

Manilla Local Environmental Plan 1988

[1988-351]



New South Wales

Status Information

Currency of version

Historical version for 9 May 2008 to 14 December 2008 (accessed 18 July 2024 at 19:08)

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 9 May 2008

Manilla Local Environmental Plan 1988



New South Wales

Contents

Part 1 Preliminary	4
1 Name of plan	4
2 Aims, objectives etc.....	4
3 Land to which plan applies	4
4 Relationship to other environmental planning instruments	4
5 Definitions	5
6 Adoption of model provisions	7
7 Consent authority	7
Part 2 General restrictions on development of land	7
8 Zones indicated on the map.....	7
9 Zone objectives and development table.....	7
Part 3 Special provisions	11
10 Development within Zone No 1 (a) generally	11
11 Subdivision of land generally.....	11
12 (Repealed)	12
13 Development along arterial roads	12
14 Subdivision for agricultural purposes in Zone No 1 (a).....	12
15 Subdivision for intensive agricultural pursuits.....	13
16 Residential use of land within Zone No 1 (a)	13
17 Subdivision for other purposes in Zone No 1 (a)	14
18 Subdivision of land within Zone No 2 (v)	14
19 Dwellings on vacant land.....	15

20 Erection of additional dwellings in Zones Nos 1 (a) and 2 (v) (ancillary dwellings and dual occupancy)	15
21 Development of environmentally significant land	16
22 Flood liable land	16
23 Land subject to bushfire hazards	17
24 Items of the environmental heritage	17
25 Development in the vicinity of an item of the environmental heritage	18
26 Heritage Council to be given prior notice of demolition consent	18
27 Conservation incentives relating to heritage items	18
28 Applications that must be advertised	18
29 Notification to National Parks and Wildlife Service	18
30 Community use of school facilities or sites	19
31 Development on certain land	19
Schedule 1 Items of the environmental heritage	19
Schedule 2 Applications that must be advertised	20
Schedule 3 Purposes prohibited along arterial roads	20

Manilla Local Environmental Plan 1988



New South Wales

Part 1 Preliminary

1 Name of plan

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

2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Manilla by protecting or conserving:
 - (i) prime crop and pasture land,
 - (ii) timber, mineral, soil, water and other natural resources,
 - (iii) areas of ecological significance,
 - (iv) areas of high scenic or recreational value, and
 - (v) places of archaeological or heritage significance to the Shire of Manilla, and
- (b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the Shire of Manilla in accordance with paragraph (a) and in a manner which:
 - (i) encourages efficient and effective delivery of services and facilities, and
 - (ii) encourages a range of living environments and economic opportunities in accordance with the demand for those environments and opportunities.

3 Land to which plan applies

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

4 Relationship to other environmental planning instruments

This plan repeals *Interim Development Order No 1—Shire of Manilla*.

5 Definitions

(1) In this plan:

animal boarding or training establishment means a building or place used for the purpose of the keeping, maintaining, receiving or training of animals for purposes other than agriculture, and includes riding schools, kennels and the like.

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

arterial road means Main Roads 63, 357 and 553 as shown on the map.

caravan park has the same meaning as in the *Caravan Parks and Moveable Dwellings Ordinance* under the [Local Government Act 1919](#).

clear felling includes ringbarking, cutting down, felling, poisoning or otherwise destroying, topping, lopping, removing or injuring trees, or causing trees to be ringbarked, cut down, felled, poisoned or otherwise destroyed, topped, lopped, removed or injured.

Council means the Council of the Shire of Manilla.

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

environmentally significant land means land within 60 metres of a water course or ridgeline named on the map.

flood liable land means land shown diagonally hatched with black lines on the map.

floodway means land shown cross-hatched with black lines on the map.

holding means the combined area of any adjoining or adjacent land held in the same ownership as at the appointed day.

intensive agricultural pursuits means market gardening, mushroom growing, fruit growing, flower growing, intensive livestock keeping or other like purposes.

intensive livestock keeping establishment means a building or place in which or upon which cattle, sheep, goats, poultry or other livestock are held for the purposes of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots,
- (b) piggeries,
- (c) poultry farms, and

(d) fish farming (including the farming of crustaceans and oysters),

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

item of the environmental heritage means a building, work, relic or place listed in Schedule 1.

prime crop and pasture land means land identified on a map prepared by or on behalf of the Director-General of the Department of Agriculture and Fisheries, copies of which are deposited in an office of the Department of Agriculture and Fisheries and in the office of the Council, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land of any classification which the Director-General has notified the Council in writing is not prime crop and pasture land for the purpose of this plan.

recreation area means:

- (a) a childrens' playground,
- (b) an area used for sporting activities or sporting facilities,
- (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 together for the purpose 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 relating to the settlement (including Aboriginal habitation) prior to 1 January, 1900, of the Shire of Manilla.

renovation in relation to a building or work, means the making of structural changes to the inside or outside of the building or work.

rural land means land other than land in Zone No 2 (v) or 8 (a).

the map means the set of 2 maps marked "*Shire of Manilla Local Environmental Plan 1988*", 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.

Manilla Local Environmental Plan 1988 (Amendment No 2)

trees includes saplings, shrubs and scrubs.

vacant land means land devoid of dwellings.

(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 that purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

(3) Notes in this plan do not form part of this plan.

6 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980*, except for:

- (a) the definitions of **arterial road** and **map** in clause 4 (1), and
 - (b) clauses 11, 13, 15, 18, 20, 21, 22, 23, 24, 28, 29, 31 and 34,
- are adopted for the purposes of this plan.

7 Consent authority

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

Part 2 General restrictions on 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) (General Rural Zone)—edged heavy black and lettered “1 (a)”.

Zone No 2 (v) (Residential Village or Urban Zone)—edged heavy black and lettered “v”.

Zone No 8 (a) (National Parks and Nature Reserves Zone)—edged heavy black, cross hatched and lettered “8 (a)”.

9 Zone objectives and development 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,
- (b) development may be carried out only with development consent, and
- (c) development may be carried out only with development consent granted in respect of an application that has been advertised in the same manner as designated development is required to be advertised, and
- (d) development is prohibited,

are specified under the headings “Without development consent”, “Only with development consent”, “Advertised development—only with development consent” and “Prohibited development”, respectively, appearing in the matter relating to the zone.

(3) Except as otherwise provided by this plan, the council may only consent to the carrying out of development on land to which this plan applies if the Council is of the opinion that 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) (General Rural Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to enable development for purposes that are:
 - (i) appropriate in a rural location, and
 - (ii) sympathetic with the environmental characteristics of the land and the costs of providing public services and amenities,
- (b) to promote efficient sustainable agricultural utilisation of agricultural land, particularly prime crop and pasture land,
- (c) to facilitate farm adjustments,
- (d) to conserve prime crop and pasture land by ensuring that:
 - (i) it is not unnecessarily converted to non-agricultural purposes, and
 - (ii) any allotment created for an intensive agricultural pursuit is

potentially capable of sustaining a range of purposes suitable to the locality, and

(e) to protect or conserve:

- (i) soil stability by controlling development in accordance with soil capability,
- (ii) forests of commercial value for timber production,
- (iii) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development to enable the efficient extraction of those deposits,
- (iv) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to reduce land degradation,
- (v) water resources, and
- (vi) travelling stock routes.

2 Without development consent

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments); forestry (other than ancillary dwellings).

3 Only with development consent

Any purpose other than a purpose included in Item 2, 4 or 5.

4 Advertised development—only with development consent

Subdivision proposals providing for the creation of 6 or more allotments; intensive livestock keeping establishments; shops.

5 Prohibited development

Boarding-houses; motor showrooms; residential flat buildings.

Zone No 2 (v) (Residential Village or Urban Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to regulate the subdivision and use of land to permit a wide range or

urban purposes, and

- (b) to recognise existing urban, commercial, industrial and open space areas within the zone and enable future development appropriate to their function.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4 or 5.

4 Advertised development—only with development consent

Residential flat buildings; caravan parks; clubs; hotels; motels.

5 Prohibited development

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries.

Zone No 8 (a) (National Parks and Nature Reserve Zone)

1 Objective of zone

The objective of this zone is to identify those lands included in national parks, nature reserves, aboriginal areas and state recreational areas and to permit development of land within the zone as deemed appropriate by the Director of the National Parks and Wildlife Service.

2 Without development consent

Any purpose authorised by or under the [National Parks and Wildlife Act 1974](#), or any purpose ancillary or incidental to any such purpose.

3 Only with development consent

Nil.

4 Advertised development—only with development consent

Nil.

5 Prohibited development

Any purpose other than a purpose included in Item 2.

Part 3 Special provisions

10 Development within Zone No 1 (a) generally

- (1) The Council shall not consent to an application to develop rural land unless it has made an assessment of the effect that the carrying out of the development will have on:
 - (a) the present and potential use of the land for the purpose of agriculture,
 - (b) vegetation, timber production, soil resources and soil stability, water resources (including the quality and stability of water courses and ground water storage and riparian rights,
 - (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - (d) the protection of areas of ecological significance or of high scenic or recreation value, and
 - (e) future expansion of settlements in the locality.
- (2) In making such an assessment the Council shall have regard not only to the land the subject of the application but also to other land in the locality.
- (3) The Council shall not consent to an application to subdivide rural land for purposes other than a dwelling unless the Council has made an assessment of whether a condition should be imposed in connection with a future dwelling on the allotment or whether a dwelling should be prohibited.
- (4) Subclause (1) does not apply to:
 - (a) an alteration or addition to a building or work, or
 - (b) the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purposes of a dwelling.

11 Subdivision of land generally

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council shall not grant its consent to subdivide land within Zone No 1 (a) unless the application 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,
- (b) identifies any allotment which is intended to be used primarily for the purposes of agriculture,
- (c) identifies any allotment which is intended to be used primarily for the purposes of a dwelling,
- (d) identifies any allotment on which it is intended to erect a dwelling and states whether or not the dwelling is the primary purpose for which the allotment is being created, and
- (e) shows the approximate location of any dwelling erected on the land at the date of the application.

12 (Repealed)

13 Development along arterial roads

- (1) This clause applies to land within Zone No 1 (a) having a frontage to an arterial road.
- (2) The Council shall not grant consent to an application to develop land which has a frontage to an arterial road unless, in the opinion of the Council:
 - (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
 - (b) the safety and efficiency of the arterial road will not be adversely affected by the development of that land by:
 - (i) the design of the access to that land,
 - (ii) the emission of smoke or dust from that land, and
 - (iii) the nature, volume or frequency of vehicles entering or leaving the arterial road.
- (3) The Council shall not consent to the development of land to which this clause applies for a purpose specified in Schedule 3 if the development of the land for that particular purpose will have direct access to an arterial road or to a road connecting with an arterial road and the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

14 Subdivision for agricultural purposes in Zone No 1 (a)

The Council shall not consent to an application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision is to be used primarily for the purposes of agriculture (other than intensive agricultural pursuits) unless:

- (a) each allotment created for that purpose in the subdivision has:
 - (i) an area of 200 hectares or more, and
 - (ii) if the allotment has frontage to an arterial road—frontage to that road of 400 metres or more, and
- (b) in the opinion of the Council, each allotment created for that purpose is capable of sustaining agricultural food or fibre production.

Note—

Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

15 Subdivision for intensive agricultural pursuits

The Council shall not consent to an application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision is to be used primarily for the purposes of intensive agricultural pursuits unless:

- (a) each allotment created for that purpose in the subdivision has an area of 20 hectares or more,
- (b) in the opinion of the Council:
 - (i) each allotment created for that purpose is capable of sustaining a range of intensive agricultural pursuits, and
 - (ii) an adequate water supply is available to service the intensive agricultural pursuits to be carried out on the allotment, and
- (c) the Council has consulted with the Director-General of Agriculture and has taken into consideration the advice received.

16 Residential use of land within Zone No 1 (a)

- (1) This clause applies to all land within Zone No 1 (a), but does not include prime crop and pasture land.
- (2) The Council may approve the subdivision of land to which this clause applies and the erection of a dwelling-house on each allotment created provided that each allotment has an area of not less than 2 hectares and the Council is satisfied that the land is to be used primarily for residential purposes.
- (3) The Council shall not approve the subdivision of land under subclause (2) unless it is satisfied that:
 - (a) the land is within reasonable proximity to a range of services and facilities,

- (b) the land has reasonable all-weather access to a township of 200 people or more,
 - (c) the land is not subject to significant environmental hazards,
 - (d) the dwelling to be erected on the land:
 - (i) has an adequate potable water supply and a bulk water supply for fire fighting and additional domestic uses, and
 - (ii) has adequate provision for the on-site disposal of effluent without detriment to the environment.
- (4) The Council shall not consent to the creation of more than 20 allotments under this clause in any calendar year.

17 Subdivision for other purposes in Zone No 1 (a)

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision is to be used primarily for purposes other than agriculture or a dwelling, unless in the opinion of the Council:
- (a) the land does not comprise any prime crop and pasture land or any land that is or could be used for a form of agriculture common in the area, and
 - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) shall prevent the Council from granting consent to an application to subdivide land to create an allotment to be used for a purpose other than agriculture or a dwelling, where, in the opinion of the Council:
- (a) the purpose for which the allotment is to be used involves the supply of goods or services of which there is a demand in the locality,
 - (b) no other land in the locality could reasonably be used for that purpose, and
 - (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.

18 Subdivision of land within Zone No 2 (v)

Land within Zone No 2 (v) shall not be subdivided for the purpose of a dwelling-house unless each allotment to be created in the subdivision for that purpose has an area of 600 square metres or more in a sewered area or an area of 800 square metres or more in an unsewered area.

19 Dwellings on vacant land

- (1) A person shall not erect a dwelling on vacant land unless the land:
 - (a) if in Zone No 1 (a):
 - (i) has a site area of 200 hectares or more,
 - (ii) comprises an allotment created under clause 16 for the purposes of a dwelling, or
 - (iii) comprises an allotment created in accordance with clause 15 or 17 and the use of that dwelling will be ancillary to the purpose for which the allotment was created, or
 - (b) if in Zone No 2 (v), has a site area of 600 square metres or more in a sewered area or a site area of 800 square metres or more in an unsewered area.
- (2) Notwithstanding subclause (1), a person may erect a dwelling on vacant land which comprises:
 - (a) an allotment created by a subdivision for which the consent of the Council was granted before the appointed day, or
 - (b) the whole of a holding.
- (3) Nothing in subclause (2) (b) prevents the Council from granting consent for the erection of a dwelling if the area of the holding has been affected only by a subdivision created for a purpose for which the consent of the Council is not required under any State environmental planning policy or regional environmental plan which applies to the land to which this plan applies.

20 Erection of additional dwellings in Zones Nos 1 (a) and 2 (v) (ancillary dwellings and dual occupancy)

The Council may consent to the erection of one additional dwelling on land within Zones Nos 1 (a) and 2 (v) (including the alteration of an existing dwelling to create 2 dwellings) if:

- (a) a dwelling could be erected on the land in accordance with clause 19 where the land is within Zone No 1 (a) or 2 (v),
- (b) no additional access to a public road is required from the land,
- (c) separate ownership of the proposed dwelling can only be achieved by a subdivision of the land, and
- (d) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land is being used.

21 Development of environmentally significant land

- (1) A person shall not develop environmentally significant land for the purposes of intensive livestock keeping, junkyards, liquid fuel depots, offensive or hazardous industries, sawmills or stock and sale yards.
- (2) A person shall not, except with the consent of the Council, clear fell more than one hectare or more than 5 percent of the area of a holding (whichever is the lesser) of the trees present (as at the appointed day) on environmentally significant land.
- (3) The Council shall not consent to an application made in accordance with subclause (2) unless, in the opinion of the Council, the clear felling of the land will be carried out in a manner which, in respect of that land and the land in its immediate vicinity, minimises:
 - (a) the risk of soil erosion or other land degradation,
 - (b) the loss of scenic amenity, and
 - (c) the destruction of important vegetation systems and natural wildlife habitats.
- (4) A consent granted by the Council in accordance with this clause does not remove any requirement, as required by any Act or regulation, for a person to obtain permission to clear land of trees.

22 Flood liable land

- (1) A person shall not erect a building or carry out works for any purpose on flood liable land or on land within a floodway except with the consent of the Council.
- (2) The Council shall not grant consent to the erection of a building or the carrying out of works on land within a floodway if, in the opinion of the Council, the carrying out of the development is likely:
 - (a) to impede the flow of flood waters on that land or land in its immediate vicinity,
 - (b) to imperil the safety of persons on that land or land in its immediate vicinity in the event of those lands being inundated with flood waters,
 - (c) to aggravate the consequences of floodwaters flowing on that land (or land in its immediate vicinity) with regard to erosion, siltation and the destruction of vegetation, or
 - (d) to have an adverse effect on the water table of that land (or of land in its immediate vicinity).
- (3) The Council shall not grant consent to the erection of a dwelling on flood liable land unless the floor level of the living accommodation of the dwelling is located at least 0.5 metres above the highest known flood level as determined by the Council over the

subject land.

- (4) Nothing in this clause shall limit or restrict the authority of the Council to consent to the carrying out of water control measures.

23 Land subject to bushfire hazards

The Council shall not grant consent to subdivide land or to erect a building on land which is subject to bushfire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of the Council:

- (a) adequate provision is made for access for fire fighting vehicles,
- (b) adequate safeguards are effected in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire fighting purposes.

24 Items of the environmental heritage

- (1) A person shall not, in respect of a building, work, relic or place that is an item of the environmental heritage:

- (a) demolish, renovate or extend that building or work,
- (b) damage or despoil that relic or place or any significant part of that relic or place,
- (c) excavate any land for the purpose of exposing or removing that relic, or
- (d) erect a building on the land which that building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

- (2) The Council shall not grant consent as referred to in subclause (1), unless it has made an assessment of:

- (a) the significance of the item as an item of the environmental heritage of the Shire of Manilla,
- (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
- (c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and
- (d) whether the item constitutes a danger to the users or occupiers of that item or to the public.

25 Development in the vicinity of an item of the environmental heritage

The Council shall not consent to the carrying out of development on land in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of environmental heritage and its setting.

26 Heritage Council to be given prior notice of demolition consent

Where a person makes a development application for consent to demolish a building or work that is an item of the environmental heritage 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.

27 Conservation incentives relating to heritage items

Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected, if the Council is satisfied that:

- (a) the use will have little or no adverse effect on the amenity of the area, and
- (b) conservation of the building depends on the Council granting consent in pursuance of this clause.

28 Applications 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 proposed development for the purposes listed in Schedule 2 in the same way as those provisions apply to and in respect of designated development.
- (2) Subclause (1) does not apply to the partial demolition of a building or work if, in the opinion of the Council, the partial demolition is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the Shire of Manilla.

29 Notification to National Parks and Wildlife Service

The Council shall advise the National Parks and Wildlife Service of any development applications that are received and which relate to areas adjoining or adjacent to:

- (a) areas reserved under the [National Parks and Wildlife Act 1974](#), and
- (b) aboriginal sites as advised by the National Parks and Wildlife Service.

30 Community use of school facilities or sites

Nothing in this plan prevents or restricts the community use of school facilities or sites which are currently used as educational establishments, whether or not any such use is a commercial use of the land.

31 Development on certain land

Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on the land referred to in Column 1 of the Table to this clause for the purposes specified in Column 2 of the Schedule shown opposite that land.

Column 1	Column 2
lots 3, 4 and 5, DP 569816 Parish of Manilla, as shown edged heavy black on the map marked " <i>Manilla Local Environmental Plan 1988 (Amendment No 1)</i> ".	Subdivision into 9 lots.

Schedule 1 Items of the environmental heritage

(Section 5 (1))

1 The business section of Manilla Street described as follows:

in section 18, lots 5 and 6,

in section 17, lot 6,

in section 28, lot 1,

in section 29, Reserve for Public Building (R 12923) and Reserve for Police Purposes (R 12927),

in sections 21 and 25, all allotments between Manilla Street and Alexander Lane facing west,

in sections 26 and 24, all allotments between Manilla Street and Progress Lane facing east.

2 The Sunken Dairy on the property known as "Beuna Vista", Oakhampton Road.

3 The original Manilla Hospital Building, Court Street.

4 The 4 Manilla Churches, being:

Holy Trinity Anglican Church, Strafford Street,

St Michael's Catholic Church, Court Street,

St Andrew's Presbyterian Church, Rowan Street,

Uniting Church, Strafford Street.

5 Grantham's Stone Bridge, No 106 Court Street.

6 The Manilla Railway Station, South Street.

- 7 The railway viaduct across the flood plain, travelling east to west from Namoi Street to Main Road 357.
- 8 Manilla General Cemetery, Namoi River Road.
- 9 Royce Cottage Museum, Manilla Street.
- 10 Warrabah Nature Reserve.
- 11 Warrabah National Park.
- 12 The Never Never Mountain Area on the property known as "Glendon", Bendemeer Road.
- 13 Upper Manilla Road Bridge, Main Road 63.
- 14 Manilla Road Bridge over the Namoi River between Market Street and Charles Street.

Schedule 2 Applications that must be advertised

(Clause 9, 28)

- 1 The demolition of a building or work that is an item of the environmental heritage.
- 2 Any development requiring advertising as specified in the Table to clause 9.

Schedule 3 Purposes prohibited along arterial roads

(Clause 13)

Bulk stores; caravan parks; car repair stations; commercial premises; hotels; industries (other than home or rural industries); junk yards; mines; motels; places of public assembly; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; stock and sale yards; transport terminals (other than bus stations); warehouses.