

# Gunning Local Environmental Plan 1997 (1998 EPI 11)

[1998-11]



New South Wales

## Status Information

### Currency of version

Historical version for 1 January 2008 to 14 December 2008 (accessed 23 December 2024 at 21:49)

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 1 January 2008

# Gunning Local Environmental Plan 1997 (1998 EPI 11)



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 What is this plan called? .....	5
2 What is the purpose of this plan? .....	5
3 Where does this plan apply?.....	6
4 How does this plan affect other plans?.....	6
5 How are terms defined in this plan? .....	6
6 Who is the consent authority for the purposes of this plan?.....	15
<b>Part 2 Zones</b> .....	15
7 What zones apply? .....	15
8 What development is permitted with or without the consent of the Council or prohibited in a particular zone? .....	15
Table .....	0
<b>Part 3 Special provisions</b> .....	19
9 What must the Council consider when deciding whether to consent to development? .....	19
10 What is required for the subdivision of land?.....	19
11 What must the Council consider before consenting to a subdivision of land in Zone 1 (a)?.....	20
12 What are the general principles the Council will consider for development proposed in Zone 1 (a)? .....	20
13 What is the minimum size for new allotments in Zone 1 (a)?.....	21
14 What requirements apply for the erection of dwellings on land within Zone 1 (a)?.....	21

15	What are the requirements that apply to subdividing land in Zone 1 (c)?	22
16	What are the requirements that apply to subdividing land in Zone 2?	22
17	Is dual occupancy permitted?	22
18	What are the restrictions on development fronting main and arterial roads?	23
19	What are the requirements for access?	24
20	What are the building setbacks?	24
21	What are the restrictions on land prone to flooding?	24
21A	What are the restrictions on land within the hydrological catchment?	25
22	What are the restrictions on land within the Sydney Water Outer Catchment Area?	25
23	Is consent required for roads, stormwater drains, recreation areas, bushfire hazard reduction and parking?	25
24	What Council development does not require development consent?	26
25	What are the controls for outdoor advertising?	26
26	What are the requirements for the preservation of trees?	29
27	Is there any discretion at zone boundaries?	30
28	What provisions relate to bushfire hazard?	30
	<b>Part 4 Special requirements relating to the protection of heritage</b>	30
29	How are terms defined with respect to heritage conservation?	30
30	What controls apply to the development of heritage items, heritage conservation areas and relics?	31
31	What restrictions apply to development near heritage items and heritage conservation areas?	32
32	Council must notify and advertise development applications relating to heritage items	32
33	Council must notify the Heritage Council	32
34	Are there conservation incentives for heritage items?	32
	<b>Part 5 Miscellaneous</b>	33
35	What special provisions apply to the temporary use of land?	33
36	What savings provisions apply with respect to activities of government instrumentalities?	33
37	Development for certain additional purposes	35
	<b>Schedule 1 Development prohibited near highways</b>	36
	<b>Schedule 2 Heritage items</b>	37

**Schedule 3 Development for certain additional purposes.....39**

# Gunning Local Environmental Plan 1997 (1998 EPI 11)



New South Wales

## Part 1 Preliminary

### 1 What is this plan called?

This plan is called *Gunning Local Environmental Plan 1997*.

### 2 What is the purpose of this plan?

The general aims of this plan are:

- (a) to establish flexible planning controls which will make the administration of planning more efficient, and
- (b) to maintain and encourage sustainable commercial agriculture, and
- (c) to encourage the sustainable management, development and conservation of natural resources and the conservation of native flora and fauna by protecting, enhancing and conserving better quality grazing lands (particularly prime crop and pasture land), soil, water and the like, and
- (d) to protect and conserve the environmental and cultural heritage of the area of Gunning, and
- (e) to enhance and provide a range of housing opportunities in, and the residential and service functions of, the main villages in the area, and
- (f) to provide a range of housing opportunities, including rural residential development in the vicinity of the villages, and
- (g) to allow development only if it does not have the effect of placing unreasonable financial burdens on ratepayers, particularly in relation to road upgrading, maintenance and services, and
- (h) to allow development only if it occurs in a manner which minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality, and

- (i) to promote and co-ordinate the orderly and economic use and development of land in the area, and
- (j) to give the Council greater responsibility for environmental planning by creating a broad framework of controls and to create the opportunity for the more detailed provisions relating to matters of local significance only to be dealt with by development control plans made by the Council.

### 3 Where does this plan apply?

This plan applies to all land within the area of Gunning as shown on the map, with boundaries as indicated on the map.

### 4 How does this plan affect other plans?

On the commencement of this plan:

- (a) *Gunning Local Environmental Plan No 1* is repealed, and
- (b) all other local environmental plans that applied to the land to which this plan applies immediately before that commencement are repealed to the extent they so applied.

### 5 How are terms defined in this plan?

(1) The following definitions are used in this plan:

**abattoir** means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed there, and includes a knackery.

**agriculture** means:

- (a) the cultivation of crops, including cereals, fruit, vines, vegetables or flower crops, or
- (b) the keeping or breeding of livestock, bees or poultry or other birds, except in the course of intensive animal husbandry, or
- (c) the cultivation of plants in a wholesale plant nursery for commercial purposes.

**airport** has the meaning ascribed to it in the *Air Navigation Regulations* made pursuant to the *Air Navigation Act 1920* of the Commonwealth.

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

**appointed day** means the day on which this plan took effect (which is the day on which it was published in the Government Gazette).

**aquaculture** means the commercial cultivation of the resources of the sea or inland waters and includes farms established by the inundation, or further inundation, by water of an area of land intended to be used for the propagation or rearing of marine or estuarine fish or plants or other organisms (including crustaceans, oysters and seaweed), but does not include commercial fishing.

**arts and crafts gallery** means a building used for the display of arts and crafts and which may also be used for the sale of arts and crafts.

**bed and breakfast accommodation** means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller, and
- (b) offers at least breakfast for guests, and
- (c) does not accommodate more than 4 guests, and
- (d) does not contain facilities in rooms for the preparation of meals by guests, and
- (e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who provide the temporary accommodation and who normally reside in the dwelling.

**boarding house** means a building or place which is not licensed to sell liquor, where accommodation, together with meals and laundry facilities, are provided, but only to residents.

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

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

and which may also be used for the sale of motor powered or motor drawn vehicles, and agricultural or industrial plant or machinery, but is not used for any sale of foodstuffs or clothing.

**bushfire hazard reduction** means the reduction or modification (by mechanical or manual means) of material that constitutes a bushfire hazard.

**camp or caravan site** means a site used for the purpose of:

- (a) placing moveable dwellings, within the meaning of the [Local Government Act 1993](#), for permanent accommodation, or the temporary accommodation of tourists, or

(b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

**child care centre** means a building or place used for the purpose of supervising or caring for six or more children under the age of six years and includes facilities known as a long day care centre, preschool, occasional care centre, children's neighbourhood centre, or multipurpose child care centre, but does not include a home based care establishment.

**classified road** means a road or work declared under the [Roads Act 1993](#) to be:

- (a) a main road, or
- (b) a State highway, or
- (c) a freeway, or
- (d) a controlled access road, or
- (e) a secondary road, or
- (f) a tourist road, or
- (g) a State work.

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

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but (in Part 2) does not include a building or place elsewhere specifically defined in this clause.

**communications facility** means a building, structure, work or place used primarily for transmitting or receiving signals for the purpose of communication, and includes radio masts and towers and satellite disks, and the like.

**community facility** means a building or place owned or controlled by the Council, a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but (in Part 2) does not include a building or place elsewhere defined in this clause.

**Council** means the Gunning Shire Council.

**Department** means the Department of Urban Affairs and Planning.

**depot** means a building or place only for the storage of any plant, machinery, materials or goods used or intended to be used by the owner or occupier of the



building or place, but (in Part 2) does not include a building or place elsewhere specifically defined in this clause.

**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 one, but not more than one, dwelling.

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

**entertainment facility** means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open-air theatres, and drive-in theatres and the like.

**existing holding** means any area, lot, portion or parcel of adjoining or adjacent land to which this plan applies held in the same ownership on 15 July 1966, and includes such land:

- (a) from which land has been excised for a public purpose after that date, or
- (b) affected by a subdivision after that date for the purpose of boundary adjustment that does not create an additional allotment.

**extractive industry** means:

- (a) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried on, and
- (b) includes any 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 any similar substance extracted for the purpose of refinement to obtain a metal or mineral.

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

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

**group home** has the same meaning as in the standard instrument prescribed by the

*Standard Instrument (Local Environmental Plans) Order 2006.*

**hazardous industry or storage establishment** means an industry or establishment at which goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (such as measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk, in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**highway service centre** means a place which has direct access to a freeway or restricted access highway and provides petrol and diesel fuel outlets, toilets, restaurant facilities, parking for cars, buses and trucks, and emergency repair facilities (where towing facilities may be provided).

**home activity** means an activity, pursuit, occupation or profession, carried on for personal gain in a building or a room or a number of rooms forming part of, attached to, or on the same parcel of land as, a dwelling house, where:

- (a) only goods made or produced on the premises and goods ancillary to them are displayed and sold on the premises or only services are provided at or from the premises, and
- (b) the activity, pursuit, occupation or profession does not involve the practice or employment on the premises of any person who is not a resident of the dwelling house, and
- (c) the carrying on of the activity, pursuit, occupation or profession does not:
  - (i) interfere with the amenity of the locality by reason of traffic generation or insufficient car parking, or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
  - (iv) involve the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign, not exceeding 1 metre by 0.6 metre, exhibited on that dwelling house to indicate the name and occupation of the resident, or a description of the activity, pursuit, occupation or profession).

**hospital** means a building or place used as a:

- (a) hospital, or
- (b) sanatorium, or
- (c) health centre, or
- (d) nursing home,

whether public or private, and includes a shop or dispensary used in conjunction with it.

**hotel** means any premises specified in a hotelier's licence granted under the [Liquor Act 1982](#).

**housing for aged or disabled persons** means housing for aged or disabled persons as defined in *State Environmental Planning Policy No 5—Housing for Aged or Disabled Persons*.

**industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, but (in Part 2) does not include any other use elsewhere defined in this clause.

**institution** means a hospital within the meaning of the [Mental Health Act 1990](#) or a penal or reformatory establishment.

**intensive animal husbandry** means the use of cattle feed lots, sheep feed lots, piggeries in which pigs are intensively grown, and commercial poultry operations or other intensive keeping of animals, but does not include intensive hand feeding of livestock as a result of natural disaster, including drought, flood or bushfire.

**intensive horticulture** means orchards, vineyards, market gardens or the like.

**mine** means the winning of any material to which the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#) applies and the storage and primary processing of the material obtained.

**motel** means premises, not being a hotel, used for the temporary or short-term accommodation of travellers.

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

**offensive industry or storage establishment** means an industry or establishment in or at which goods, materials or products are stored which, when in operation and

when all measures proposed to minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land in the locality.

**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, and whether used for the purpose of gain or not, but (in Part 2) does not include a place of worship, an institution or an educational establishment.

**place of worship** means a building or place used for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

**plant nursery** means a building or place used for both the growing and selling by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold there.

**public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

**public utility undertaking** means any undertaking carried on by or by an authority or department of the Government, or in pursuance of any Commonwealth or State Act, for the purpose of:

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

**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,
- (b) an area used for sporting activities or sporting facilities, including a public

swimming pool, or

- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
- (i) the Council, or
  - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse, a showground or land used for the activity of paintball.

**recreation facility** means a building or place used for sporting activities, recreational or leisure activities, whether or not operated for the purpose of gain, but (in Part 2) does not include a building or place elsewhere defined in this clause.

**refreshment room** means a restaurant, cafe, tea room, eating house or the like.

**residential flat building** means a building containing two or more dwellings, and includes dwellings located above business premises, but (in Part 2) does not include a building or place elsewhere defined in this clause.

**roadside stall** means a place used for the purpose of offering for sale by retail agricultural goods produced on the allotment on which the place is located or on allotments in the locality, but only where the building, structure or device used for offering produce for sale is of a temporary nature (that is, capable of being erected or dismantled within 24 hours).

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

**rural industry** means:

- (a) the handling, selling, treating, processing or packing of rural products, and
- (b) the regular servicing or repairing of plant or equipment used for the purpose of agriculture, aquaculture or a rural industry in the locality.

**rural tourist facility** means a building or place on a farm (which may include a refreshment room and limited tourist accommodation) which is used to provide tourists with a rural education and experience concerning the growing, production or processing of rural products which are grown or cultivated on that farm. (For the purposes of this definition, a **farm** means an area of adjoining or adjacent land held in the same ownership and in continuous use for agricultural or forestry purposes).

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

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

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

**shop** means a building or place used for the purpose of selling items, whether by retail or auction, for hiring items, or for displaying items for the purpose of selling or hiring them (whether the items are goods or materials).

**stock and saleyard** means a building or place used for the purpose of offering livestock or poultry for sale.

**the Act** means the [Environmental Planning and Assessment Act 1979](#).

**the map** means the map marked “Gunning Local Environmental Plan 1997”, as amended by the maps, or sheets of 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.

**tourist accommodation** means a building or place substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons, such as restaurants, convention areas and the like, but (in Part 2) does not include a building or place elsewhere defined in this clause or a building or place used for a land use elsewhere defined in this clause.

**transport depot** means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

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

**vehicle repair station** means a building or place used for carrying out repairs or the selling and fitting of accessories to vehicles or agricultural machinery in conjunction with repairs.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for treatment.

**warehouse or distribution centre** means any building or place used mainly for:

- (a) storing of goods, or
- (b) handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale, to the public from the building or place.

**winery** means a building erected within the precincts of a vineyard for the purpose of manufacturing, storing and offering for sale viticulture products.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map kept at the office of the Council.

(3) The list of contents is not part of this plan.

## **6 Who is the consent authority for the purposes of this plan?**

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

## **Part 2 Zones**

### **7 What zones apply?**

Land is included in one of the following zones if it is marked on the map as described below:

Zone 1 (a) (Rural Zone)—black edging and lettered “1 (a)”.

Zone 1 (c) (Rural (Small Holdings) Zone)—black edging and lettered “1 (c)”.

Zone 2 (Village Zone)—black edging and lettered “2”.

### **8 What development is permitted with or without the consent of the Council or prohibited in a particular zone?**

(1) Subject to Parts 3–5, the Table to this Part sets out for each zone:

- (a) development that may be carried out without the consent of the Council, by the letter “W” corresponding to that development, and
- (b) development that may be carried out only with the consent of the Council, by the letter “C” corresponding to that development, and

(c) development that is prohibited, by the letter “P” corresponding to that development.

(2) The Council may also grant consent for land uses, not specifically identified in the Table, if the use is compatible, in the Council’s opinion, with the objectives of the zone within which the land on which the use will be carried out is situated.

### **What are the zone objectives?**

#### **Zone 1 (a) (Rural Zone)**

The objectives of Zone 1 (a) are as follows:

- (a) to maintain the rural character of the area of Gunning,
- (b) to encourage the use of rural land for agriculture and other forms of development which are associated with rural activity or which require an isolated or rural location,
- (c) to ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land,
- (d) to minimise the cost to the community of:
  - (i) fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services,
- (e) to ensure that the soils within this zone are protected and maintained in good condition, and that the water quality is maintained above a minimum standard determined by the Council.

#### **Zone 1 (c) (Rural (Small Holdings) Zone)**

The objectives of Zone 1 (c) are as follows:

- (a) to make land available for small holdings or hobby farms,
- (b) to allow other development which is compatible with small holdings or hobby farms,
- (c) to maintain the soil and water quality in good condition in association with the more intensive residential development of land within this zone.

#### **Zone 2 (Village Zone)**

The objectives of Zone 2 are as follows:

- (a) to maintain the predominantly residential character and service role function of villages within the area of Gunning,
- (b) to ensure that development which is carried out is compatible with village character



and amenity.

**Table**

Development for the purpose of:	Zone		
	1 (a)	1 (c)	2
Abattoirs	C	P	P
Advertisements	C	C	C
Aerodromes	C	C	C
Agriculture	W	W	C
Animal Establishments	C	C	C
Aquaculture	W	W	C
Arts and Crafts Galleries	C	C	C
Bed and Breakfast Accommodation	C	C	C
Boarding Houses	C	C	C
Bulky Goods Salesrooms or Showrooms	C	C	C
Camp or Caravan Sites	C	C	C
Child Care Centres	C	C	C
Clubs	C	C	C
Commercial Premises	C	C	C
Communications Facilities	C	C	C
Community Facilities	C	C	C
Depots	C	C	C
Dwelling Houses	C	C	C
Educational Establishments	C	C	C
Entertainment Facilities	C	C	C
Extractive Industries	C	P	P
Forestry	C	C	C
Generating Works	C	C	C
Group Homes	C	C	C
Hazardous Industries or Hazardous Storage Establishments	C	C	C

Home Activities	C	C	C
Hospitals	C	C	C
Hotels	C	C	C
Housing for Aged or Disabled Persons	C	C	C
Industries (not otherwise specified)	C	C	C
Institutions	C	C	C
Intensive Animal Husbandry	C	C	P
Intensive Horticulture	C	C	C
Mines	C	P	P
Motels	C	C	C
Motor Showrooms	C	C	C
Offensive Industries or Storage Establishments	C	P	P
Places of Assembly	C	C	C
Places of Worship	C	C	C
Plant Nurseries	C	C	C
Public Buildings	C	C	C
Public Utility Undertakings	C	C	C
Reception Establishments	C	C	C
Recreation Areas	C	C	C
Recreation Facilities	C	C	C
Refreshment Rooms	C	C	C
Residential Flat Buildings	P	C	C
Roadside Stalls	C	C	C
Road Transport Terminals	C	C	C
Rural Industries	C	C	C
Rural Tourist Facilities	C	C	P
Sawmills	C	P	P
Service Stations	C	C	C
Shops	P	C	C
Stock and Saleyards	C	C	P

Tourist Accommodation	C	C	C
Transport Depots	C	C	C
Turf Farming	C	C	C
Vehicle Repair Stations	C	C	C
Veterinary Hospitals	C	C	C
Warehouses or Distribution Centres	C	C	C
Wineries	C	C	C

### Part 3 Special provisions

#### 9 What must the Council consider when deciding whether to consent to development?

- (1) In deciding whether to consent to development of land, the Council must consider the objectives of the zone in which the land is situated.
- (2) In deciding whether to consent to development of land, the Council must also consider:
  - (a) the present use of the land and the potential of the land as prime crop and pasture land for sustained agricultural production, and
  - (b) the vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights), and
  - (c) the future recovery, from known or prospective areas, of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials, and
  - (d) the protection of areas of significance for nature conservation or areas of high scenic or recreational value, and places and buildings of archaeological or heritage significance (including Aboriginal relics and places) and the conservation of native flora and fauna, and
  - (e) the cost of providing, extending and maintaining public amenities and services to buildings or works that will result from carrying out the development, and
  - (f) future expansion of settlements in the locality and the impact on any existing settlement or village, and
  - (g) vulnerability and exposure to natural disasters such as bushfires and floods.

#### 10 What is required for the subdivision of land?

Consent must be obtained from the Council for all subdivisions other than those involving:

- (a) minor boundary adjustments which do not create any additional allotments, or
- (b) consolidation of existing allotments, or
- (c) road widening.

**11 What must the Council consider before consenting to a subdivision of land in Zone 1 (a)?**

Before granting consent to a subdivision of land in Zone 1 (a), the Council must:

- (a) determine the main purpose for which each allotment is to be used, and
- (b) identify any allotment intended to be used primarily for agriculture, and
- (c) identify any allotment on which it is intended to erect a dwelling and decide whether building a dwelling is the main reason for creating the allotment, and
- (d) identify the approximate location of any existing dwelling on the land, and
- (e) identify the likely effects of the proposed use on the natural flow of any watercourse or stream, water quality, and aquatic and riparian habitat and fauna, and
- (f) identify standards for infrastructure items such as boundary fencing, access roads and water storage, and
- (g) identify the current use of the land, and
- (h) identify the Department of Agriculture's classification of the land.

**12 What are the general principles the Council will consider for development proposed in Zone 1 (a)?**

- (1) Before granting consent to any development of land within Zone 1 (a), the Council must consider:
  - (a) any impact the development will have on the future or current agricultural use of the land and of adjoining land, and
  - (b) whether an adequate water supply is available, and
  - (c) what services are or may be required, and
  - (d) any natural hazards likely to affect the development on the land or other land as a result of the development, and
  - (e) what effect the development might have on water quality, and on land with environmental or conservation value, and
  - (f) the effect the development will have on aquatic fauna or habitat and the natural

flow of any watercourse or stream, and

(g) the effect the development will have on riparian vegetation and habitat, and

(h) whether the development will contribute to ribbon development or substantially change the appearance or character of the amenity of the locality.

(2) When considering these matters, the Council must also take into account any measures that may be taken to minimise any adverse impact and also whether the benefits of the development outweigh any adverse effect.

### **13 What is the minimum size for new allotments in Zone 1 (a)?**

(1) Allotments proposed in Zone 1 (a) must meet the following standards:

(a) Where the allotment is being created for the purpose of agriculture or to facilitate farm adjustment, and there is no dwelling on the land, the allotment can be of any size.

(b) Where there is a dwelling on the land, the allotment on which it will be situated must have an area of not less than 80 hectares.

(c) Where the allotment will be created for the purpose of erecting a dwelling, the allotment must have an area of not less than 80 hectares.

(2) The Council can consent to the subdivision of land within Zone 1 (a) to create an allotment that will be used otherwise than for the purpose of agriculture or a dwelling (being development that may be carried out under Part 2), only if:

(a) the area of the allotment to be created is appropriate for the development for which it is intended to be used, and

(b) where the land is identified as Class 3, 4 or 5 on a map prepared by the Department of Agriculture and held in the office of the Council, there is no reasonable alternative to using the allotment for the proposed development.

### **14 What requirements apply for the erection of dwellings on land within Zone 1 (a)?**

(1) The land on which it is proposed to erect a dwelling on land within Zone 1 (a) must:

(a) have an area of not less than 80 hectares, or

(b) be a lot in a subdivision consented to by the Council in accordance with clause 13 (1) (c), or

(c) be a lot in a subdivision which was approved by the Council before the appointed day and which met the requirements for erecting a dwelling that applied before that day, or

- (d) be a vacant existing holding which, in the Council's opinion, is suitable for on-site disposal of waste water, but only if the erection of the dwelling will not generate demands for the provision of services which can not be economically provided.
- (2) Except where otherwise provided by clause 17, only one dwelling may be erected on an allotment of land within Zone 1 (a) (or an existing holding referred to in subclause (1) (d)). This does not, however, prevent a second dwelling being erected which is intended to replace an existing dwelling and which is not occupied until after the existing dwelling is demolished.
- (3) The Council can consent to the erection of a single dwelling house on each separate allotment of land within the areas shown diagonally hatched on the map, despite subclause (2).

**15 What are the requirements that apply to subdividing land in Zone 1 (c)?**

- (1) Each allotment of land within Zone 1 (c) must have an area of not less than 2 hectares.
- (2) When considering the design of a proposed subdivision of land within Zone 1 (c), the Council must have regard to:
  - (a) the suitability of the land for future urban development, and
  - (b) whether it is possible to construct a dam on each allotment and whether each allotment has a minimum farm dam catchment area sufficient to ensure a 1 in 10 years drought reliability, and
  - (c) the proposed location of dwellings and how they complement each other and conform to the topography of the land, and
  - (d) whether the subdivision design minimises direct access to arterial roads from the proposed allotments, and
  - (e) the capability of the block for on-site disposal of effluent without adverse effect on ground or surface water quality, where connection to a sewer is not possible, and
  - (f) other likely impacts on water quality, land degradation, habitat destruction, and other environmental impacts that may result from the development.

**16 What are the requirements that apply to subdividing land in Zone 2?**

Any unsewered allotments created in Zone 2 must, in the Council's opinion, be suitable for on-site disposal of waste water. That opinion must be based on a soil analysis.

**17 Is dual occupancy permitted?**

- (1) In this clause, **dual occupancy development** means development which results in two dwellings on one allotment of land.

- (2) The Council may consent to dual occupancy development on land on which a dwelling house may be erected.
- (3) The Council may consent to dual occupancy development on land within Zone 1 (a) or 1 (c) only if:
  - (a) a dwelling can be or has been lawfully erected on the land, and
  - (b) the proposed development will not substantially interfere with the primary purpose for which the land is intended to be used, and
  - (c) no additional access to a public road will be required from the land because of the dual occupancy development, and
  - (d) domestic waste water can be effectively disposed of within the boundaries of the land.
- (4) The Council may consent to dual occupancy development on land within Zone 2 where the allotment is unsewered if the Council is satisfied that the lot is suitable for on-site disposal of waste water. That opinion must be based on a soil analysis.

**18 What are the restrictions on development fronting main and arterial roads?**

- (1) In this clause, **classified road** means:
  - (a) State Highway No 2—Federal Highway,
  - (b) State Highway No 3—Hume Highway,
  - (c) Main Road No 52 (Gundaroo to Crookwell via Gunning),
  - (d) Main Road No 241 (Gunning to Boorowa via Dalton),
  - (e) Main Road No 283 (Hume Highway to Collector).
- (2) Before granting consent to development of land which:
  - (a) fronts a classified road, or
  - (b) relies solely on a classified road for its access, or
  - (c) has access to a road which intersects with a classified road, where the point of access is within 90 metres of the intersection of the road and the classified 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 road, and
  - (e) whether it is important for the development to be located near the classified road,

and

(f) the access points and on-site arrangements for vehicle movements and parking, and

(g) the effect the development will have on future improvements or realignment of the classified road.

(3) Development referred to in Schedule 1 is prohibited on land within Zone 1 (a) or 1 (c) which is within 400 metres of the alignment of State Highway No 2 or State Highway No 3.

#### **19 What are the requirements for access?**

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

- (a) whether the standard of the roads providing access (including stormwater drainage) to the development is adequate to cater for existing and potential traffic, and
- (b) whether traffic associated with the development will cause the condition of the roads to deteriorate and whether funds are or will be available for road maintenance, and
- (c) whether financial contributions from the development will be sufficient to maintain the roads likely to be affected.

#### **20 What are the building setbacks?**

On land within Zone 1 (a) or 1 (c) which has frontage to a road, the Council may require that buildings be set back from the alignment of the road. In deciding the distance, the Council must consider:

- (a) the nature, scale and function of the building, and
- (b) the maximisation of sight distances for drivers using the road, including visibility of points of access from the road and the adequacy of the view of the road from the points of access, and
- (c) the minimisation of distraction to drivers using the road, and
- (d) any possible realignment of the road.

#### **21 What are the restrictions on land prone to flooding?**

- (1) The Council must not consent to development on land which is considered by the Council to be prone to flooding if the development is likely to:
  - (a) restrict the flow of flood water on the land or on adjoining land, or
  - (b) endanger life in time of flood, or



- (c) increase the impact of flood water through erosion, siltation or the destruction of vegetation, or
  - (d) have an adverse effect on the water table of the land or of adjoining land.
- (2) The Council must also take into consideration, when deciding whether to grant or refuse a development application:
- (a) any cumulative effect the development will have on flood behaviour, and
  - (b) any risk of pollution to waterways from the development, and
  - (c) whether access to the site of the proposed development will be available in times of flood.

**21A What are the restrictions on land within the hydrological catchment?**

- (1) This clause applies to the hydrological catchment within the meaning of *Drinking Water Catchments Regional Environmental Plan No 1*.
- (2) The objective of this clause is to ensure that development with the potential to adversely impact on water quality in the hydrological catchment requires development consent.
- (3) For the purposes of this clause, **intensive plant growing** on land means market gardening, fungi growing, fruit growing, flower growing, viticulture or the like for commercial purposes, but does not include growing field crops (such as wheat, oats, oilseed or legumes) or any species of plant for pastures.
- (4) Despite clause 8 or any other provision of this plan, the consent of the Council is required for development that comprises intensive plant growing.

**22 What are the restrictions on land within the Sydney Water Outer Catchment Area?**

- (1) When determining a development application on land contained within the Outer Catchment Area as shown on the map, with boundaries as indicated on the map, the Council must take into consideration the impact of the proposed development on the water quality of stored water from which Sydney Water Corporation Limited draws drinking water.
- (2) The Council must not consent to the development of land contained within the Outer Catchment Area if the Council is of the opinion that the proposed development will adversely impact on the quality of stored water from which Sydney Water Corporation Limited draws drinking water.

**23 Is consent required for roads, stormwater drains, recreation areas, bushfire hazard reduction and parking?**

A person must not carry out development for the purpose of any of the following without

the consent of the Council:

- (a) roads,
- (b) stormwater drainage,
- (c) recreation areas,
- (d) bushfire hazard reduction,
- (e) parking.

#### **24 What Council development does not require development consent?**

The Council is not required to obtain its own consent to carry out development, in any zone, for development for the purpose of the following:

- (a) roads,
- (b) stormwater drainage,
- (c) recreation areas,
- (d) bushfire hazard reduction,
- (e) parking,
- (f) landscaping,
- (g) gardening.

#### **25 What are the controls for outdoor advertising?**

(1) 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 work.

**business identification sign** means an advertisement which, in respect of any place or premises to which it is fixed, contains all or any of the following:

- (a) a reference to the identity or a description of the place or premises,
- (b) a reference to 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 or cautions 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 Act or any Act of the Commonwealth,
- (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.

**real estate sign** means an advertisement which 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:

- (a) in the case of an advertisement fixed to residential or rural premises and relating to a proposed letting, sale by private treaty or sale by auction:
  - (i) that does not exceed 2.5 square metres in area, and
  - (ii) that has returns not exceeding 180 millimetres, and
- (b) in the case of an advertisement fixed to commercial and industrial premises, that does not exceed 4.5 square metres in area, and
- (c) in any case, that is not displayed for more than 14 days after letting or completion of the sale of the premises or place to which the sign relates.

**temporary sign** means an advertisement of a temporary nature which:

- (a) announces any local 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.

**tourist facility** means an establishment providing short-term holiday accommodation or recreation, or both, and may consist of or include:

- (a) a hotel, a motel, bed and breakfast accommodation, a serviced apartment, a holiday cabin, a caravan park, a camping ground or a houseboat, and includes any associated swimming pool, golf course, tennis court or marina, or
- (b) a restaurant,
- (c) a souvenir shop, an arts and crafts gallery or an exhibition centre.

(2) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality, and
  - (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination or overshadowing or in any other way, and
  - (c) does not lead to visual clutter through the proliferation of signs.
- (3) The following advertisements may be erected on any land, without consent:
- (a) advertisements within a site which are not visible from outside the site, but not an advertisement on a heritage item (within the meaning of Part 4),
  - (b) business identification signs, on land zoned for:
    - (i) residential purposes (being land within Zone 2), but only if:
      - they are not erected on a heritage item, and
      - they do not exceed 0.75 square metre in area, or
    - (ii) commercial/business purposes (being land within Zone 2 that may be used for those purposes), but only if:
      - they are not erected on a heritage item, and
      - they are located at a point below the level of the awning on a building, if it has an awning, and
      - where there is no awning, they are located at a point not more than 4.6 metres above ground level or below the level of the bottom of the first floor window of a building, whichever is lower, and they cover no more than 50% of the area of the shopfront.

In addition, the following business identification signs are allowed without consent on buildings on this land:

- one awning sign, and
  - one suspended under-awning sign or projecting wall sign for every three metres of shopfront length, not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level, or
- (iii) industrial purposes (being land within Zone 2 that may be used for those purposes), but only if they do not exceed 10 square metres in area.

However, business identification signs on small shops and other buildings (such as banks) on this land serve the daily needs of the industrial area are subject to the provisions applying to land zoned for commercial/business

purposes,

- (c) real estate signs,
  - (d) a temporary sign, but only if not displayed earlier than 28 days before the day on which the event to which it relates is to take place and removed within 14 days after the event,
  - (e) public notices displayed by a public authority giving information or directions about the service provided,
  - (f) a change in message of an advertisement for which consent was granted,
  - (g) signs behind the glass line of a shop window, or
  - (h) advertisements on motor vehicles used principally for the conveyance of goods or passengers.
- (4) Any advertisement other than those permitted by subclause (3) or prohibited by subclause (6) may be displayed only with consent.
- (5) Despite any other provision of this plan, the Council may grant consent to the erection of an advertisement on any land for the purpose of directing the travelling public to specific tourist facilities and places of scientific, historic or scenic interest, if it is satisfied that:
- (a) the advertisement relates to a specific building or place, and
  - (b) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
  - (c) the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.
- (6) A person must not erect an advertisement on land within Zone 1 (a) or 1 (c), other than an advertisement allowed by subclause (3) or (5).

## **26 What are the requirements for the preservation of trees?**

- (1) The Council can, by resolution, make an order (known as a tree preservation order) to protect and preserve trees. Such an order can:
- (a) prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified in the order, except with the Council's consent, and
  - (b) relate to any tree or trees or to any specified class, type or description of tree on any land, with the exception of trees:

- (i) in a State forest,
  - (ii) in a timber reserve,
  - (iii) in a national park,
  - (iv) which are subject to the *Forestry Act 1916*,
  - (v) in any water catchment area under the control of Sydney Water Corporation Limited or any public authority responsible for water supply.
- (2) Any tree preservation order which the Council makes must be published in the Government Gazette and a local newspaper circulated in the area of Gunning and takes effect when it has first been so published or on any later date specified in the order.
- (3) A person must not contravene a tree preservation order unless the person can prove that the tree or trees damaged or destroyed were dying, dead or dangerous.

**27 Is there any discretion at zone boundaries?**

Where land is located within 50 metres of a boundary between two zones, the Council may consent to development on the land that is permissible in the adjoining zone.

**28 What provisions relate to bushfire hazard?**

In considering an application for consent to develop land that, in the opinion of the Council, is subject to bushfire hazards, the Council must make an assessment of:

- (a) the nature and degree of the hazard and any appropriate measures to reduce the hazard, and
- (b) if the development proposed is or includes subdivision:
  - (i) whether the subdivision has been designed to enable the siting of any buildings to be erected on the part of the land having the least risk, and
  - (ii) whether a perimeter road should be provided on the land or adjoining land as a fire break or to allow access for fire fighting vehicles, and
  - (iii) the necessity of increasing the depth of allotments adjoining land which may be the source of bushfire hazard, whether or not defined by a perimeter road, for the purpose of providing a fire radiation zone.

**Part 4 Special requirements relating to the protection of heritage**

**29 How are terms defined with respect to heritage conservation?**

In this clause:

**demolish** a heritage item or a building, work, relic, 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.

**heritage conservation area** means land shown by heavy black broken edging on the map and includes buildings, works, relics, trees and places situated on or within that land.

**heritage item** means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described in Schedule 2.

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

**relic** means any deposit, object or material evidence (which may consist of human remains) relating to:

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

**30 What controls apply to the development of heritage items, heritage conservation areas and relics?**

(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 Council 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 Council 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.

**31 What restrictions apply to development near heritage items and heritage conservation areas?**

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

**32 Council must notify and advertise development applications relating to heritage items**

- (1) 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, about proposed development) 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 a use of a building or land referred to in clause 34 which, but for that clause, would be prohibited by this plan) in the same way as those provisions apply to designated development.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item, where in the Council's opinion the development will be of a minor nature and will not adversely affect the heritage significance of the heritage item.

**33 Council must notify the Heritage Council**

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the Council 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.

**34 Are there conservation incentives for heritage items?**

The Council 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.



## **Part 5 Miscellaneous**

### **35 What special provisions apply to the temporary use of land?**

Notwithstanding any other provision of this plan, the Council may grant consent to the carrying out of any development on land (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

### **36 What savings provisions apply with respect to activities of government instrumentalities?**

Nothing in this plan restricts or prohibits or enables the Council to restrict or prohibit:

- (a) the use of existing buildings of the Crown by the Crown, or
- (b) the carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (i) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (ii) the erection within the limits of a railway station of buildings for any purpose, but excluding the construction of new railways, railway stations and bridges over roads, and
  - (iii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as to materially affect their design, of railways, stations or bridges,
  - (iv) the formation or alteration of any means of access to a road, and
  - (v) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place, or
- (c) the carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
  - (i) development of any description at or below the surface of the ground,
  - (ii) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (iii) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already

installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,

- (iv) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (v) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (vi) any other development except:
  - the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
  - the formation or alteration of any means of access to a road, or
- (d) the carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road, or
- (e) the carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purpose of shipping or in connection with the embarking, loading, discharging or transport of passengers, livestock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
  - (i) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road, or
- (f) the carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development

required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road, or
- (g) the carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of the road, or
- (h) the carrying out of any forestry work by the Forestry Commission, road construction and maintenance or forest protection, cutting and marketing of timber reserves under the *Forestry Act 1916*, or
- (i) the carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
- (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
  - (ii) any development designed to change the use or purpose of any such reserve, or
- (j) the carrying out or causing to be carried out by the Council when engaged in flood mitigation works, or by officers of the Department of Land and Water Conservation, of works for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvements in pursuance of the provisions of the *Water Act 1912* or the *Irrigation Act 1912* or the *Farm Water Supplies Act 1946*, except for:
- (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation of any means of access to a road, or
- (k) the use of land for the purpose of construction and development of roads, drainage and public infrastructure services.

### **37 Development for certain additional purposes**

Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

## **Schedule 1 Development prohibited near highways**

(Clause 18 (3))

Development for the purpose of the following:

- bulky goods salesrooms or showrooms
- camps or caravan sites
- car repair stations
- clubs
- commercial premises
- educational establishments
- hospitals
- hotels
- industries (other than home activities or rural industries)
- junk yards
- liquid fuel depots
- mines
- motels
- places of assembly
- places of worship
- recreation areas
- recreation facilities
- refreshment rooms
- retail plant nurseries
- roadside stalls
- road transport terminals
- sawmills
- service stations
- tourist accommodation
- transport depots

warehouses or distribution centres.

## Schedule 2 Heritage items

(Clause 29)

Item	Land Description
<i>Buildings within or in the vicinity of Gundaroo:</i>	
Original Police Station, Stable and Lock Up on the western side of Cork Street	Lot 2 Section 28
Court House—St Mark’s Anglican Church (Former Court House)	Lot 3 Section 28 Cork Street
Sally Paskins Store	Lot 4 Section 28 Cork Street
The Gundaroo Store	Lot 5 Section 28 Cork Street
The Caledonia Store	Lot 6 Section 28 Cork Street
“Kilamaroy”	Lot 9 Section 28, corner Cork and Harp Streets
Gundaroo Literary Institute	Lot 16 Section 27 Cork Street
Commercial Bank/Old Bakery	Lot 17 Section 27 Cork Street
Commercial Hotel	Lots 18 and 19 Section 27 Cork Street
Community Centre/Uniting Church	Lots 11 and 14 Section 31, corner Cork and Lot Streets
Public School	Lot Street
Royal Hotel	Lots 1 and 2 Section 21, corner Cork and Harp Streets
Elite Skating Rink/Gundaroo Hall	Lot 6 Section 21 Cork Street
Clemenger’s Cottage	Lots 7 and 8 Section 21 Cork Street
Post Office	Lot 1 Section 22 Cork Street
St Joseph’s Catholic Church	Lot 1 Section 23, corner Harp and Morning Streets
Wonga Cottage	Lot 15 Section 27 Cork Street
Cottage	Lot 15 Section 21 Harp Street
Cottage	Lot 17 Section 26 Morning Street
Cottage	Lot 9 Section 22 Morning Street
Cottage	Lot 8 Section 22 Morning Street
Camden Villa	Lot 1-5 Section 9 Cork Street

*Buildings within or in the vicinity of Breadalbane:*

Former Breadalbane Public School	Corner of Old South Road and Currundah Streets, Breadalbane Lot 68 DP 750035
Buildings known as “Raeburn” and Stables—“Raeburn Homestead”	Old South Road, Breadalbane Lot 5 DP 569308
Roman Catholic Church	Old South Road, Breadalbane Lot 36 DP 750036
Building known as “Sweetwood Lea” (formerly Archers Inn)	“Maryfields”, Breadalbane Lot 68 DP 750035
Building known as “Wollogorang” (including garden, stable block)	“Wollogorang”, Federal Highway, Yarra, DP 750035
Anglican Church—All Saints	Corner of Collector and Cullerin Roads, Breadalbane

*Buildings within or in the vicinity of Collector:*

Building known as the Bushrangers Hotel (formerly the Commercial Hotel)	24 Church Street, Collector
Uniting Church	Bourke Street, Collector
Building known as “Winderadeen”	“Winderadeen”, Federal Highway, 3 kms south of Collector, DP 787984
Roman Catholic Church— St Batholomews	Bourke Street, Collector
Stone lined channel outlet from Murray’s Lagoon	Old Federal Highway, 6 kms south of Collector

*Buildings within or in the vicinity of Gunning:*

Anglican Church and surrounding Church buildings	Biala Street, Gunning
St Edmund’s Church Rectory and Uniting Church	Biala Street, Gunning
Cottage	11 Collector Road, Gunning
Building known as 22 Hume Street, Gunning	
Shop Group 81–87 Yass Street, consisting of:	
No 81 Single storey shop	
Nos 83–85 Double storey terrace (Caxton House)	
No 87 Single storey shop (Caxton Cottage)	
Hotel Group, consisting of: Telegraph Hotel	Building at 82–84 Yass Street, Gunning
Court House and Police Station	Corner of Yass and Warrataw Streets, Gunning

Manufacturers Mutual Insurance Building	105 Yass Street, Gunning
Building known as “Boureong” (formerly “Albert Vale”) adjacent to railway line (including later wing and out-buildings)	Lot 12 DP 627793, Parish of Gunning
Building known as “Collingwood”	5 kms northeast of Gunning, Lot 1 DP 592291
Building known as Frankfield Homestead (including Conservatory, Stables, Blacksmiths shop, Old Kitchen, Old Bath House, garden, trees and dam)	Pt Portion 8, DP 754110
<i>Buildings within or in the vicinity of Dalton:</i>	
Uniting Church	Chapel Street, Dalton
Anglican Church	Jobson Street, Dalton
Dalton Primary School	Jobson Street, Dalton
Oddfellows Hall	Chapel Street, Dalton
Dalton Public Hall	Chapel Street, Dalton
Royal Hotel	Corner of Gunning and Chapel Streets, Dalton
Building known as “Eschol”	Portion 33, DP 754111

### **Schedule 3 Development for certain additional purposes**

(Clause 37)

Lots 19–22, 25 and 26, DP 746075, Lots 1 and 3, DP 837871, Lots 1 and 2, DP 856811 and part Lot 8, DP 746076, Parish of Gunning, as shown edged heavy black on the map marked “*Gunning Local Environmental Plan 1997 (Amendment No 1)*”—highway service centre, subject to the condition that consent to the carrying out of the development is granted within five years from the day on which *Gunning Local Environmental Plan 1997 (Amendment No 1)* took effect or within such longer period as the Minister may, before the expiration of that period of five years, notify by order published in the Gazette.