or as subsequently identified by or on behalf of the Director-General on a map as Class 1, Class 2 or Class 3) or land of merit for special agricultural uses, as notified to the Council in writing by the Director-General, but does not include land which the Director-General has notified the Council in writing is not prime agricultural land for the purposes of this plan.

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

recreation area means:

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

but does not include a racecourse or showground.

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

riding school means a building or place used for the purpose of teaching horse riding skills or hiring horses for recreational riding whether or not accommodation is also provided for the riders.

stable means a building or place used for the purpose of receiving, maintaining, boarding or keeping horses.

sustainable natural resource management means ensuring that the health, diversity and productivity of the nation's natural resources are maintained or enhanced for the benefit of future generations through the conservation of biological diversity and the integrity of ecosystems.

the map means the series of maps marked "Cowra Local Environmental Plan 1990", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Cowra Local Environmental Plan 1990 (Amendment No 1)

Cowra Local Environmental Plan 1990 (Amendment No 3)

Cowra Local Environmental Plan 1990 (Amendment No 4)

Cowra Local Environmental Plan 1990 (Amendment No 5)

Cowra Local Environmental Plan 1990 (Amendment No 6)

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner specified in relation to that zone in that clause as the means of identifying land of the zone so specified, and
- (c) a reference to a map is a reference to a map deposited in the office of the Council, and
- (d) a reference to "Cowra Shire" (except in the expression "Cowra Shire Council") or "the Shire" is a reference to the local government area of Cowra.

6 Adoption of model provisions

(1) Subject to subclause (2), the *Environmental Planning and Assessment Model Provisions 1980* except:

- (a) the definitions of **advertising structure**, **advertisement**, **extractive material** and **map** in clause 4 (1), and
 - (b) clauses 8 (7), 17, 22, 29, 33 and 34,
- are adopted for the purpose of this plan.

(2) For the purposes of this plan:

- (a) clause 12 of the *Environmental Planning and Assessment Model Provisions 1980* shall apply to and in respect of land having frontage to a main or arterial road used or to be used for the purposes of a shop in the same way as it applies to and in respect of land having frontage to a main or arterial road used or to be used for commercial or industrial purposes, and
- (b) a reference in clause 8 of Schedule 1 of those Provisions to the widening of a road includes a reference to the widening of a road on land acquired by the Council for that purpose.

7 Consent authority

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

Part 2 General provisions for development of land

8 Zones indicated on the map

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

- Zone No 1 (a) (Rural Zone)—edged black and lettered “1 (a)”.
- Zone No 1 (c) (Rural (Small Holdings) Zone)—edged black and lettered “1 (c)”.
- Zone No 1 (c1) (Rural-Residential)—edged black and lettered “1 (c1)”.
- Zone No 1 (f) (Rural (Forestry) Zone)—edged black and lettered “1 (f)”.
- Zone No 2 (a) (Residential Zone)—edged black and lettered “2 (a)”.
- Zone No 2 (v) (Village Zone)—edged black and lettered “2 (v)”.
- Zone No 3 (Business Zone)—edged black and lettered “3”.
- Zone No 3 (b) (Commerce Zone)—edged black and lettered “3 (b)”.
- Zone No 4 (a) (Industrial Zone)—edged black and lettered “4 (a)”.
- Zone No 4 (c) (Special Industrial Zone)—edged black and lettered “4 (c)”.
- Zone No 5 (a) (Special Uses Zone)—edged black and lettered “5 (a)”.
- Zone No 5 (b) (Special Uses (Railways) Zone)—edged black and lettered “5 (b)”.
- Zone No 6 (Existing Open Space Zone)—edged black and lettered “6”.

Zone No 7 (a) (Environment Protection (Conservation) Zone)—edged black and lettered “7 (a)”.

Zone No 8 (National Parks and Nature Reserves Zone)—edged black and lettered “8”.

Zone No 9 (Tourist Development Area Zone)—edged black and lettered “9”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent, and
 - (b) development may be carried out:
 - (i) only with development consent but where that consent cannot be refused, and
 - (ii) subject to such conditions as may be imposed under section 91 of the Act, and
 - (c) development may be carried out only with development consent, and
 - (d) development is prohibited,are specified under the headings “Without consent”, “Subject to conditions”, “Only with consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) In granting consent to the carrying out of development on land to which this plan applies, the Council shall have regard to whether the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) Rural Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to promote sustainable agriculture, and
- (b) to preserve agricultural land, and
- (c) to provide greater security for all forms of agriculture and to facilitate opportunities for diversification and farm expansion, and

- (d) to ensure settlement is ancillary to agriculture and does not result in inefficiencies due to reduction in holding size, land use conflict or fragmentation of agricultural land, and
- (e) to ensure non-agricultural development is sited to avoid or mitigate impacts on agriculture, avoid land use conflict and to conserve agricultural land as a resource, and
- (f) to take into consideration the potential economic recovery of known mineral and extractive resources in the siting of development, and
- (g) to provide for other types of development appropriate in rural zones, particularly tourist oriented and employment generating development within the capability of the land to support the development, and
- (h) to facilitate sustainable natural resource management by managing development of agricultural land, and
- (i) to ensure development in the rural area does not result in demand for the provision of infrastructure or services above those required to service the existing rural community.

2 Without consent

Agriculture (other than pig keeping establishments, poultry farming establishments or feed lot establishments); forestry; any purpose ordinarily incidental or subsidiary to agriculture or forestry.

3 Subject to conditions

Nil.

4 Only with consent

Any purpose other than a purpose included in item 2 or 5.

5 Prohibited

Motor showrooms; residential flat buildings.

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

1 Objectives of zone

The objectives of this zone are:

- (a) to enable small rural holdings at West Cowra in order to accommodate particular lifestyle choices and needs and to complement the Cowra urban area, and
- (b) to enable the Council to prepare a development control plan to guide future development in the area, and
- (c) to ensure that development is carried out in a manner that maintains options for the future urban development of the land.

2 Without consent

Agriculture (other than pig keeping establishments, poultry farming establishments or feed lot establishments); any purpose ordinarily incidental or subsidiary to agriculture.

3 Subject to conditions

Nil.

4 Only with consent

Any purpose other than a purpose included in item 2 or 5.

5 Prohibited

Feed lot establishments; garbage disposal areas; motor showrooms; offensive or hazardous industries; pig keeping establishments; poultry farming establishments; residential flat buildings.

Zone No 1 (c1) Rural-Residential Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to enable appropriate staged development for the purpose of rural-residential holdings or hobby farms to be carried out on land which is suitable for those purposes, and
- (b) to provide for a range of suitable activities associated with residential occupation including small-scale intensive agriculture where this has minimal impact on adjacent or surrounding land use, and
- (c) to enable a range of land use or developments to be carried out where such activities are in keeping with the rural character of the locality,

compatible with the existing or likely future use of the land for hobby farms, not adverse to adjacent or surrounding agricultural productivity, and within the capability of the land to support them.

2 Without consent

Agriculture (other than pig keeping establishments, poultry farming establishments or feed lot establishments).

3 Subject to conditions

Nil.

4 Only with consent

Any purpose other than a purpose included in item 2 or 5.

5 Prohibited

Abattoirs; extractive industries; feed lot establishments; garbage disposal areas; junk yards; large shops; liquid fuel depots; motor showrooms; offensive or hazardous industries; pig keeping establishments; poultry farming establishments; residential flat buildings; stock and sale yards.

Zone No 1 (f) Rural (Forestry) Zone

1 Objectives of zone

The objective of this zone is to recognise existing State forests.

2 Without consent

Agriculture; forestry; any purpose ordinarily incidental or subsidiary to agriculture or forestry.

3 Subject to conditions

Nil.

4 Only with consent

Extractive industries; mines; sawmills; utility installations.

5 Prohibited

Any purpose other than a purpose included in item 2 or 4.

Zone No 2 (a) Residential Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land to be primarily used for detached housing and associated facilities, and
- (b) to enable other forms of housing compatible with detached housing, and
- (c) to enable other development which provides services to residents or has an association with, is compatible with and is unlikely to adversely affect residential amenity.

2 Without consent

Dwelling-houses.

3 Subject to conditions

Housing for the aged or disabled.

4 Only with consent

Any purpose other than a purpose included in item 2, 3 or 5.

5 Prohibited

Abattoirs; agricultural machinery showrooms; bulk stores; car repair stations; clubs; commercial premises; extractive industries; feed lot establishments; forestry; helipads; heliports; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motor showrooms; pig keeping establishments; places of assembly; plant depots; poultry farming establishments; reception establishments; riding schools; roadside stalls; sawmills; service stations; shops other than general stores; stables stock and sale yards; tourist facilities other than motels; transport terminals; warehouses.

Zone No 2 (v) Village Zone

1 Objectives of zone

The objectives of this zone are to recognise existing villages and to enable future development appropriate to their function.

2 Without consent

Dwelling-houses.

3 Subject to conditions

Housing for the aged or disabled.

4 Only with consent

Any purpose other than a purpose included in item 2, 3 or 5.

5 Prohibited

Abattoirs; extractive industries; feed lot establishments; garbage disposal areas; industries (other than home industries, light industries or rural industries); institutions; junk yards; mines; pig keeping establishments; poultry farming establishments.

Zone No 3 Business Zone

1 Objectives of zone

The objective of this zone is to encourage retail and other business services, and other associated, supporting or ancillary development.

2 Without consent

Nil.

3 Subject to conditions

Commercial premises; shops (other than drive-in take-away food shops).

4 Only with consent

Any purpose other than a purpose included in item 3 or 5.

5 Prohibited

Abattoirs; amusement parks; caravan parks; garbage disposal areas; industries (other than home industries or light industries) institutions; junk yards; mines; sawmills; stables; stock and sale yards.

Zone No 3 (b) Commerce Zone

1 Objectives of the Zone

The objectives of this zone are:

- (a) to encourage commerce development (other than shops and veterinary clinics or surgeries) which will generate employment and contribute to satisfying the economic needs of the area, and
- (b) to provide for the development of commercial offices on the fringe of the Cowra central business district, and
- (c) to prevent commercial development that will adversely impact on the remaining residential component of development in the locality, and
- (d) to ensure that any new building or altered building is developed with a residential (dwelling-house) architectural style compatible with the existing styles in the locality.

2 Without Consent

Nil.

3 Subject to Conditions

Nil.

4 Only with Consent

Child care centres; commercial premises (other than veterinary clinics or surgeries); community centres; dwelling-houses; education establishments; home industries; hospitals; motels; professional consulting rooms; public buildings; reception establishments; refreshment rooms; retail plant nurseries; units for aged persons; any other purpose not included in item 5.

5 Prohibited

Abattoirs; amusement parks; bulk stores; bus stations; car repair stations; caravan parks; hotels; industries; institutions; junk yards; light industries; liquid fuel depots; mines; mineral sand mining; offensive or hazardous industries; places of assembly; recreation establishments; recreation facilities; residential flat buildings; road transport terminals; rural industries; sawmills; service stations; shops; stables; taverns; tourist facilities; transport terminals; veterinary clinics or surgeries and warehouses.

Zone No 4 (a) Industrial Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to encourage development which will generate employment and contribute to the economic needs of the Shire, and
- (b) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone.

2 Without consent

Nil.

3 Subject to conditions

Light industry.

4 Only with consent

Any purpose which, by virtue of its nature, the services provided or the products produced, distributed or sold, is, in the opinion of the Council, appropriately located in an industrial zone; industry other than light industry; junk yards; purposes which are associated with, ancillary to or dependent on or which provide services to industrial or other development permitted in this zone (or which provide services to the employees of such development); utility installations; warehouses.

5 Prohibited

Any purpose other than a purpose included in item 3 or 4.

Zone No 4 (c) Special Industrial Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to recognise existing light industrial and commercial uses in West Cowra and to encourage further mixed development of a similar type, and
- (b) to maintain opportunities for residential uses on large allotments where there is no adverse effect from industrial or commercial use, and where residential use does not inhibit future industrial or commercial development.

2 Without consent

Agriculture (other than feed lot establishments, pig keeping establishments or poultry farming establishments).

3 Subject to conditions

Nil.

4 Only with consent

Any purpose other than a purpose included in item 2 or 5.

5 Prohibited

Boarding houses; extractive industries; feed lot establishments; forestry; hotels; industries (other than home industries, light industries or rural related industries); institutions; junk yards; mines; pig keeping establishments; poultry farming establishments; residential flat buildings; sawmills; stock and sale yards.

Zone No 5 (a) Special Uses Zone

1 Objectives of zone

The objective of this zone is to provide for public facilities on public land.

2 Without consent

Nil.

3 Subject to conditions

The particular purpose indicated on the map.

4 Only with consent

Any purpose ordinarily incidental or subsidiary to the purpose included in item 3; any public purpose; utility installations.

5 Prohibited

Any purpose other than a purpose included in item 3 or 4.

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

1 Objectives of zone

The objectives of this zone are to recognise railway land and to provide for appropriate operational and associated development.

2 Without consent

Railway purposes.

3 Subject to conditions

Nil.

4 Only with consent

Any purpose other than a purpose included in item 2.

5 Prohibited

Nil.

Zone No 6 Existing Open Space Zone

1 Objectives of zone

The objective of this zone is to recognise existing publicly owned land used or capable of being used for recreational purposes.

2 Without consent

Works for the purposes of landscaping, gardening or bushfire hazard reduction.

3 Subject to conditions

Nil.

4 Only with consent

Agriculture; bowling greens; buildings for the purposes of landscaping, gardening or bushfire hazard reduction; camping grounds; caravan parks; clubs; golf courses; picnic grounds; racecourses; recreation areas; recreation facilities; showgrounds; sportsgrounds; tourist facilities; utility installations.

5 Prohibited

Any purpose other than a purpose included in item 2 or 4.

Zone No 7 (a) Environment Protection (Conservation) Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to provide for the conservation of areas of environmental significance, and
- (b) to provide for the control of the use of areas of environmental significance, and
- (c) to prevent the use of any protected area for purposes which would be detrimental to the conservation of the item of environmental significance, and
- (d) to ensure that any area of environmental significance is covered by a management plan.

2 Without consent

Nil.

3 Subject to conditions

Nil.

4 Only with consent

Any purpose.

5 Prohibited

Nil.

Zone No 8 National Parks and Nature Reserves Zone

1 Objectives of zone

The objective of this zone is to recognise existing National Parks and other areas subject to National Parks and Wildlife Service control.

2 Without consent

Any purpose carried out by or on behalf of the National Parks and Wildlife Service under the [*National Parks and Wildlife Act 1974*](#).

3 Subject to conditions

Nil.

4 Only with consent

Nil.

5 Prohibited

Any purpose other than a purpose included in item 2.

Zone No 9 Tourist Development Area Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to recognise the special tourist potential of Wyangala village and surrounds, and
- (b) to encourage future tourist oriented development subject to the provision of adequate services and an overall plan of management.

2 Without consent

Nil.

3 Subject to conditions

Nil.

4 Only with consent

Any purpose associated with tourism, the management of Wyangala Dam or Wyangala State Recreation Area; community facilities; dwelling-houses; utility installations.

5 Prohibited

Any purpose other than a purpose included in item 4.

Part 3 Special provisions

10 Subdivision of land generally

- (1) Subject to subclause (2), a person may, but only with the consent of the Council, subdivide land to which this plan applies.

- (2) Land may be subdivided without development consent where the subdivision is for the purpose of:
- (a) consolidation of allotments, or
 - (b) rectifying encroachments along boundaries of allotments, or
 - (c) adjusting the boundaries of allotments where an additional allotment is not created and where the adjustment:
 - (i) does not facilitate the transfer of a second dwelling onto a separate allotment that is below the minimum area for the zone, and
 - (ii) ensures there is sufficient land within each allotment, on which a dwelling-house exists or could exist, for the satisfactory disposal of effluent on each allotment, and
 - (iii) ensures there is a separation (where possible) between the perimeter of dwelling-houses or dwelling-house sites and adjoining agricultural property boundaries of at least 150 metres on land in Zone No 1 (a).
- (3) The Council shall not grant consent to the subdivision of land within Zone No 1 (a), 1 (c) or 1 (c1) unless the applicant for development consent:
- (a) states, in relation to each allotment created by the subdivision, the primary purpose for which that allotment is intended to be used, and
 - (b) identifies any allotment which is intended to be used primarily for the purpose of agriculture, and
 - (c) identifies any allotment which is intended to be used primarily for the purposes of a dwelling-house, and
 - (d) identifies any allotment on which it is intended to erect a dwelling-house and states whether or not the dwelling-house is the primary purpose for which the allotment is being created, and
 - (e) shows the approximate location of any dwelling-house erected on the land at the date of the application.

10A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Cowra Shire Council Development Control Plan No 2/99* as adopted by the Council on 10 April 2000 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Cowra Shire Council Development Control Plan No 2/99* as adopted by the Council on 10 April 2000 is **complying development** if:

- (a) it is on land other than prime agricultural land, and
 - (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (c) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Cowra Shire Council Development Control Plan No 2/99* as adopted by the Council on 10 April 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Cowra Shire Council Development Control Plan No 2/99* adopted by the Council, as in force when the certificate is issued.

11 Development that must be advertised

- (1) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
- (a) development for the purpose of a residential flat building, and
 - (b) development for the purposes of an industry within those parts of Zone No 4 (a) or 4 (c) adjoining land in a residential zone, and
 - (c) demolition of a heritage item,
- in the same way as those provisions apply to and in respect of designated development.

12 Control of subdivision for agriculture in Zone No 1 (a)

- (1) This clause applies to land which is within Zone No 1 (a).
- (2) Subject to subclauses (3) and (4), the Council may consent to the creation of a vacant allotment of any area for the purpose of agriculture or intensive agriculture.
- (3) The Council may consent to the creation of an allotment for the purpose of agriculture that is occupied or will be occupied by an ancillary dwelling-house only if the allotment has an area of not less than 400 hectares.
- (4) Despite subclause (3), the Council may consent to the creation of an allotment for the purpose of intensive agriculture that is or will be subject to irrigation requiring a licence under the [Water Act 1912](#) or [Water Management Act 2000](#) and is occupied or will be occupied by an ancillary dwelling-house only if the allotment has an area of not less than 40 hectares.

13 Control of subdivision for permissible uses other than agriculture or dwelling-houses

Despite clause 12, land in Zone No 1 (a) may be subdivided to create an allotment of any area, either vacant or occupied by a dwelling-house that is ancillary to a use granted prior consent, subject to the Council being satisfied that the allotment is being or will be used for a land use (other than agriculture, intensive agriculture or a dwelling-house) permitted on the land in that zone, but only if the Council is also satisfied that:

- (a) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and
- (b) the level of demand for any goods or services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
- (c) the future use of the allotment will not result in land use conflict or degradation of natural resources, and
- (d) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
- (e) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of services by the Council.

14 (Repealed)

15 Subdivision in Zone No 1 (c)

- (1) The clause applies to land within Zone No 1 (c).
- (2) The Council shall not consent to a subdivision of land to which this clause applies which results in the creation of an allotment on which an existing dwelling-house will stand if that allotment has an area of less than 4,000 square metres or greater than 2 hectares.

16 Subdivision in Zone No 1 (c1)

- (1) The Council shall not grant consent to the subdivision of land within Zone No 1 (c1) which results in the creation of an allotment the Council is satisfied will be used for the purposes of a dwelling-house, or on which an existing dwelling-house will stand, where that allotment has an area of less than 2 hectares.
- (2) Notwithstanding subclause (1) the Council shall not grant consent to a subdivision under this clause unless it is satisfied that the lot sizes permit the siting of dwelling-houses so that they are unlikely to inhibit or give rise to complaints about normal

farming practice (such as aerial spraying, separation from noxious odours and the like).

17 Dwelling-houses—Zones Nos 1 (a) and 1 (c) in general

Despite any other provision of this plan (including clauses 17A and 17B), the Council may consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (a) or 1 (c) if the Council is satisfied that:

- (a) the allotment was created in accordance with a consent granted before the appointed day, and it is an allotment on which a dwelling-house could have been lawfully erected immediately before the appointed day, or
- (b) the allotment comprises an allotment created for the purpose of a dwelling-house by a subdivision for which consent was granted under this plan.

17A Dwelling-houses in Zone No 1 (a)

The Council may consent to the erection of a dwelling-house on land within Zone No 1 (a) only if:

- (a) the land comprises a vacant existing holding, or
- (b) the use of the dwelling-house will be ancillary to and necessary for use of the land for the purpose of agriculture (other than intensive agriculture) and the land is, or will be consolidated into, a single vacant allotment that has an area of not less than 400 hectares, or
- (c) the use of the dwelling-house will be ancillary to and necessary for use of the land for the purpose of sustainable intensive agriculture and:
 - (i) the land is or will be subject to irrigation requiring a licence under the [Water Act 1912](#) or [Water Management Act 2000](#), and
 - (ii) the land is, or the Council is satisfied that the land will be, consolidated into a single vacant allotment that has an area of not less than 40 hectares before the dwelling-house is erected, and
 - (iii) a condition is imposed on the consent that prohibits the erection of a dwelling-house before the commencement of the use of the land for the purpose of that sustainable intensive agricultural activity.

17B Dwelling-houses in Zone No 1 (c)

The Council may consent to the erection of a dwelling-house on land within Zone No 1 (c) only if:

- (a) the land has an area of not less than 4,000 square metres and not more than 2 hectares, or

- (b) the land comprises a vacant existing holding.

18 Dwelling houses—Zone No 1 (c1)

- (1) This clause applies to land within Zone No 1 (c1).
- (2) The Council may grant consent to the erection of a dwelling-house on land to which this clause applies only if the land has an area of not less than 2 hectares.
- (3) Notwithstanding subclause (2), the Council may grant consent to the erection of a dwelling-house on land to which this clause applies of less than 2 hectares in area if the land is part of a vacant existing holding.
- (4) The Council shall not grant consent to the erection of a dwelling-house in accordance with this clause unless it is satisfied that the dwelling-house will be sited so as to be unlikely to inhibit or give rise to complaints about normal farming practice.

19 (Repealed)

20 Development in Zone No 1 (c1)

The Council shall not grant consent to the carrying out of development on land within Zone No 1 (c1) unless it has made an assessment of:

- (a) the need, availability and cost of services relating to that development, and
- (b) the capability and suitability of the land to support the development, and
- (c) the impact of any development on adjacent and surrounding land uses, including adverse effects on residential amenity and agricultural productivity.

21 Additional dwellings

The Council may consent to the erection of an additional dwelling-house on land within Zone No 1 (a) or 1 (c) (including the alteration of an existing dwelling-house to create 2 dwellings) where:

- (a) in the case of land within Zone No 1 (a), the land has an area of not less than 40 hectares and will be consolidated into one single allotment, and
- (b) the additional dwelling-house is located on the same allotment or parcel of land as the existing dwelling-house and the additional dwelling-house will not be capable of being excised by way of transfer of a new or existing title, and
- (c) the dwelling-houses share a common access to a public road, where practicable, and
- (d) the Council is satisfied that satisfactory conditions and area exist to sustainably dispose of effluent from both dwelling-houses.

22 Clearing

- (1) In this clause, **clearing** means the removal of trees and other vegetation, but does not include the clearing of regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purposes such as fencing or firewood, which may be carried out without the consent of the Council.
- (2) Subject to this clause, land within Zone No 1 (a), 1 (c) or 1 (f) may be cleared for the purpose of agriculture, forestry, air navigation safety, land survey, fencing or bushfire hazard reduction without the consent of the Council, and for any other purpose, but only with the consent of the Council.
- (3) Nothing in subclause (2) shall authorise the clearing of land in contravention of any Act or instrument made under an Act concerned with soil erosion, protection of riverbank vegetation or catchment areas or the like.
- (4) Subclause (2) does not apply to environmentally sensitive land (other than land within Zone No 1 (f)) in respect of which land the consent of the Council is required for clearing (other than clearing for the purposes of bushfire hazard reduction).
- (5) In determining an application for clearing referred to in subclause (4), the Council may attach conditions to minimise the risk of land degradation.

23 Ribbon development

- (1) This clause applies to land within Zone No 1 (a), 1 (c1) and 1 (c) having a frontage to a main or arterial road.
- (2) The Council shall not consent to an application to carry out development on land to which this clause applies unless access to that land is provided by a road other than a main or an arterial road wherever practicable.
- (3) A person shall not carry out development for the purposes of a motor showroom on any land to which this clause applies unless:
 - (a) vehicular access to the site, where reasonable alternative access is available, is by way of a road other than a main or arterial road, and
 - (b) where the site is a corner lot, the Council is satisfied that the layout and placement of caravans, boats or vehicles will not affect the vision of drivers using the intersection.
- (4) The Council shall not grant consent to development on land to which this clause applies unless it has made an assessment of:
 - (a) whether the development is likely to constitute a traffic hazard or materially reduce the capacity and efficiency of the main or arterial road, and

- (b) the number of access points proposed to be created and, where more than one access point is proposed, whether the proposal is justified in terms of traffic safety and convenience, and
 - (c) the location, standard and design of access points and on site arrangements for vehicle movement and parking, and whether through traffic movements on the main or arterial road are likely to be impeded, and
 - (d) whether access points are, wherever possible, provided to a public road rather than to a main or arterial road, and
 - (e) whether the development will prejudice future improvements or re-alignment of a main or arterial road, as may be indicated to the Council from time to time by the Roads and Traffic Authority, or any associated intention of that Authority to proclaim part of a road as a controlled access road within the meaning of the [State Roads Act 1986](#).
- (3) The Council may grant consent to development on land to which this clause applies for the purpose of providing services to motorists or tourists, or for purposes associated with road transport of freight, where it is satisfied that:
- (a) the development is appropriate having regard to the nature and volume of traffic using the road and the location of and distance from other land on which development of a similar type may be carried out, and
 - (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise interference with the free flow of traffic on the road and to minimise traffic hazards.

24 Industrial uses in Zone No 1 (a)

- (1) Subject to clause 25, the Council may grant consent to development for the purposes of an industry on land within Zone No 1 (a) that is within 5 kilometres of a residential or industrial zone only if it is satisfied that:
- (a) the land is the most suitable and practical available for that industry, and
 - (b) the industry could not otherwise be accommodated on land within Zone No 2 (v), 3, 4 (a) or 4 (c), and
 - (c) the development will not adversely affect the use and enjoyment of any adjoining land, and
 - (d) the development is located and designed to minimise any adverse impact on the Town of Cowra, or any village areas affected by that development, and
 - (e) satisfactory arrangements have been made for the provision of a water supply and waste disposal and the construction of drainage works necessary for that

development, and

(f) where the development is likely to cause noise, visual, air or water pollution, appropriate measures to minimise the effects of that pollution have been employed.

(2) Nothing in subclause (1) shall operate to restrict the Council's granting consent to development on any land within Zone No 1 (a) (other than land referred to in clause 25) for the purposes of a rural industry, home industry, extractive industry or offensive and hazardous industry.

25 Restrictions on offensive uses

Notwithstanding the provisions of Part 2, development shall not be carried out for the purposes of feed lot establishments, pig keeping establishments, poultry farming establishments or offensive or hazardous industries on land:

(a) adjoining land within Zone No 2 (v) at Billimari which is within 400 metres in an easterly, southerly or westerly direction, or 360 metres in a northerly direction, of Bangaroo Street, or

(b) adjoining land which is within Zone No 2 (v) at Woodstock and which is shown hatched on the map, or

(c) within a distance of 400 metres of land within Zone No 2 (a), 2 (v), 3, 4 (a), 6 or 9.

26 Development in Zone No 2 (v)

(1) The Council may grant consent to the subdivision of land for the purpose of a dwelling-house in Zone No 2 (v) only where each allotment of land created by the subdivision has an area of sufficient size:

(a) to accommodate on-site domestic waste disposal, and

(b) to retain the village character of the surrounding neighbourhood.

(2) Notwithstanding clause 9, a dwelling-house shall not be erected on land within Zone No 2 (v) that has frontage or access to an unmade road, except with the consent of the Council.

27 Residential flat buildings

The Council may grant consent to the carrying out of development for the purposes of a residential flat building on land within Zone No 2 (a) or 2 (v) only where it is satisfied that:

(a) the building will not unreasonably deprive adjoining buildings of sunlight or privacy, and

(b) the building will generally be compatible with its setting, having regard to the nature

and use of adjoining buildings and to the streetscape, and

- (c) the design of the building will be compatible with the existing character of the neighbourhood, and
- (d) the development will not create a condition of overconcentration of residential flat buildings in the neighbourhood.

28 Development in Zone No 2 (a)

The Council may grant consent to a subdivision of land within Zone No 2 (a) which is intended to create allotments for the erection of dwelling-houses only where it is satisfied that:

- (a) appropriate arrangements have been made for each allotment to be connected to reticulated electricity, a water supply and a sewerage service, and
- (b) any road pattern created by the subdivision is capable of being integrated with existing roads, and
- (c) adequate provision has been made for stormwater drainage, and
- (d) the provision of open space and community facilities is adequate for likely future needs, and
- (e) the location and design of any open space is such that it allows effective use by adjacent residents.

28A Development in Zone No 3 (b)

- (1) This clause applies to land within Zone No 3 (b).
- (2) The Council must not grant consent for any new building or for the alteration of an existing building unless, after the development is carried out, the building will have a residential or dwelling-house architectural style compatible with existing styles in the locality.
- (3) The Council must not consent to the construction of a dwelling-house unless the Council is satisfied the dwelling-house is attached to a building the use of which is permissible with consent and the use of the dwelling-house will be ancillary to the use of the building.

29 Development in Zone No 6

The Council shall not consent to the carrying out of development on land within Zone No 6 unless consideration has been given to:

- (a) the need for the proposed development on that land, and

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

30 Flood affected land

- (1) No development except for the purposes of agriculture shall be carried out on flood prone land without the consent of Council.
- (2) The Council may grant consent to the carrying out of development on land which, in the opinion of the Council, is within a floodway only if, in the opinion of the Council, the carrying out of the development is not likely:
 - (a) to impede the flow of flood waters on the land, or
 - (b) to imperil the safety of persons on the land in the event of the land being inundated with flood waters, or
 - (c) to aggravate the consequences of flood waters flowing on the land with regard to erosion, siltation and the destruction of vegetation, or
 - (d) to have an adverse effect on the water table of the land or of land in its immediate vicinity, or
 - (e) to have an adverse effect on riverbank stability, or
 - (f) to increase the level or flow of flood waters on other land.

31 Development for the purpose of advertisements

- (1) **Advertisements allowed without consent** Development for the purpose of an advertisement described in the Table to this clause may be carried out without development consent, but only in accordance with the conditions (if any) imposed by the Table to this clause.
- (2) **Advertisements allowed only with consent** Development for the purpose of an advertisement may be carried out only with consent if it is not permitted without consent and is not prohibited by this clause.
- (3) Despite any other provision of this plan, development may be carried out with consent on any land for the purpose of an advertisement that directs the travelling public to a specific tourist facility or place of scientific, historic or scenic interest, if the Council is satisfied that:
 - (a) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
 - (b) the dimensions and overall size of the advertisement are not larger than would

reasonably be required to so direct the travelling public.

(4) **Advertisements prohibited** Development for the purpose of an advertisement on land within a rural zone, or within Zone No 6 or 7 (a), is prohibited if it is not permitted without consent by subclause (1) or with consent by subclause (3).

(5) **Definitions** In this clause:

advertisement means a display by the use of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

area of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or
- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one third of the total surface area of the sign.

tourist facility means an establishment providing holiday accommodation or recreational facilities, or both, on a short-term use basis, such as a hotel, motel, bed and breakfast accommodation, serviced apartments, holiday cabins, a caravan park, a camping ground, or a houseboat, and includes associated:

- (a) swimming pools, golf courses, tennis courts and marinas, and
- (b) restaurants, and
- (c) souvenir shops, arts and craft galleries and exhibition centres.

(6) In considering any application for its consent to the carrying out of development referred to in this clause, the Council shall make an assessment of:

- (a) the likely impact that the carrying out of the development would have on the scenic character of rural areas of the local government area of Cowra, and
- (b) the likely impact that the carrying out of the development would have on residential amenity, and
- (c) the likely impact that the carrying out of the development would have on traffic safety, and
- (d) the overall implications of a proliferation of advertisements.

Table
Advertisements Allowed Without Consent

Description of advertisement	Conditions to be met
Advertisement within a site being an advertisement which is not visible from outside the site on which it is displayed.	Such an advertisement must not be displayed on a heritage item.
Advertisement on a motor vehicle used principally for conveying goods or passengers.	None.

- When displayed within Zone No 1 (a), 1 (c), 1 (c1), 2 (a), 2 (v), 3, 3 (b), 4 (a), 4 (c), 5 (a) or 5 (b), such a sign:
- (a) must not be displayed on a heritage item, and
 - (b) must not exceed 1.0 square metre in area.
- Business identification sign**
being an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:
- (a) the identity or a description of the place or premises,
 - (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
 - (c) particulars of any occupation carried on at the place or premises,
 - (d) such directions of cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
 - (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
 - (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
 - (g) particulars of any activities held or to be held at the place or premises,
 - (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.
- When displayed on premises within Zone No 3, 3 (b), 4 (a), 4 (c) or 5 (b):
- (a) if there is no awning on the premises, there may be one or more such signs, but none is to extend more than 4.6 metres above ground level or above the level of the bottom of the first floor window (whichever is lower) and not more than 50% of the area of a shopfront is to be covered by such signs, or
 - (b) if there is an awning attached to the premises, there may be:
 - one or more such signs below the level of the awning, and
 - no sign above an awning, and
 - not more than one suspended under-awning sign or projecting wall sign for each 3 metres of the length of a shopfront, each of which must not exceed 2.5 metres in length or 0.5 metre in height and no part of which is to be less than 2.6 metres above ground level.
- When displayed within Zone No 4 (a), 4 (c) or 5 (b), such a sign is not to exceed 10 square metres in area, except when displayed for small shops and other premises (such as banks) that serve the daily needs of persons living or employed within the industrial area. When displayed pursuant to this exception, the conditions for the display of such a sign applying to land within Zone No 3, 3 (b), 4 (a) 4 (c) or 5 (b) apply.
Such a sign must not be displayed without consent on any other land.
- Advertisement displaying a message changed from that displayed by a previously lawful advertisement.**
- Such an advertisement may be displayed within any Zone.

Public notice

being a notice for public information displayed by a public authority giving information or directions about services provided.

Such a notice may be displayed within any zone.

Real estate sign

being an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

Such a sign may be displayed within any zone. Such a sign relating to the letting or the sale by private treaty or auction of residential or rural premises:

- (a) must not exceed 2.5 square metres in area, and
- (b) must not have any returns exceeding 180 millimetres.

Such a sign relating to commercial or industrial premises must not exceed 4.5 square metres in area.

Sign behind the glass line of a shop window.

Such a sign may be displayed within any zone.

Temporary sign

being an advertisement of a temporary nature that:

- (a) announces any local level event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, and
- (b) does not include advertising of a commercial nature (except for the name(s) of an event's sponsor).

Such a sign may be displayed within any zone.

Such a sign:

- (a) must not be displayed earlier than 28 days before the event to which it relates is to take place, and
- (b) must be removed within 14 days after that event.

Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures tethered to land to which this plan applies or similar things.

32 Roads, drainage, open space and parking

(1) Nothing in Part 2 shall prevent the Council from, or require the Council to obtain its own consent for, or prevent a person with the consent of the Council from, carrying out development on land within any zone for the purposes of roads, drainage, open space, recreation areas or parking.

(2) The reference in subclause (1) to the carrying out of development for the purposes of

roads includes a reference to the winning of extractive material by a public authority for the purpose of road construction.

33 Railway land

- (1) All land within the Shire of Cowra that is owned by the State Rail Authority shall be deemed to be included in Zone No 5 (b).
- (2) An advertising structure may be erected on land within Zone No 5 (b) only with the consent of the Council.

34 Tourist development area—Zone No 9

- (1) Subject to subclause (2), the Council may grant consent to the carrying out of development on land within Zone No 9 if:
 - (a) the Council is satisfied that adequate reticulated water and sewerage services are available, and
 - (b) the Council has considered an overall strategy for tourist related development within the locality and is satisfied that the development is consistent with that strategy.
- (2) Nothing in subclause (1) shall operate to prevent the Council granting consent to development which does not materially increase the demand for water and sewerage services or other public amenities and services.

35 Preservation of trees

The powers conferred on the Council in pursuance of clause 8 of the *Environmental Planning and Assessment Model Provisions 1980* shall not apply to trees:

- (a) in a State forest or on land reserved as a timber reserve within the meaning of the *Forestry Act 1916* or on other Crown lands, or
- (b) required to be lopped in accordance with Regulation 38 or 39 of the *Overhead Line Construction and Maintenance Regulations 1962*, or
- (c) in any water catchment area under the control of an authority responsible for the water supply, or
- (d) in a proclaimed national park, or
- (e) required to be cleared so as to enable the use of land for agriculture.

36 Development in Zone No 4 (a)

The Council may grant consent to an application for the development of land within Zone No 4 (a) which adjoins land within Zone No 2 (a) for the purposes of a light industry but

not for the purposes of any other industry.

37 Stables

The Council may grant consent to development for the purpose of stables only where it is satisfied that:

- (a) the stables and any associated yard space for the keeping of horses are sufficiently separated from existing dwelling-houses and land within Zone No 2 (a) or 2 (v) on which residential development has been carried out, and
- (b) appropriate arrangements have been made to secure the safety of stock in the event of a flood affecting the land on which the stables are to be erected.

38 Subject to survey

Where the boundary of an allotment of land has the annotation "subject to survey" noted on the map, the Council shall not grant consent to the carrying out of development on land in the vicinity of that boundary unless that boundary has been surveyed.

39 Community use of school facilities or sites

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

40 Development in flight path

- (1) Notwithstanding the provisions of Part 2, a person shall not erect a building on land that is within the flight path of Cowra Airport to a height greater than 4 metres above natural ground level without the consent of the Council.
- (2) The Council may grant consent as referred to in subclause (1) only where it is satisfied, after consultation with the Commonwealth Department of Aviation that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- (3) In granting consent as referred to in subclause (1), the Council shall give consideration to any noise exposure forecasts prepared by the Commonwealth Department of Aviation and to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.

- (4) For the purposes of this clause, land is within the flight path of Cowra Airport only if it is determined to be so by the Commonwealth Department of Aviation and the determination has been notified to the Council.

41 Heritage items

- (1) A person shall not, in respect of a heritage item:
- (a) demolish or alter the building or work, or
 - (b) damage or move the relic, or
 - (c) excavate for the purpose of exposing the relic, or
 - (d) damage or despoil the place or tree, or
 - (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,
- except with the consent of the Council.
- (2) The Council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of the item and its setting.
- (3) The Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.
- (4) Where a person makes a development application to demolish a building or work that is a heritage item, the Council shall not grant consent to that application until 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.
- (5) Subclause (4) does not apply to the partial demolition of a heritage item if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item in relation to the environmental heritage of Cowra Shire.

41A Development in Zone No 7 (a)

- (1) This clause applies to land within Zone No 7 (a).
- (2) The Council must not grant consent for any development unless the Council has taken

into consideration any plan of management adopted by the Council for the land subject to the development application.

- (3) The Council must not adopt a plan of management unless it provides for development consistent with the conservation of any land within Zone No 7 (a) to which it applies.

42 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 2 for a purpose 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 this clause 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.

43 Development on certain land at Cowra Road and Ribands Way, Cowra

- (1) This clause applies to Lots 2-4, DP 583734, and Lots 5-14, DP 253127, Cowra Road and Ribands Way, Cowra, as shown edged heavy black and cross hatched on the map marked "*Cowra Local Environmental Plan 1990 (Amendment No 11)*" deposited in the office of the Council of the Shire of Cowra.
- (2) Despite clause 9, the carrying out of development on the land to which this clause applies is prohibited except as otherwise provided by this clause.
- (3) Development may, with the consent of the Council, be carried out on the land to which this clause applies for the purpose of stables and dwelling-houses associated with such stables and uses ancillary to equine related activities.

Schedule 1

1	The Australian Hotel	Corner Bridge/Smith Streets, Cowra
2	Courthouse	Corner Brisbane/Kendal Streets, Cowra
3	ANZ Bank	Kendal Street, Cowra
4	Former Golden Spray Roller Flour Mill	Between Lachlan and Macquarie Streets, Cowra
5	Farrer Barn	Agricultural Research Station, Cowra
6	POW Camp	North Cowra

Schedule 2

Portions 282 and 283, Parish of Cowra, and any adjoining land owned or under the control of the Lachvale School—a hostel and school for children with special needs, and any purpose ordinarily incidental or subsidiary to that purpose.