Inverell Local Environmental Plan 1988

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New South Wales

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New South Wales

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Inverell Local Environmental Plan 1988

New South Wales

Part 1 Preliminary

1 Name of plan

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

2 Aims, objectives etc

(1) The general aims of this plan are:

(a) to divide the Shire of Inverell into zones and to achieve in respect of land within each of those zones the aims, objectives and policies that may apply to each of those zones,

(b) to provide for the Council to make development control plans regulating the carrying out of development in any zone:

(i) by restricting the carrying out of that development to a specified area within the zone, or

(ii) by fixing standards or specifying requirements in respect of any aspect of that development,

(c) to contribute to the continued economic growth of the Shire by encouraging development which will help to increase local employment opportunities,

(d) to provide for rural and village development by ensuring that adequate provision is made to meet the needs of an expanding population,

(e) to protect areas which depend on agricultural use of the land,

(f) to protect areas which are environmentally sensitive or are of visual significance and to ensure that the rural amenity and character of the Shire are maintained,

(g) to co-ordinate the economic and equitable provision and utilisation of community facilities and infrastructure in the Shire,

(h) to provide a safe and efficient transport network connecting land use activities

within and without the Shire,

(i) to establish a hierarchy of retail centres in the Shire and to promote the Inverell central business district as the commercial and retail focus of the Shire and sub-region, and

(j) to encourage the management and use of resources within the Shire by protecting, enhancing and conserving the soil, timber and other natural resources.

(2) The general objectives of this plan are:

(a) to maintain and improve the Shire’s landscape and scenic qualities, including areas of environmental, cultural or heritage value,

(b) to maintain and improve the Shire’s road network capacity and provision of infrastructure and social and community facilities,

(c) to maintain and improve the Shire’s water resources, including groundwater supplies, and

(d) to discourage development on land subject to significant environmental risks or hazards.

(3) Having regard to the general aims and objectives of this plan, the general policies of this plan are that:

(a) development shall be undertaken having regard to the need for adequate provision of infrastructure and social and community facilities,

(b) development shall be undertaken in such a way that the potential of the Shire’s better class agricultural land is preserved,

(c) inappropriate development generally, and in particular buildings, shall be discouraged on land which is or is likely to be adversely affected by significant flooding, soil erosion or bush fire hazard,

(d) development shall be undertaken having regard to the traffic volume generated in relation to the engineering standards of roads leading to urban and service centres,

(e) the carrying out of development on a main or arterial road shall not create a condition of ribbon development or adversely affect road safety,

(f) development shall be capable of adequately disposing of wastes, including on-site effluent and sediment, and adequate facilities shall exist for the supply of water for domestic and fire fighting purposes,

(g) development shall be undertaken having regard to the impact on areas of scenic

and landscape importance, particularly significant skylines and those areas capable of being viewed from main or arterial roads or other public places,

(h) adequate all-weather access shall be available to service any proposed development,

(i) areas of significant mineral or extractive potential shall be protected from development which could prejudice their future extraction,

(j) all subdivisions shall be designed so that the layout of access roads and the size and configuration of allotments to be created are compatible with, and minimise adverse effects on, the physical and landscape qualities of the land, and

(k) non-residential development is to be sited to avoid or minimise conflict with the residential amenity of neighbouring lands.

3 Land to which plan applies

This plan applies to the whole of the land within the Shire of Inverell, as shown bounded by a firm black line on the map.

4 Relationship to other environmental planning instruments

(1) This plan repeals the environmental planning instruments referred to in subclause (2).

(2) The following environmental planning instruments are repealed:

(a) *Interim Development Order No 1—Shire of Ashford*,

(b) *Interim Development Order No 1—Shire of Macintyre*,

(c) *Municipality of Inverell Planning Scheme Ordinance*,

(d) such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments and plans applied to that land, and

(e) Inverell Local Environmental Plan Nos 1, 2, 3, 4, 5 and 6.

5 Interpretation

(1) In this plan:

animal boarding establishment means premises at which dogs, cats or other domestic animals are boarded for fee or reward.

appointed day means the day on which this plan is published in the Gazette.

aquaculture means the cultivation or farming of aquatic organisms, including fish,

molluscs, crustaceans and aquatic plants, and includes the breeding, hatching, rearing and cultivation for sale of all aquatic organisms.

arterial roads means State Highway 12, Trunk Road 73, Main Road 135 and Main Road 137 within the Shire of Inverell as shown on the map by a broken line.

child care centre means a building that is used (whether or not for profit) for the purpose of a pre-school, kindergarten, or child-minding centre for the care or training of more than five children provided the centre is not a government school or a registered non-government school within the meaning of the *Education Reform Act 1990* and the building or place does not provide residential care for any of the children.

clear felling means the clearing of all or most of the trees on any parcel of land so that not more than 25 trees per hectare remain over the area of the parcel on a scattered or clustered basis.

conservation area means an area identified on the map, or in a development control plan, as a conservation area.

Council means the Council of the Shire of Inverell.

dual occupancy development means development that results in 2, but not more than 2, dwellings (whether attached or detached) on a single allotment of land.

intensive keeping of animals means the intensive keeping of pigs, cattle in feedlots, poultry farming or the lot feeding of any other animals.

items of the environmental heritage means those buildings, works, relics or places of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance to the Shire which are:

(a) described in Schedule 1, or

(b) identified in a development control plan.

recreation area means:

(a) a children’s 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 for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or a showground.

relic means any deposit, object or material evidence relating to the settlement (including aboriginal habitation), prior to January 1900, of the Shire of Inverell.

renovate, in relation to a building or work, means:

(a) to make structural changes to the inside or outside of the building or work, or

(b) to make non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

the map means the series of maps marked "*Inverell Local Environmental Plan 1988 (Amendment No 1)*", 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.

Inverell Local Environmental Plan 1988 (Amendment No 2) Sheets Nos 2, 3 and 5

Inverell Local Environmental Plan 1988 (Amendment No 3)—Sheets 7, 8, 9 and 10

Inverell Local Environmental Plan 1988 (Amendment No 4)

Inverell Local Environmental Plan 1988 (Amendment No 8)

Inverell Local Environmental Plan 1988 (Amendment No 10)

Inverell Local Environmental Plan 1988 (Amendment No 11)

(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,

(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* are adopted for the

purposes of this plan, except for:

(a) the definition of ***map*** in clause 4 (1),

(b) the definition of ***arterial road*** in clause 4 (1), and

(c) clauses 15, 29, 34 and 36.

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 Zoning indicated on the map

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

(1) Rural

Zone No 1 (a), Rural (Agricultural) Zone—marked with heavy black edging and lettered “1 (a)”.

Zone No 1 (d), Urban Investigation Zone—marked with heavy black edging and lettered “1 (d)”.

(2) Residential

Zone No 2 (a), Urban Residential Zone—marked with heavy black edging and lettered “2 (a)”.

Zone No 2 (b), Rural Village Zone—marked with heavy black edging and lettered “2 (b)”.

(3) Business

Zone No 3, Business Zone—marked with heavy black edging and lettered “3”.

(4) Industrial

Zone No 4, Industrial Zone—marked with heavy black edging and lettered “4”.

(5) Special Uses

Zone No 5 (a), Special Uses—marked with heavy black edging and lettered “5 (a)”.

Zone No 5 (b), Railways Zone—marked with heavy black edging and lettered “5 (b)”.

(6) Open Space

Zone No 6 (a), Open Space Zone—marked with heavy black edging and lettered “6 (a)”.

Zone No 6 (b), Open Space Zone—marked with heavy black edging and lettered “6 (b)”.

Zone No 6 (c), Open Space Zone—marked with heavy black edging and lettered “6 (c)”.

(7) Environmental Protection

Zone No 7 (a), Environmental Protection (Scenic) Zone—marked with heavy black edging and lettered “7 (a)”.

Zone No 7 (b), Environmental Protection (Scenic) Zone—marked with heavy black edging and lettered “7 (b)”.

9 Zone aims and objectives and development control table

(1) The aims and objectives specifically applying to each of the zones are set out in the Table to this clause under the headings “Aims of zone” and “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 is prohibited,

are specified under the headings “Without development consent”, “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 shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the aims and objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (Rural (Agricultural) Zone)

1 Aims of zone

The primary purpose of this zone is to encourage the use of rural land in this zone for agriculture and for uses compatible with agriculture. Further purposes are to encourage those land uses which would be in keeping with

the rural character of land within this zone and to allow development for the purpose of industry where the nature of the industry requires isolation from other land uses, or the industry is a rural industry, or where the industry is related to other uses allowed in the zone.

2 Objectives of zone

The particular objectives of this zone are:

(a) to ensure that the long-term potential and viability of better class agricultural land is protected, in particular on land utilised for or with the potential for intensive agricultural enterprises,

(b) to encourage the consolidation of rural holdings and to prevent the unnecessary fragmentation of those holdings,

(c) to enable agricultural support facilities to be provided on land within the zone in a manner which does not significantly reduce the agricultural production potential of land in the locality,

(d) to ensure that development maintains the rural character of the locality and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads,

(e) to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services,

(f) to provide for rural tourist development, and

(g) to promote the management and use of resources within the Shire by protecting, enhancing and conserving soil stability and by controlling and locating development in accordance with land capability, and

(h) to allow development for the purposes of industry where such industry, by reason of the industrial processes involved, the method of manufacture or the nature of the materials used, requires isolation from other uses of land, and

(i) to encourage development for the purposes of closer rural settlement on land which is suitable for that development and to discourage or prohibit development not compatible with the predominantly rural nature of the land within the zone.

3 Without development consent

Agriculture (other than aquaculture, dairies or intensive keeping of animals); bushfire hazard reduction; ; dwelling-houses on allotments created pursuant to clause 12 forestry.

4 Only with development consent

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

5 Prohibited development

Boarding houses; bulk stores; motor showrooms; residential flat buildings; shops (other than general stores); warehouses.

Zone No 1 (d) (Urban Investigation Zone)

1 Aims of zone

The primary purpose of this zone is to identify lands to be investigated for possible future urban development and in the interim to control development on these lands so that their land use potential is not jeopardised.

2 Objectives of zone

The particular objectives of this zone are:

(a) to identify land which is to be investigated for its suitability for rezoning at a later date for urban purposes,

(b) to enable the interim development of the lands within this zone for purposes that will not compromise their possible future development and that are in keeping with the existing rural character, and

(c) to ensure that development does not create unreasonable or uneconomic demands, or both, for provision or extension of public amenities or services.

3 Without development consent

Agriculture (other than the intensive keeping of animals); bushfire hazard reduction.

4 Only with development consent

Animal establishments; bulk stores; caravan parks; drainage; dwelling-houses; extractive industries; forestry; helipads; home industries; home occupations; mineral sand mines; public buildings; public utility undertakings; roadside stalls; rural industries; rural workers' dwellings; utility installations.

5 Prohibited development

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

Zone No 2 (a) (Urban Residential Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands within Inverell township for predominately residential purposes. Other uses to be permitted are to be compatible with the residential amenity of land within the zone.

2 Objectives of zone

The particular objectives of this zone are:

(a) to make general provision to set aside land to be used for the purposes of housing and associated facilities,

(b) to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying housing densities as well as other associated urban and tourist facilities,

(c) to allow a variety of housing types within existing and new residential areas,

(d) to encourage greater visual amenity by requiring site landscaping and permitting a greater variety of building materials and flexibility of design, and

(e) to allow development for urban purposes other than housing within the zone only if it does not detrimentally affect the character or amenity or the locality.

3 Without development consent

Dwelling-houses.

4 Only with development consent

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

5 Prohibited development

Abattoirs; aerodromes; animal boarding establishments; bulk stores; cemeteries and crematoriums; drive-in theatres; extractive industries; forestry; generating works; heliports; institutions; junk yards; liquid fuel depots; mines; motor showrooms; recreation vehicle areas; sawmills; stock and sale yards; timber yards; transport terminals; warehouses.

Zone No 2 (b) (Rural Village Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands for a broad range of urban purposes in the urban settlements of the Shire and to encourage the consolidation of such areas as nodes of development. This aim reflects the need to ensure that development occurs at a scale and density compatible with the amenity of the locality and its ability to absorb development.

2 Objectives of zone

The particular objectives of this zone are:

(a) to provide for a wide range of urban uses in a rural village environment and to permit a range of non-residential land uses which will support associated residential land uses and nearby rural areas,

(b) to maintain and enhance the village scale and amenity of the area,

(c) to ensure, in the case of areas not provided with reticulated water and sewerage services, that future development is at a density appropriate to the capacity of the land to absorb such development, and

(d) to discourage those land uses not in keeping with the objectives.

3 Without development consent

Dwelling-houses.

4 Only with development consent

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

5 Prohibited development

Abattoirs; extractive industries, forestry; mines; offensive or hazardous industries; stock and sale yards.

Zone No 3 (Business Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands for a broad range of retail, commercial and allied uses within Inverell having regard to the need to maintain the standing of the central business district as the commercial and retail focus of the Shire.

2 Objectives of zone

The particular objectives of this zone are:

(a) to encourage a wide range of retail, commercial and allied uses within the central business district, and

(b) to accommodate the establishment of retail, commercial and professional services for local residents in convenient locations within the residential neighbourhoods where the scale and type of development is compatible with the amenity of surrounding residential areas.

3 Without development consent

Nil.

4 Only with development consent

Any purpose other than a purpose specified in item 5.

5 Prohibited development

Abattoirs; cemeteries and crematoriums; dwelling-houses; extractive industries; gas holders; generating works; hospitals; industries (other than light industries); institutions; junk yards; liquid fuel depots; mines; sawmills; stock and sale yards.

Zone No 4 (Industrial Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands for a broad range of

industrial and allied uses.

2 Objectives of zone

The particular objectives of this zone are:

(a) to designate sufficient land for industrial uses and to promote the industrial development of the Shire,

(b) to encourage the establishment of industries outside areas used or zoned for residential, rural smallholdings or business purposes by setting aside an area of land to be used for a broad range of industrial purposes, and

(c) to allow commercial or retail development where such development relates to the use of land within the zone for industrial purposes or where the nature of such use is compatible with the industrial zone and where the establishment of such use will not impact significantly on the viability of the central business district of Inverell.

3 Without development consent

Nil.

4 Only with development consent

Any purpose other than a purpose specified in item 5.

5 Prohibited development

Boarding houses; caravan parks; dwelling-houses (other than those used in conjunction with and situated on the same land as an industry); extractive industries; hospitals; institutions; mines; motels; residential flat buildings.

Zone No 5 (a) (Special Uses Zone)

1 Aims of zone

The primary purpose of this zone is to set aside land owned, used or intended for acquisition for a particular public or community purpose.

2 Objectives of zone

The particular objectives of this zone are:

(a) to recognise existing public land use requirements, and

(b) to enable further lands to be utilised for public use as the demand warrants it.

3 Without development consent

Nil.

4 Only with development consent

The particular purposes indicated by the lettering on the map or any purpose ordinarily incidental to the purpose so indicated; drainage; roads; utility installations (other than gas holders or generating works).

5 Prohibited development

Any purpose other than a purpose specified in item 4.

Zone No 5 (b) (Railways Zone)

1 Aims of zone

The primary purpose of this zone is to set aside land presently used for public railway purposes.

2 Objectives of zone

The particular objectives of this zone are:

(a) to facilitate development for the purposes of rail transportation within the Shire, and

(b) to set aside certain land for purposes permitted by any law relating to railways.

3 Without development consent

Railway purposes (including any purpose authorised under any Act relating to railways).

4 Only with development consent

Bulk stores; drainage; roads; transport terminals; utility installations (other than gas holders or generating works); warehouses.

5 Prohibited development

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

Zone No 6 (a) (Open Space Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands which are currently used or are intended to be used for the purposes of public open space.

2 Objectives of zone

The particular objectives of this zone are:

(a) to ensure that there is an adequate provision of open space areas to meet the present open space and recreational needs of all residents, and

(b) to provide opportunities to enhance the total environmental quality of Inverell township.

3 Without development consent

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

4 Only with development consent

Agriculture; any purpose authorised by Division 2 or 3 of Part 13 of the *Local Government Act 1919*; camping areas; caravan parks; cycleways; drainage; forestry; picnic grounds; recreation areas; recreation facilities; refreshment rooms; roads; showgrounds; utility installations (other than gas holders or generating works); any purpose incidental to a purpose permitted only with development consent.

5 Prohibited development

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

Zone No 6 (b) (Proposed Open Space Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands which are proposed to be used for public open space purposes.

2 Objectives of zone

The particular objectives of this zone are:

(a) to reserve land which will be dedicated or acquired for public open space

or public recreational purposes,

(b) to prevent the development of lands within this zone for purposes that may jeopardise their future use as public open space,

(c) to ensure that there is an adequate provision of open space to meet both present and likely future open space and recreational needs of all residents, and

(d) to provide opportunities to enhance the total environmental quality of Inverell township.

3 Without development consent

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

4 Only with development consent

Agriculture; any purpose authorised by Division 2 or 3 of Part 13 of the *Local Government Act 1919*; camping areas; caravan parks; cycleways; drainage; forestry; picnic grounds; recreation areas; recreation facilities; refreshment rooms; roads; showgrounds; utility installations (other than gas holders or generating works); any purpose incidental to a purpose permitted only with development consent.

5 Prohibited development

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

Zone No 6 (c) (Special Purposes Open Space Zone)

1 Aims of zone

The primary purpose of this zone is to set aside lands, whether in public or private ownership, which may be used for special types of open space and commercial recreational uses.

2 Objectives of zone

The particular objectives of this zone are:

(a) to identify land that is used or capable of being used for active or passive recreational and open space purposes,

(b) to encourage the development of land in this zone in a manner which

maximises the community's diverse recreation needs, and

(c) to enable development associated with, ancillary to or supportive of recreational uses.

3 Without development consent

Drainage; roads; works for the purposes of gardening, landscaping or bushfire hazard reduction.

4 Only with development consent

Agriculture; any purposes authorised by Division 2 or 3 of Part 13 of the *Local Government Act 1919*; camping areas; caravan parks; cemeteries; clubs; cycleways; forestry; picnic grounds; racecourses; recreation areas; recreation facilities; recreation vehicle areas; showgrounds; tourist facilities; utility installations (other than gas holders or generating works).

5 Prohibited development

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

Zone No 7 (a) (Environmental Protection (Scenic) Zone)

1 Aims of zone

The primary purpose of this zone is to identify and protect land in the Inverell Shire possessing a high scenic or landscape conservation value.

2 Objectives of zone

The particular objectives of this zone are:

(a) to encourage the protection or preservation of the major scenic resources of the Shire,

(b) to prohibit development within the zone that is likely to have a visually disruptive effect on the scenic quality and visual amenity of the Shire, and

(c) to enable development for certain purposes where such development would not have a detrimental effect on the scenic quality and visual amenity of the Shire.

3 Without development consent

Nil.

4 Only with development consent

Agriculture (other than intensive keeping, husbandry or boarding of animals and clear felling); bushfire hazard reduction; forestry; home occupations; utility installations (other than gas holders or generating works).

5 Prohibited development

Any purpose other than a purpose specified in item 4.

Zone No 7 (b) (Environmental Protection (Habitat) Zone)

1 Aims of zone

The primary purpose of this zone is to identify and protect land in the Shire known to possess a high wildlife habitat value.

2 Objectives of zone

The particular objectives of this zone are:

(a) to promote the preservation, conservation and enhancement of indigenous fauna and flora in the Shire,

(b) to prohibit development within the zone that is likely to have a detrimental effect on the wildlife habitats which exist, and

(c) to enable the carrying out of development which would not have a significant detrimental effect on the wildlife habitats.

3 Without development consent

Nil.

4 Only with development consent

Agriculture (other than the intensive keeping, husbandry or boarding of animals and clear felling); bushfire hazard reduction; forestry; home industries; recreation facilities; roads; utility installations (other than gas holders or generating works).

5 Prohibited development

Any purpose other than a purpose specified in item 4.

Part 3 Special provisions

10 Subdivision

A person shall not subdivide land to which this plan applies except with the consent of the Council.

11 Subdivision in rural areas

(1) This clause applies to land within Zone No 1 (a), 7 (a) or 7 (b).

(2) In this clause:

existing holding means:

(a) except as provided by paragraph (b), the area of a lot, portion or parcel of land as it was on 1 July 1979, or

(b) where, on 1 July 1979, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that day.

(2A) To avoid doubt, a holding ceases to be an existing holding for the purposes of this clause if that holding ceases to be held in common ownership or if that holding or part of that holding is subdivided.

(3) The Council shall not consent to the subdivision of land to which this clause applies except in accordance with this clause.

(4) The Council may consent to the subdivision of land referred to in subclause (1) if:

(a) the area of each allotment to be created by the subdivision is not less than 200 hectares, and

(b) where the allotment has a frontage to a main road, the frontage is not less than 400 metres.

(5) The Council may refuse consent to a subdivision referred to in subclause (4) where it is of the opinion, having regard to the nature and productive potential of the land, that the allotments are of insufficient size to sustain agricultural or pastoral production.

(6) Where land to which this clause applies:

(a) is lawfully used for a purpose other than a dwelling-house or agriculture, or

(b) may lawfully be used for a purpose other than a dwelling-house or agriculture by

reason of a development consent granted in respect of that use,

the Council may consent to the excision of that land for that purpose.

(7), (8) (Repealed)

(9) The Council may consent to the subdivision of land within Zone No 1 (a) so as to create an allotment having a smaller size than that otherwise provided by subclause (4), but only where it is satisfied that:

(a) the allotment to be created is intended to be used for the purposes of specialised or intensive agriculture, which may consist of intensive horticulture or animal husbandry, and is of a size capable of being used for those purposes,

(b) creation of the allotment will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality,

(c) the proposed use to which the allotment will be put is economically viable, having regard to the size and layout of the allotment,

(d) an adequate water supply is available or can be made available to the proposed allotment and is of a suitable capacity for the proposed use,

(e) the soil, topography, drainage and other physical characteristics of the land are suitable for the proposed use,

(f) adequate all-weather vehicular access is available or can be made available to the land, being access of a suitable standard and capacity, and

(g) the proposed use will not adversely affect the amenity of the land surrounding the proposed allotment.

(10) In determining an application to subdivide land in accordance with subclause (9), the Council shall consult with and take into consideration any opinion expressed by the Director-General of Agriculture and may also require production by the applicant of supporting evidence to demonstrate the economic viability of the proposed use, including the advice of an expert agronomist.

(11) Nothing in this plan prevents the subdivision of land for the purpose only of its transfer to another person engaged in agricultural activity on adjoining or adjacent land where the allotment is intended only for the purpose of agricultural use.

(12) Where land is subdivided for the purposes of subclause (11) the erection of a dwelling-house shall be precluded by a condition of the development consent for the subdivision.

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.

12 Subdivision and erection of dwelling-houses in Zone No 1 (a)

(1) This clause applies to land within Zone No 1 (a) in the Parishes of Inverell and Clive.

(2) Despite any other provision of this plan, a person may, with the consent of the Council, subdivide land to which this clause applies if it is satisfied that:

(a) the subdivision will not result in the use of land of high agricultural value for purposes other than agriculture,

(b) the subdivision will not lead to conflict with established agricultural activities or affect adversely intensive agricultural enterprises, and

(c) the land to be subdivided is not subject to significant environmental hazards such as flooding, bushfires or subsidence,

(d) the land is to be used primarily for residential purposes,

(e) each allotment to be created will have an area of not less than:

(i) in the case of an allotment that is provided with both a reticulated public water supply and a connection to the Council's sewerage scheme—5000 square metres, or

(ii) in any other case—1 hectare,

(f) each allotment will have a frontage:

(i) to a bitumen sealed road with access to Inverell, or

(ii) to a road constructed to a standard acceptable to the Council, but only if the Council is satisfied that the number, size and location of the allotments are such that the road need not comply with subparagraph (i),

(g) each allotment will have access to:

(i) a reticulated public water supply, or

(ii) an adequate potable water supply and a bulk water supply for firefighting and additional domestic use, but only if the Council is satisfied that the number, size and location of the allotments are such that a reticulated public water supply is not required, and

(h) each allotment is suitable for on-site disposal of effluent without detriment to the environment.

(3) (Repealed)

(4) The Council must not consent to a subdivision of land to which this clause applies if the number of allotments created in any 5 year period will exceed the number recommended by the Council and fixed by the Director of Planning for the time being for that 5 year period.

13 Subdivision of land in Zone No 1 (d)—Urban Investigation Zone

The Council shall not consent to the subdivision of land within Zone No 1 (d) unless each separate allotment of land to be created by the subdivision has an area of not less than 10 hectares.

14 Dwelling-houses and dual occupancy development in Zone No 1 (a), 7 (a) or 7 (b)

(1) This clause applies to land within Zone No 1 (a), 7 (a) or 7 (b).

(2) A dwelling-house shall not be erected on land to which this clause applies unless the land:

(a) has an area of not less than 200 hectares, or

(b) comprises an allotment created by a subdivision for which consent was granted in accordance with clause 11 or 12, or

(c) comprises an allotment created after the appointed day in accordance with a subdivision consented to or approved by the Council before that day, being an allotment on which a dwelling-house could have been lawfully erected before 19 August 1988, or

(d) comprises the total area of all adjoining or adjacent land held in the same ownership on 1 July 1979 on which no dwelling-house is erected, the Council being satisfied that:

(i) there will be adequate vehicular access to the dwelling-house,

(ii) the erection of the dwelling-house will not create or increase ribbon development along a main or arterial road, and

(iii) adequate public utility services are or will be available to the land, or

(e) comprises an area of land less than 200 hectares but more than:

(i) 40 hectares, in the case of land formerly within the Shire of Ashford, or

(ii) 80 hectares, in the case of land formerly within the Shire of Macintyre,

provided that such land passed into separate ownership by way of sale based on boundaries of lots in any subdivision lawfully made before 1 July 1979, and provided such sale was completed prior to 19 August 1988, or

(f) comprises and allotment created by a subdivision in accordance with the provisions of *Interim Development Order No 1—Shire of Macintyre* or *Interim Development Order No 1—Shire of Ashford* during the period from 1 July 1979 to 19 August 1988, being an allotment on which a dwelling-house could have been lawfully erected before 19 August 1988.

(3) One additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies for each 200 hectares of land as long as the Council is satisfied that each additional dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the use, for the purpose of agriculture, of that land or land belonging to the owner which adjoins or is adjacent to that land, and provided that such dwelling is erected on the same Portion or allotment of land as the original house.

(4) A dwelling-house may, with the consent of the Council, be erected on an allotment of land to which this clause applies on which another dwelling-house is erected if the first-mentioned dwelling-house is intended wholly to replace the second-mentioned dwelling-house.

(5) The Shire Clerk of the Council may issue a certificate to the effect that land specified or described in the certificate is a holding to which subclause (2) (c) applies.

(6) If development for the purpose of a dwelling-house may be carried out in accordance with subclause (2) on an allotment of land to which this clause applies, a person may, with the consent of the Council, carry out dual occupancy development on the allotment of land.

(7) If a dual occupancy development is carried out (or proposed to be carried out) pursuant to this clause, such development can only be carried out in such a way that separate ownership of either dwelling could only be achieved by a subdivision of the land.

14A Dwelling entitlements on existing concessional lots

The amendment of this plan by the *State Environmental Planning Policy (Rural Lands) 2008* does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

(a) the lot was created before that commencement, or

(b) development consent to the creation of the lot was applied for, or granted, before that commencement.

15 Dwelling-houses in Zone No 1 (d)

A person shall not erect a dwelling-house on land within Zone No 1 (d), unless:

(a) the land is an allotment created in accordance with clause 13, or

(b) the land is an allotment created by subdivision to which consent was granted before the appointed day and the erection of the dwelling-house accords with the terms of that consent.

16 Rural villages

The Council shall not consent to the subdivision of land within Zone No 2 (b) unless:

(a) an adequate water supply can be provided to the land,

(b) an adequate effluent disposal system can be provided to the land, and

(c) the subdivision is linked by a bitumen-sealed road to the nearest urban service centre.

17 Dual occupancy development—Zones Nos 2 (a) and 2 (b)

(1) This clause applies to land with Zone No 2 (a) or 2 (b).

(2) A person may, with the consent of the Council, carry out dual occupancy development on an allotment of land to which this clause applies.

(3) The Council may only grant consent as referred to in subclause (2) if:

(a) the area on which the dual occupancy development is to be carried out is:

(i) not less than 600 square metres if the proposed dwellings are to be detached, or

(ii) not less than 450 square metres in any other case,

and, in either case, not less than 600 square metres, if the development is located in a conservation area, and

(b) the floor space ratio of the building or buildings resulting from the development does not exceed 0.5:1, and

(c) the distance of the external walls of the dwellings resulting from the development from the side boundaries of the allotment on which the development is to be carried out will be at least 900mm.

(4) an allotment of land on which dual occupancy development has been carried out in accordance with this clause may be subdivided with the consent of the Council.

(5) However, an allotment of land created by a subdivision in accordance with subclause (4) must not be re-subdivided.

18 Flood-prone land

(1) The Council may refuse consent to any development on land considered by the Council to be flood-prone.

(2) The Council may only grant development consent to development on land referred to in subclause (1) if, in its opinion, the development would not adversely affect the efficiency of or unduly restrict the capacity of the floodway or the safety of the development and its users or inhabitants would not be adversely affected in time of flood.

(3) The Council may refuse consent to the carrying out of any development on land to which this plan applies which, in its opinion, will:

(a) affect flood peak at any point above or below the land on which the development is to be carried out,

(b) affect, to a substantial degree, the velocity of the flow of water on any adjoining flood-prone lands,

(c) cause avoidable erosion, siltation or unnecessary destruction of river bank vegetation in the area of the land on which the development is to be carried out, or

(d) affect the water table on any adjoining land.

(4) When a development application is made under this clause to erect a building or a work, the Council may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the Council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.

19 Development along main roads

(1) The Council shall not grant consent to an application to develop land which has frontage to a main road unless, in the opinion of the Council:

(a) access to that land is provided by a road other than the main road, wherever practicable, and

(b) the safety and efficiency of the main road will not be adversely affected by the development of that land for the purpose by:

(i) the design of the access to that land,

(ii) the emission of smoke or dust from that land, or

(iii) the nature, volume or frequency of vehicles turning to and from the main road to the access to that land.

(2) The Council shall not grant consent to the development of rural land for the purpose of:

(a) bulk stores,

(b) car repair stations,

(c) commercial premises,

(d) industries (other than home or rural industries),

(e) junk yards,

(f) places of public assembly,

(g) recreation facilities,

(h) roadside stalls,

(i) sawmills,

(j) service stations,

(k) stock and sale yards,

(l) transport terminals (other than bus stations), or

(m) warehouses,

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

20 Temporary accommodation

(1) Notwithstanding the provisions of Part 2, the Council may grant consent to the carrying out of development for the purposes of temporary accommodation, including a hostel, caravan park or construction camp, or any land if the Council is satisfied that:

(a) the development, by virtue of its location, scale, site landscaping and treatment, and temporary nature, is unlikely to conflict significantly with the purpose of the zone applying to the land on which the development is proposed to be carried out,

(b) appropriate arrangements will be made for water supply, sewage disposal, stormwater drainage and other utility services to that land and access and parking, and

(c) the development is unlikely to interfere with the amenity of any residential neighbourhood in the vicinity.

(2) If the Council grants consent as referred to in subclause (1), it may impose conditions concerning the time at which the development is to cease, the circumstances under

which any extensions of time may be granted and the reinstatement of the land to its original state or other state determined by the Council.

21 Solar access as a matter for consideration

A person may only erect a building on land if, in the opinion of the Council, the building when erected would not significantly affect the access of sunlight, as measured (or estimated) for the period between the hours of 9.00 am and 3.30 pm, Eastern Standard Time, on the day of the winter solstice, to existing or likely development on adjoining land or on other land in the locality.

22 Limitation on building height

(1) In this clause, ***height***, in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

(2) On any land to which this plan applies, a person may only erect a building greater than 8 metres in height after the Council is satisfied that the building would not:

(a) detrimentally increase the overshadowing of adjoining properties,

(b) significantly reduce the level of privacy enjoyed by adjoining land owners,

(c) significantly obstruct views from adjacent buildings and public places, or

(d) have an adverse impact on the scenic or landscape quality of the locality.

23 Development applications that must be advertised

(1) Pursuant to section 30 (4) of the Act, and subject to subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development to be carried out on land:

(a) for the purpose of a residential flat building,

(b) within Zone No 2 (a) or 2 (b) for the purpose of a home industry, hospital, motel, place of public worship, professional consulting room, recreation establishment or an educational establishment,

(c) within any zone for the purposes of a licensed club,

(d) being the demolition of a building or work that is an item of the environmental heritage, or

(e) within any zone, for any purpose that is inconsistent with a development control plan applying to that land,

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

development.

(2) With respect to buildings or works that are items of the environmental heritage or that are within a conservation area, subclause (1) does not apply to the partial demolition of a building or work where the partial demolition is of a minor nature and, in the case of an item of the environmental heritage, does not adversely affect the significance of the building or work as part of the environmental heritage of the Shire.

24 Alteration of landscape in Zone No 7 (a) or 7 (b)

A person shall not carry out development on land within Zone No 7 (a) or 7 (b) so as to change substantially the topographic features or landscape or the natural state of the land except with the consent of the Council.

25 Items of the environmental heritage

A person may, 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 part of that relic or place,

(c) excavate any land for the purpose of exposing or removing that relic,

(d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place, or

(e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,

only with the consent of the Council.

26 Development relating to certain heritage items

The Council may only grant consent to a development application made for the purposes of clause 25 if it has made an assessment of:

(a) the significance of the item as an item of the environmental heritage of the Inverell Shire,

(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.

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

The Council may only grant consent to a development application to carry out development in the vicinity of an item of the environmental heritage if 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 the environmental heritage and its setting.

28 Conservation area

(1) A person may, in respect of a conservation area:

(a) demolish, extend or alter the external structure of a building or work within that area,

(b) damage or despoil a relic or part of a relic within that area,

(c) excavate any land for the purpose of exposing or removing a relic within that area,

(d) erect a building within that area, or

(e) subdivide land within that area,

only with the consent of the Council.

(2) The Council may only grant consent to a development application made for the purposes of subclause (1) if it has made an assessment of:

(a) 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 conservation area, and

(b) whether a refusal to grant consent would constitute a danger to the users or occupiers of land within the conservation area or the public.

(3) The Council may only grant consent to an application made for the purposes of subclause (1), being an application to erect a new building or to alter the exterior of an existing building, if the Council has made an assessment of:

(a) the pitch and form of the roof,

(b) the style, size, proportion and position of the openings for windows and doors, and

(c) whether the style, size and type of materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the conservation area.

29 Heritage Council to be given prior notice of demolition consent

Where a person makes a development application to demolish a building or work that is an item of the environmental heritage, the Council may only grant consent to that application 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.

30 Advertising of heritage applications

(1) Subject to subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act to and in respect of:

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

(b) the use of a building or land referred to in clause 31 (1) for a purpose which, but for that clause, would be prohibited under this plan,

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

(2) Subclause (1) does not apply to the partial demolition of a building or work where, 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 Inverell.

31 Conservation incentives relating to heritage items

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

(a) the use for any purpose of a building within a conservation area or of the land on which that building is erected, or

(b) 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,

where the Council is satisfied that:

(c) the use would have little or no adverse effect on the amenity of the area, and

(d) conservation of the building depends on the Council granting consent in pursuance of this subclause.

(2) The Council, when considering an application to erect a building on land upon which there is a building which is an item of the environmental heritage, may exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item of the environmental heritage:

(a) for the purposes of determining the floor space ratio of the proposed building, and

(b) for the purposes of determining the number of parking spaces to be provided on

the site,

but only if the Council is satisfied that the conservation of the building depends upon the Council granting development consent.

32 Preservation of buildings in Business Zone

A person shall not demolish a building on land within Zone No 3 except with the consent of the Council.

33 Community use of school sites etc

Notwithstanding any other provision of this plan, the Council may consent to:

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

(b) the commercial operation of those facilities and sites for community purposes, and

(c) the carrying out of development for community uses on land used for the purposes of schools, colleges or other educational institutions, whether or not the development is ancillary to those purposes.

34 Minor variation of zoning boundaries

(1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.

(2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.

(3) The Council shall not grant consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of land to which this plan applies.

35 Development within Open Space Zones

Where the Council owns land which is within Zone No 6 (a) or 6 (b), the Council shall not consent to an application to carry out development on that land unless it has made an assessment of:

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

(b) the impact of the proposed development on the existing or likely future use of the land, and

(c) the need to retain the land for its existing or likely future use.

36 Acquisition of certain land

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

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

(3) The Council shall not grant consent to the carrying out of development on land within Zone No 6 (a) or 6 (b), being land owned or controlled or proposed to be owned or controlled by the Council, unless consideration has been given to:

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

(b) the impact of the proposed development on the existing or likely future use of the land, and

(c) the need to retain the land for its existing or likely future use.

(4) The Council shall not approve of a plan of subdivision of land of which any land within Zone No 6 (b) forms part, unless the land within that zone is included in the plan as a separate allotment.

(5) Notwithstanding subclause (4), the Council may, where the topography of the land to be subdivided makes it necessary, approve a plan of subdivision in which the boundaries of the allotment referred to in that subclause do not correspond precisely with the boundaries of the land within Zone No 6 (b), as shown on the map, but which depart therefrom only to a minor extent.

37 Development in the vicinity of airports and authorised landing areas

(1) Notwithstanding any other provision of this plan, any development within 2 kilometres of Inverell Airport (Gilgai), Ashford Authorised Landing Area, Delungra Authorised Landing Area and Inverell authorised Landing Area (Glen Innes Road) requires the consent of the Council.

(2) In determining an application for consent required by this clause, the Council shall take into account the following matters:

(a) the effect the proposed development will have on the safe operation of the airstrip concerned,

(b) the likelihood of the development attracting birds and increasing the risk of birdstrike by aircraft using the airstrip,

(c) the measures to be taken to minimise the possibility of noise intrusion into buildings, including matters relating to both siting and construction,

(d) any other associated matter which may affect the airport or Authorised Landing Areas or the proposed development.

38 Classification of land

The public land described in Column 1 of Schedule 2 is classified, or reclassified, as operational or community land as set out in Column 2 of the Schedule for the purposes of the *Local Government Act 1993*.

39 Development of an integrated Bruderhof community

(1) In this clause:

integrated community means a collection of buildings that are used for the purpose of accommodating and providing support services and employment for a group of no more than 400 people where:

(a) those people live together in a community that operates on a communal basis, and

(b) there is no individual ownership, or entitlement to ownership, of separate parts of the land involved.

survey plan means the plan of survey numbered 13,627/5 prepared by Registered Surveyor J I Noad & Co on 17 June 2001 and held in the offices of the Council.

(2) This clause applies to Lot 2, DP 840398.

(3) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development of the land identified with the letter “A” on the survey plan for the purposes of any or all of the following:

(a) the construction of buildings as part of an integrated community,

(b) the provision of services as part of an integrated community,

(c) the construction of infrastructure as part of an integrated community.

(4) The Council must not determine any application for development consent referred to in subclause (3) unless:

(a) the Council has consulted the Director-General of the Department of Agriculture in relation to:

(i) the creation and operation of the effluent irrigation area associated with the development, and

(ii) the content of any plan of management relating to the development, and

(b) has taken into consideration any opinions expressed by that Director-General.

(5) The Council must not determine any application for development consent referred to in subclause (3) unless the Council has forwarded written notice of the lodgment of the application to the owners of the land adjoining land consolidated under subclause (8) (a) and has taken into consideration any submissions received from those landowners as a result of the notice. The notice must include:

(a) a copy of any plans accompanying the application that show the external configuration of any proposed buildings or other structures, and

(b) advice that if the landowner so wishes the landowner may inspect the development application at the Council's offices and make a written submission to the Council on the application within a period of 14 days of the notice being issued.

(6) In considering any application for development consent referred to in subclause (3), the Council must take into consideration the following matters:

(a) the proposed means of ownership of the land concerned,

(b) the location of the proposed development and its impact on prime crop and pasture land,

(c) the likely impact of the development on the viability of the better classes of agricultural land within the land consolidated under subclause (8) (a) or adjoining land in the same ownership,

(d) the likely impact of the development, including any associated light industry, on nearby agricultural land, including the need for separation and buffers to avoid land-use conflict with existing and proposed agricultural development on nearby land,

(e) the need for any development for community use that is supplementary to the agricultural use of the land consolidated under clause 8 (a),

(f) the design and siting of buildings for living, working and congregating,

(g) the proposed means of access to the land concerned from the adjoining Gwydir Highway,

(h) the availability of a water supply to the land concerned for domestic, agricultural and fire-fighting purposes and the likely effect of such supply on nearby land owners,

(i) provisions for, or the availability of facilities for, the disposal of both solid and liquid wastes, whether on the land or not,

(j) the impact on the vegetation cover of the land concerned and any measures proposed for environmental protection, site rehabilitation or reafforestation,

(k) the adequacy of any measures proposed to protect occupants, buildings, roads, service installations and land adjoining the development from bush fires,

(l) the visual impact of the development on nearby land, including the impact of night lighting,

(m) the impact of the development on any heritage item, relic or site or on the curtilage of any heritage item, relic or site on land to which this clause applies,

(n) the effect of the proposed development on the quality of water resources in the vicinity.

(7) The Council must not grant any application for development consent referred to in subclause (3) unless the Council has considered whether or not the development is consistent with a plan of management of the proposed development that makes adequate provision for the following matters:

(a) the on-going operation and management of the land consolidated under clause 8 (a) for agricultural purposes so as to ensure the viability of agriculture operations and to improve environmental outcomes compared to the previous management regime,

(b) facilities for the collection and storage of water, whether on the land or not,

(c) water management, including monitoring,

(d) waste management, including independent monitoring of the effluent field, whether on the land or not,

(e) the prevention, control and management of soil erosion,

(f) bush fire management,

(g) flora and fauna management, including the control of noxious weeds and noxious animals and the management of domestic pets,

(h) the provision and maintenance of internal roads and access roads, including any proposed upgrading,

(i) boundary fences,

(j) the provision of an annual report to the Council outlining:

(i) the activities undertaken on the land and the actions taken to ensure that the principles outlined in the plan of management are being adhered to, and

(ii) the results of environmental monitoring,

(k) the continuing integration of the land identified with the letter “A” on the survey

plan with the agricultural activities on the balance of the land consolidated under subclause (8) (a),

(l) any other issue considered necessary by the Council.

(8) The Council must not grant any application for development consent referred to in subclause (3) unless:

(a) the whole of the land to which this clause applies is to be consolidated with Lots 3 and 4, DP 1002820 into a single title, and

(b) the proposed development will have no additional impact on the water regime of Swan Brook Creek, and

(c) riparian and ground water use in relation to the proposed development is proposed to be monitored, and

(d) any residential buildings associated with the integrated development are proposed to be erected more than 300 metres from the eastern boundary of the land consolidated under subclause (8) (a).

Schedule 1

(Clause 5 (1))

Inventory No	Name	Address
Ashford		
ALB001	Vacant shop	21 Albury Street
ALB002	Retail store	23 Albury Street
ALB003	Chemist shop	40 Albury Street
ALB004	Westpac Bank	Corner Albury and Duff Streets
ALB005	Commercial Hotel	Albury Street
ALB006	Picture theatre	Albury Street
ALB007	Bakery	Albury Street
ALB008	Butcher’s shop	Albury Street
ALB009	Strand shop	Albury Street
ALB010	Foodland and Shop	Albury Street
ALB011	Post office	Albury Street
ALB012	House	Corner Albury and Frazer Streets
ALB013	Heron’s shop	Albury Street

MAR002	Cafe	Martyn Street
MAR003	Courthouse	Martyn Street

Inverell town

ALA001	Residence	3 Alambie Crescent
AND002	Residence	1 Andrew Street
AND003	Residence	3 Andrew Street
AND004	Residence	5 Andrew Street
AND005	Ross Hill Church	Andrew/Brown Street
MIS006	Inverell Foundry	Ashford Road
AUB001	Residence (“Currah”)	50–56 Auburn Vale Road
BRA001	Residence	1–3 Brae Street
BRA002	Residence	6 Brae Street
BRA003	Residence	22 Brae Street
BRA005	Residence	26 Brae Street
BRA006	Residence (“Oban”)	27 Brae Street
BRA007	Residence	32 Brae Street
BRA008	Residence	34 Brae Street
BRA008A	Residence	36 Brae Street
BRA009	Residence	38 Brae Street
BRA010	Residence	40 Brae Street
BRA011	Residence	42 Brae Street
BRA012	Residence	44 Brae Street
BRA013	Residence	46 Brae Street
BRA014	Residence	48 Brae Street
BRA015	Residence	50 Brae Street
BRA016	Residence	54 Brae Street
BRA017	Inverell High School	Brae Street
BYR002	Empire Hotel	1 Byron Street
BYR003	Inverell Hotel	25–31 Byron Street
BYR004	Imperial Hotel	33–35 Byron Street
BYR005	Byron Chambers	56 Byron Street

BYR006	Premier “Mitre 10” store	82 Byron Street
BYR007	North-West Saddlery	143–145 Byron Street
BYR008	Cottage	228 Byron Street
BYR009	Cottage	230 Byron Street
BYR010	Hong Yuen & Co. store	103–119 Byron Street
BYR011	Half-Case store	47–61 Byron Street
BYR012	Australian Hotel	83–97 Byron Street
CAM001	Residence (“Riverside”)	72 Campbell Street
CHE001	Residence	3 Chester Street
CHE002	Residence	19 Chester Street
CHE003	Residence	38 Chester Street
CLI001	Residence (“The Grange”)	11–13 Clive Street
DAV001	Residence	3 Davey Street
DAV002	Residence (“Illawarra”)	5 Davey Street
EVA001	Inverell Club	1–3 Evans Street
EVA002	Residence	110 Evans Street
EVA003	Butler Hall	5 Evans Street
EVA004	Old School of Arts	7 Evans Street
MIS002	War memorial	Corner Evans and Lawrence Streets
GEO001	Residence (“Golden Grove”)	52 George Street
GEO002	Residence	77 George Street
GLI001	Offices	1–3 Glen Innes Road
GRA001	Residence	11 Granville Street
GRA002	Residence	22 Granville Street
GRA003	Residence	24 Granville Street
GRA004	Residence	45 Granville Street
GRE001	Residence	7 Greaves Street
GRE002	Residence	20 Greaves Street
HEN002	Residence	45 Henderson Street
HEN003	Residence	53 Henderson Street
HEN004	Residence	61–63 Henderson Street

HEN005	Residence	71 Henderson Street
HIG001	Residence (“St Kilda”)	14 High Street
HIG002	Residence	24 High Street
LAU001	Residence (“Atenham”)	12 Lauder Street
MIT001	Residence	11 Mitchell Crescent
OLI002	Residence (“Dundas”)	46 Oliver Street
OTH002	Chemist	17–19 Otho Street
OTH003	Grove House	23 Otho Street
OTH004	Real Estate—Jeanery	26–28 Otho Street
OTH005	Argus House	27–31 Otho Street
OTH006	Syrett’s Newsagency	30–34 Otho Street
OTH007	Otho Centre	33 Otho Street
OTH008	Thrift Chemist	36–38 Otho Street
OTH010	Sportscene	39 Otho Street
OTH012	Devine’s Camera Studio	43 Otho Street
OTH013	Ezywalkin Shoes	44 Otho Street
OTH014	Welfare Centre	45 Otho Street
OTH015	Nesbitt’s	46–50 Otho Street
OTH016	Jindabyne House	52–56 Otho Street
OTH018	Oxford Hotel	61–67 Otho Street
OTH019	Sam Kee’s	68–76 Otho Street
OTHO20	St Elmo Chambers QBE Building Inverell Tavern	69 Otho Street 73–77 Otho Street 79 Otho Street
OTH021	Continental Cakes	78–80 Otho Street
OTH022	Phoenix Chambers	82–86 Otho Street
OTH023	National Bank	83 Otho Street
OTH024	Byron Arcade	96 Otho Street
OTH025	Former Rural Bank	107 Otho Street
OTH026	French Fry—Cabana	120–130 Otho Street

	NorthPower Office Building (main building on site)	So much of 129 Otho Street as is shown edged heavy black and hatched on the map marked "*Inverell Local Environmental Plan 1988 (Amendment No 6)*".
OTH027	Colonial Life Building	136–138 Otho Street
OTH028	Senior Citizens Club	147 Otho Street
OTH030	Masonic Lodge	166–168 Otho Street
OTH031	Ambulance Station	172 Otho Street
OTH032	Ladies Club	178 Otho Street
OTH033	Inverell Town Hall	Otho Street
OTH034	Inverell Post Office	Otho Street
OTH035	Court House	Otho Street
MIS001	Campbell Bros Flour Mill	Ring Street
MIS003	Railway Station	Ring Street
MIS005	Bridge	Ring Street
RIV001	Police Residence	4 Rivers Street
RIV002	St Augustine's	Rivers Street
RIV003	The Rectory	33 Rivers Street
RIV004	Uniting Church	Rivers Street
ROS001	Residence	1 Ross Street
ROS002	Residence	2/4 Ross Street
ROS003	School	Corner Ross and Henderson Streets
ROS003	Tuck Shop	Corner Ross and Henderson Streets
MIS007	Hospital	Swanbrook Road
MIS004	Showground Gates	Tingha Road
URA001	Residence	29 Urabatta Street
URA002	Residence	31 Urabatta Street
URA003	Residence	39 Urabatta Street
URA004	Residence	41 Urabatta Street
URA005	Residence	43 Urabatta Street
URA006	Residence	53 Urabatta Street
URA007	Residence	55 Urabatta Street

VIV002	Residence	55 Vivian Street
VIV003	Ireby Lodge	56 Vivian Street
VIV004	St Andrew’s	Vivian Street
VIV005	Boys Club	Vivian Street
WAR001	Residence (“Palo Alto”)	70 Warialda Road
WOO001	Residence	72 Wood Street (Inverell)
Rural holdings		
RUR001	Golspie Plains Slab Hut (Blake’s Cottage)	Elsmore
RUR002	“Fernhill”	Gwydir Highway
RUR003	“Bannockburn”	Bannockburn Road
RUR004	“Gunnee Station”	Delungra
RUR005	“Kings Plains”	Kings Plains
RUR006	“Sherwood Park”	Gwydir Highway
RUR007	“Myall Creek” Station	Delungra
RUR008	“Weranga”	Ashford Road
RUR009	Windmill at “Weranga”	Ashford Road
RUR010	“Yetman Station”	Yetman
RUR011	“Warana”	Swanbrook Road
RUR012	“Newstead North”	Elsmore
RUR013	“Inverell Station”	Ashford Road
RUR014	“Byron Station”	Inverell
RUR015	“Kulki” Winery	Graman
RUR016	“Kulki”	Graman
RUR017	“Bukkulla Station”	Ashford Road
RUR018	Rosenstein Winery	Bannockburn Road
RUR020	Wallangra Homestead	Wallangra
RUR021	Macintyre Homestead	Bukkulla
RUR022	Gilgai School	Gilgai
MIS008	Elsmore Tin Mine	Elsmore

Schedule 2 Classification and reclassification of public land

(Clause 38)

Column 1	Column 2
Property Description	**Classification**
Inverell	
Captain Cook Drive	
Lot 1 DP 226595	Operational
Lot 1 DP 846529, Glen Innes Rd	Operational
Lots 7 and 8 DP 867523, Taylor Ave	Operational