

# Tallaganda Local Environmental Plan 1991

[1991-606]



New South Wales

## Status Information

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### Provisions in force

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

### Authorisation

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New South Wales

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# Tallaganda Local Environmental Plan 1991



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Tallaganda Local Environmental Plan 1991*.

### 2 Aims, objectives etc

The general aims and objectives of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Tallaganda by protecting, enhancing and conserving:
  - (i) prime crop and pasture land,
  - (ii) timber, mineral, soil, water and other natural resources,
  - (iii) places of significance for nature conservation,
  - (iv) features and places of high scenic or recreational value,
  - (v) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
- (b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the Shire of Tallaganda in a manner which is consistent with the objectives specified in paragraph (a) and which:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land,
  - (ii) facilitates the efficient and effective delivery of services and facilities,
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand,
  - (iv) facilitates farm adjustments,

- (v) identifies suitable localities and standards for the development of rural small holdings,
  - (vi) provides for the protection and enhancement of heritage items within the township of Braidwood and other towns within the Shire,
  - (vii) facilitates the provision of tourist accommodation,
  - (viii) assists the effective management of commercial forestry,
  - (ix) supports the preparation of development guidelines appropriate to environmentally sensitive, visually significant and bushfire-prone or flood-prone localities in accordance with land capability,
  - (x) facilitates the future development and protection of the catchment area of the Welcome Reef Dam,
  - (xi) establishes measures to preserve water quality in the Shire's streams and waterways,
  - (xii) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and
  - (xiii) facilitates the development of commerce and industry at some future date, and
- (c) to afford protection to the environmental heritage within the Shire of Tallaganda by:
- (i) conservation of the environmental heritage,
  - (ii) integration of heritage conservation into the planning and development control processes,
  - (iii) providing for public involvement in the matters relating to the conservation of the environmental heritage, and
  - (iv) ensuring that development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of the items and their settings.

### **3 Land to which plan applies**

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

### **4 Relationship to other environmental planning instruments**

*Interim Development Order No 1—Shire of Tallaganda*, and such local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, are repealed.

## 5 Interpretation

(1) In this plan:

**agriculture** means the use of land for any purpose of husbandry including the keeping or breeding of livestock, poultry or bees, and the growing of crops, fruit, vegetables and the like and includes horticulture, but does not include the use of land for intensive livestock-keeping establishments, the erection of buildings or rural industry.

**alter**, in relation to a heritage item or to a building or work within a conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

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

**animal boarding or training establishment** means a place for the commercial boarding, breeding, keeping, boarding or training of animals and includes a riding school and veterinary clinic.

**arterial road** means:

- (a) an existing road indicated on the map by heavy broken black lines, and
- (b) existing classified Main Roads Nos 51, 79, 92, 270 and 271.

**caravan park** means land designated as sites for movable dwellings, including tents and caravans or other vehicles used for accommodation.

**classified roads** means all roads proclaimed or dedicated as a public road under the authority of any Act.

**cluster housing development** means:

- (a) the subdivision of land under the [Community Land Development Act 1989](#), and
- (b) the erection of a single dwelling-house on one or more of the lots created by that subdivision.

**commercial stockholding yards** means stockyards primarily used for regular public sales of stock.

**Council** means Palerang Council.

**demolition**, in relation to a heritage item, or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the heritage item, building or work in whole or in part.

**environmentally sensitive land** means land shown diagonally hatched with black lines on the map.

**existing holding** means:

- (a) except as provided in paragraph (b), the area of a lot or portion of land as it was at 14 June 1974, or
- (b) where, as at 14 June 1974, a person owned two or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were at 14 June 1974.

**flood liable land** means land shown crosshatched with black lines on the part of the map identified as the Braidwood Village Zone.

**heritage conservation area** means an area of heritage significance, being the land edged with a broken black line and marked "Heritage Conservation Area" on the map.

**heritage item** means a building, work, relic, tree or place of heritage significance to the Shire of Tallaganda described in Schedule 1.

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

**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) feedlots,
- (b) piggeries,
- (c) poultry farms, and
- (d) fish farms (including farms cultivating crustaceans),

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

**maintenance**, in respect of a heritage item, means the continuous protective care of the fabric of the item and its setting.

**parcel** means two or more adjoining or adjacent lots or portions in the same



ownership.

**periodic public entertainments** means a fete, show, fireworks display or the like conducted from time to time by service clubs or similar bodies, but does not include major commercial entertainments.

**prime crop and pasture land** means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which the Director-General of the Department of Agriculture has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

**public amenity** means a temporary shelter, toilet or ablution building, or a small kiosk used only during sporting or recreational activities.

**recreation area** means:

- (a) a children's playground,
- (b) a place used for sporting activities or sporting facilities,
- (c) a place used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) a public authority, or
  - (ii) a body of persons associated for the purposes of promoting the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of the Council and listed or otherwise indicated in a document available for inspection at the office of the Council.

**renovation**, in relation to a building or work, means the making of structural or 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.

**Sydney Catchment Authority** means the Sydney Catchment Authority constituted under the [Sydney Water Catchment Management Act 1998](#).

**the map** means the set of maps marked "*Tallaganda Local Environmental Plan 1991*" 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.

*Tallaganda Local Environmental Plan 1991 (Amendment No 1)*

*Tallaganda Local Environmental Plan 1991 (Amendment No 3)—Sheets 3 and 4*

**tree** includes a sapling and a shrub.

**water catchment area** means all land within the Shire of Tallaganda except those lands located within the Parishes of Fairy Meadow and Merigan.

**watercourse** means a water flow line along which water flows permanently or intermittently and which is so shown in respect of the land to which this plan applies on a Central Mapping Authority 1:25,000 topographic map.

**Welcome Reef Dam inundation area and buffer zone (Stage 2)** means the land shown horizontally hatched with black lines on the map.

**wetlands** means the areas of marsh, fen, peat land, or water identified in a distinctive manner on the map.

(2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council,
- (b) a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, lopping, removing or other destruction of or injury to a tree, and
- (c) 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.

(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 definition of **agriculture**, **arterial road** and **map** in clause 4 (1), and
- (b) clauses 15, 24, 29, 31 (c) and 33,

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 Zones

### 8 Zones indicated on the map

- (1) 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)—edged heavy black and lettered “1 (a)”.

Zone No 1 (c) (Rural Small Holdings)—edged heavy black and lettered “1 (c)”.

Zone No 1 (f) (State Forest)—edged heavy black and lettered “1 (f)”.

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

Zone No 6 (c) (Private Recreation)—edged heavy black and lettered “6 (c)”.

Zone No 8 (National Park)—edged heavy black and numbered “8”.

- (2) Zones Nos 1 (a) and 1 (c) are referred to collectively as “the rural zones”.

### 9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
- (a) development may be carried out without development consent,
  - (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”, 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 objectives of the zone within which the development is proposed to be carried out.

Table

#### **Zone No 1 (a) (General Rural)**

## **1 Objectives of zone**

The objectives of this zone are to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
  - (i) agricultural land, particularly prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential,
  - (ii) soil stability by controlling and locating development in accordance with soil capability, as identified by the Soil Conservation Service,
  - (iii) forests of existing and potential commercial value for timber production,
  - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
  - (v) trees and other vegetation on environmentally sensitive land and in any place where the conservation of the vegetation is significant to the protection of scenic amenity or natural wildlife habitat or is likely to control or contribute to the control of land degradation,
  - (vi) water resources and water catchment areas for use in the public interest,
  - (vii) localities of significance for nature conservation, including localities with rare plants, wetlands, permanent watercourses and significant wildlife habitat, and
  - (viii) places and buildings of archaeological or heritage significance, including aboriginal relics and places,
- (b) facilitating farm adjustments,
- (c) minimising the cost to the community of:
  - (i) fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services, and
- (d) providing land for future urban development, for rural residential

development and for development for other non-agricultural purposes, in accordance with the need for that development, and subject to the capability of the land and its importance in terms of the other provisions of this clause.

## **2 Without development consent**

Agriculture (other than stockyards within 50 metres of a public road boundary); periodic public entertainments; tree planting, including planting for the purpose of growing farm woodlots or shelter belts of up to 10 hectares each, but not including planting for the purpose of forestry.

## **3 Only with development consent**

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

## **4 Prohibited**

Cluster housing development (other than on land to which clause 17 applies); motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

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

#### **1 Objectives of zone**

The objective of this zone is to facilitate development of land identified as suitable for:

- (a) rural residential or hobby farm development, or
- (b) home industries which are compatible with the environmental capabilities of the land and which will not adversely affect, the environment, and, in particular, will not adversely affect the quality of water resources in the vicinity.

#### **2 Without development consent**

Agriculture.

#### **3 Only with development consent**

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

#### **4 Prohibited**

Boarding-houses; commercial premises; extractive industries; hazardous or offensive industries; hotels; intensive livestock-keeping establishments; junkyards; mines; motels; motor showrooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

#### **Zone No 1 (f) (State Forest)**

##### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land within the Shire of Tallaganda dedicated as a State forest under the *Forestry Act 1916*, and
- (b) to encourage the use of that land for the purposes permitted under that Act so as to provide employment opportunities in forestry and the timber industry and to promote the use and enjoyment of that land, but in all cases having regard to the likely effect of forestry works on the environment within the Shire of Tallaganda.

##### **2 Without development consent**

Any purpose or activity authorised under the *Forestry Act 1916* undertaken by or on behalf of the Forestry Commission.

##### **3 Only with development consent**

Nil.

##### **4 Prohibited**

Any purpose other than a purpose included in item 2.

#### **Zone No 2 (v) (Village or Urban)**

##### **1 Objectives of zone**

The objective of this zone is to promote development in existing towns and villages and to allow future development in them in a manner which is compatible with their urban function.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4.

**4 Prohibited**

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

**Zone No 6 (c) (Private Recreation)**

**1 Objectives of zone**

The objectives of this zone are to add a distinctive buffer zone between the existing village and land set aside for future urban expansion and to enable that land to be used for the purpose of recreation.

**2 Without development consent**

Nil.

**3 Only with development consent**

Bowling greens; golf courses; recreation areas.

**4 Prohibited**

Any purpose other than a purpose included in item 3.

**Zone No 8 (National Park)**

**1 Objectives of zone**

The objectives of this zone are to identify national parks and nature reserves administered by the National Parks and Wildlife Service and to facilitate use of those lands for the purposes of the *National Parks and Wildlife Act 1974*.

**2 Without development consent**

Any purpose or activity authorised under the *National Parks and Wildlife Act 1974* undertaken by or on behalf of the National Parks and Wildlife Service.

### 3 Only with development consent

Nil.

### 4 Prohibited

Any purpose other than a purpose included in item 2.

## Part 3 Special provisions

### 9A Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 6—Exempt Development* as adopted by the Council on 17 January 2000 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 7—Complying Development* as adopted by the Council on 17 January 2000 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 6—Exempt Development* as adopted by the Council on 17 January 2000 and *Development Control Plan No 7—Complying Development* as adopted by the Council on 17 January 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 7—Complying Development* adopted by the Council, as in force when the certificate is issued.

### 9B Development for public purposes

Despite clause 9, development carried out by or on behalf of the Council for the following purposes does not require development consent:

- (a) bridges and staircases installed in public parks and recreation areas with a maximum span of 5 metres,
- (b) goal posts, sight screens and similar ancillary sporting structures on existing sporting or playing fields for use in sporting events (excluding grandstands, dressing sheds and others structures),



- (c) bus shelters,
- (d) park and street furniture, seats, bins, picnic tables and minor shelters,
- (e) playground equipment on land classified as “community”,
- (f) street signs comprising name plates, directional signs and advance traffic warning signs,
- (g) chainwire fences around Council-owned compounds and depots,
- (h) bushfire hazard reduction.

All development is to be carried out in accordance with relevant Australian Standards and the *Building Code of Australia*.

#### **10 General considerations for development within the Shire**

The Council may consent to an application to carry out development on land within Zone No 1 (a), 1 (c) or 2 (v) providing it has taken into consideration, if relevant, the effect of the carrying out that development on:

- (a) the present use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production,
- (b) vegetation, timber production, land capability (including soil stability) and water resources (including the quality and stability of watercourses, aquatic wildlife habitat, ground water storage and riparian rights),
- (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum or extractive materials,
- (d) the protection of localities of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including aboriginal relics and places,
- (e) the cost of providing, extending and maintaining public amenities and services to the development,
- (f) future expansion of settlement in the locality, and
- (g) the quality and availability of water resources within the water catchment area.

#### **11 Subdivision of land generally**

- (1) A person must not subdivide land to which this plan applies, except with the consent of Council.
- (2) The Council shall not grant consent to the subdivision of land within Zone No 1 (a) or 1 (c) unless it has made an assessment of whether:

- (a) the ratio of depth to frontage of each proposed allotment is adequate, having regard to:
  - (i) the purpose for which the allotment is intended to be used,
  - (ii) minimising the creation of vehicular access points to main or arterial roads,
  - (iii) the location of vehicular access points from the allotment in a safe position, and
- (b) the subdivision will create or increase the potential for ribbon development along any road, particularly a main or arterial road.

## **12 Subdivision of land within Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) A person who makes an application to subdivide land to which this clause applies shall, in respect of that application:
  - (a) state, in relation to each allotment to be created by the subdivision, the primary purpose for which that allotment is intended to be used,
  - (b) identify any allotment which is intended to be used primarily for the purpose of agriculture,
  - (c) identify any allotment which is intended to be used primarily for the purpose of a dwelling,
  - (d) identify any allotment on which it is intended to erect a dwelling and state whether or not the dwelling is the primary purpose for which the allotment is being created,
  - (e) show the approximate location of any dwelling erected on the land at the date of the application, and
  - (f) identify any land residue to the subdivision.

## **13 Subdivision of land for the purpose of agriculture within Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) The Council may consent to the creation, from land to which this clause applies, of an allotment of any area if Council is satisfied that the proposed allotment will be used for the purpose of agriculture.
- (3) The Council shall not consent to the creation of an allotment which the Council is satisfied will be used for the purpose of agriculture if the allotment has an area of less than 40 hectares and there is a dwelling on the allotment.

- (4) Notwithstanding subclauses (2) and (3), the Council is to refer to the Sydney Catchment Authority for comment any application for consent to subdivide land within the Welcome Reef Dam inundation area and buffer zone (Stage 2) and the Council is to have regard to any such comment when determining the application.

**Note—**

Clause 9 of the *State Environmental Planning Policy (Rural Lands) 2008* also enables the subdivision of lots for the purposes of primary production.

**14 (Repealed)**

**15 Subdivision for other purposes within Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) The Council must not consent to an application to subdivide land to which this clause applies if the Council is satisfied that any allotment to be created by the subdivision will be used for purposes other than agriculture or a dwelling unless, in the opinion of the Council:
- (a) the land to be subdivided is not prime crop and pasture land and the subdivision and subsequent development is unlikely to affect the agricultural production potential of other land adversely, 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.
- (3) Nothing in subclause (2) prevents the Council from granting consent to an application if it is satisfied that:
- (a) the purpose for which the allotment is to be used involves the supply of goods or services for 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.
- (4) Notwithstanding subclauses (2) and (3), the Council is to refer to the Sydney Catchment Authority for comment any application for consent to subdivide land within the Welcome Reef Dam inundation area and buffer zone (Stage 2), and the Council is to have regard to any such comment when determining the application.

**16 Subdivision for the purposes of dwelling-houses within Zone No 1 (c)**

- (1) This clause applies to land within Zone No 1 (c).

- (2) The Council may consent to an application to subdivide land to which this clause applies if the Council is satisfied that any allotment to be created by the subdivision will have an area of not less than 4 hectares and will be used for the purpose of a dwelling-house.
- (3) Notwithstanding subclause (2), the Council may consent to the subdivision of land to which this clause applies involving the creation of allotments having areas of less than 4 hectares if it is satisfied that:
  - (a) the average area of the allotments proposed to be created by the subdivision (excluding any part of the land having an area of more than 10 hectares) will not be less than 4 hectares,
  - (b) none of the allotments proposed to be created by the subdivision will have an area of less than 2 hectares,
  - (c) not more than 15 percent of the land (excluding any part of the land that is comprised of allotments having an area of more than 10 hectares) is to be comprised of allotments having an area of less than 4 hectares,
  - (d) allotments having an area of less than 4 hectares will not be clustered in groups of more than 4 such allotments, and
  - (e) each allotment having an area of less than 4 hectares will have frontage to a public road other than an arterial road.
- (4) Notwithstanding subclauses (2) and (3), the Council may consent to an application to subdivide land within Zone No 1 (c) shown edged with a heavy black line and diagonally hatched with black lines on the map, to create allotments having areas of less than 4 hectares but not less than 2 hectares.

#### **17 Subdivision for cluster housing development**

- (1) This clause applies to the land referred to in Schedule 2.
- (2) Notwithstanding any other provisions of this plan, a person may, with the consent of the Council, carry out cluster housing development in respect of the land to which this clause applies.
- (3) The Council shall not consent to the carrying out of cluster housing development in respect of the land to which this clause applies unless:
  - (a) each lot to be created by the development has an area of at least 1 hectare but not more than 4 hectares, and
  - (b) not more than one dwelling-house is proposed to be erected for each 10 hectares of the land in respect of which the development is proposed to be carried out.

- (4) Where land to which this clause applies is being used for the purposes of cluster housing development, further subdivision of the land is prohibited.

**18 Requirements for subdivision of land within Zone No 1 (c) and for the purpose of cluster housing development**

When considering the size and number of allotments to be created by a subdivision of land within Zone No 1 (c) or for the purposes of cluster housing development, the Council shall not consent to the subdivision unless it is satisfied that the following matters have been taken into consideration by the developer:

- (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created,
- (b) the desirability of providing a range and mixture of allotment sizes,
- (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economical provision of services and physically suitable for on-site disposal of wastes,
- (d) the findings of a permeability test to ascertain whether the land has adequate capability for on-site effluent disposal and that such disposal will not adversely affect water quality or adjoining land through either surface or sub-surface flows,
- (e) the visual impact of the development from arterial roads, and
- (f) whether an adequate water supply is available to each allotment.

**19 Subdivision of land for the purpose of dwelling houses in Zone No 2 (v)**

- (1) This clause applies to land within Zone No 2 (v).
- (2) The Council may consent to an application to subdivide land to which this clause applies so as to create allotments which the Council is satisfied will be used for the purpose of dwelling-houses where the proposed allotments:
  - (a) if located within a sewerage section of the Braidwood village zone—will have areas of at least 550 square metres, or
  - (b) if located elsewhere—will have areas of at least 2,000 square metres, provided that the findings of a permeability test in a section of the land so located demonstrate that the land has adequate capability for the on-site disposal of effluent and that such disposal will not adversely affect water quality or adjoining land through either surface or sub-surface flows.
- (3) The Council may consent to an application to subdivide land to which this clause applies that is within a sewerage section of the Braidwood Village zone so as to create

allotments having areas of less than 550 square metres if the Council is satisfied that the proposed allotments will be used for any purpose (other than for the purpose of a dwelling-house, a residential flat building, a boarding house, a motel or the like) for which they may be used (either with or without development consent) in accordance with this plan, and that the areas of the proposed allotments are appropriate, having regard to the purpose for which they are to be used.

- (4) Despite subclause (2), the Council may consent to an application to subdivide land to which this clause applies that is located otherwise than within a sewerage section of the Braidwood Village zone so as to create allotments having areas of less than 2,000 square metres (but not less than 1,000 square metres) provided that the Council is satisfied with the results of a detailed analysis of the suitability for on-site disposal of wastes of the lots to be created, where that analysis has included consideration of:
- (a) slope,
  - (b) ground cover,
  - (c) transpiration factors,
  - (d) the proximity of the proposed dwellings to flow-lines,
  - (e) the location of the proposed dwellings in relation to proposed septic systems and to each other, and
  - (f) the composition of the soil.

## **20 Subdivision savings clause**

Nothing in the plan shall prohibit or restrict a subdivision of land in Zones Nos 1 (a), 1 (c) and 2 (v) for any of the following purposes:

- (a) the opening or widening of a public road,
- (b) minor adjustments to common property boundaries,
- (c) to rectify any encroachment upon an existing allotment, or
- (d) to enlarge the area of an existing holding by amalgamating that existing holding with one or more existing holdings.

## **21 Dwelling-houses within Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a).
- (2) The Council may only grant consent to the erection of a dwelling-house on land to which this clause applies on which no dwelling is erected and which:
  - (a) has an area of not less than 40 hectares,

- (b) (Repealed)
- (c) comprises the whole of an existing holding, and providing the Council is satisfied that:
  - (i) there will be adequate coinciding legal and practical vehicular access available 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 utility services are or will be available to the existing holding,
- (d) comprises an allotment created by subdivision in accordance with clause 15, if the Council is satisfied that the use of the dwelling house will be ancillary and subsidiary to the purpose for which the allotment was created,
- (e) comprises an allotment created by a subdivision to which the consent of the Council was granted before the appointed day and on which a dwelling-house could have been lawfully erected under the planning instrument then in force, or
- (f) comprises an allotment created by subdivision in accordance with clause 13 and which has an area of less than 40 hectares but not less than 4 hectares where the Council is satisfied that:
  - (i) the land is capable of sustaining a financially viable intensive agricultural activity, and
  - (ii) the dwelling is necessary for, and will be ancillary to, the use of the land for the purpose of intensive agriculture.

#### **21A 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.

#### **22 Rural workers' dwellings within Zone No 1 (a)**

- (1) The Council may consent to an application to erect one additional dwelling-house, being a rural worker's dwelling, on land within Zone No 1 (a) which has an area of not less than 80 hectares for each 40 hectares of the land, if the Council is satisfied that:
  - (a) no additional access to a main or arterial road is required from the land, and

(b) any dwellings to be erected on that land will not interfere with the purpose for which the land is being used.

(2) The Council shall not consent to an application for the erection of a rural worker's dwelling unless the additional dwelling is to be located on land comprised within the same Certificate of Title as the land on which the principal dwelling stands where the Crown Portion or allotment on which the additional dwelling is to be erected has an area of less than 40 hectares.

### **23 Dwelling-houses on land fronting certain roads**

(1) This clause applies to land having frontage to a road listed in Schedule 3.

(2) The Council shall not grant consent to the erection of a dwelling-house or rural worker's dwelling on land to which this clause applies unless:

(a) the dwelling is to be erected at a distance greater than 100 metres from the road boundary, or

(b) screening is provided where the dwelling is to be located at a distance of between 40 metres and 100 metres from such road.

### **24 Dwelling-houses within Zone No 1 (c)**

(1) The Council may consent to an application to erect a dwelling-house on land within Zone No 1 (c) if the land has an area of not less than 4 hectares.

(2) Notwithstanding subclause (1), the Council may consent to an application to erect a dwelling house on land within Zone No 1 (c) shown edged with a heavy black line and vertically hatched with black lines on the map, having an area of not less than 2 hectares.

### **25 Dwelling-houses within Zone No 2 (v)**

The Council may consent to an application to erect a dwelling house on land within Zone No 2 (v) if the land:

(a) has an area of not less than 550 square metres if it is located in a sewerred section of the Village of Braidwood, or

(b) has an area of not less than 2,000 square metres if it is located in any other section of a Village Zone.

### **26 Advertised development**

Development for the purposes specified in Schedule 4 is identified as advertised development for the purposes of this plan.



## 27 Development along arterial roads

- (1) The Council may grant consent to an application to carry out development on land which has frontage to an arterial road, providing:
  - (a) access to that land is provided by a road other than the arterial road, wherever practicable,
  - (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
    - (i) the design of the access to the proposed development,
    - (ii) the emission of smoke or dust from the proposed development, or
    - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development, and
  - (c) the location, design and construction of access points and on-site roadways and parking areas are to be such as do not cause erosion or sedimentation or traffic hazards.
- (2) Unless adequate provision is made for safe access and the maximum abatement of traffic safety problems, the Council shall not consent to the development of rural land within Zone No 1 (a) or 1 (c) for any purpose listed in Schedule 5 if the development of the land for the purpose will have direct access to:
  - (a) an arterial road, or
  - (b) a road connecting 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.

## 28 Environmentally sensitive land

- (1) In this clause:

**clearing** means the removal of trees and other vegetation, including the killing of trees by chemicals or other means, but does not include the clearing of regrowth being trees or shrubs that are less than four metres in height and are on land previously cleared for agricultural use, eradication of noxious plants or the cutting down of individual trees for farm purposes such as fencing, which may be carried out without the consent of the Council.

**draining** means the mechanical disturbance or removal of soil having the effect of accelerating or otherwise modifying surface or sub-surface waterflow and includes the construction of dams.

- (2) A person shall not carry out development on environmentally sensitive land for the

purposes of:

- (a) intensive livestock keeping,
- (b) junk yards,
- (c) liquid fuel depots,
- (d) offensive or hazardous industries,
- (e) sawmills, or
- (f) commercial stockholding yards.

- (3) A person must not carry out forestry works on environmentally sensitive land, except with the consent of the Council.
- (4) A person shall not clear or drain environmentally sensitive land for any purpose, except with the consent of the Council.
- (5) The Council may not grant consent to the clearing or draining of land unless:
  - (a) in the opinion of the Council, the clearing or draining will be carried out in a manner which minimises:
    - (i) the risk of soil erosion or other land degradation,
    - (ii) the loss of scenic amenity, and
    - (iii) the destruction of significant vegetation systems and natural wildlife (including aquatic) habitats, and
  - (b) the area to be cleared or drained does not exceed 1 hectare or does not exceed 5% of the area of environmentally sensitive land within an existing holding (whichever is less) and is not within 30 metres of a watercourse.

## **29 Flood liable land**

- (1) A person shall not erect a building or carry out a work for any purpose on flood liable land except with the consent of the Council.
- (2) The Council may consent to an application for the erection of a dwelling-house on a site which includes flood liable land or land that, in the opinion of the Council, is liable to flooding, providing any floor of any building to be erected on that site in accordance with that consent will not be less than 0.6 metres above the level which, at the time of granting development consent, is the highest known flood level in relation to that site.
- (3) The Council may consent to an application for the erection of a building or the carrying out of a work on flood liable land or land that in the opinion of the Council is liable to flooding provided:

- (a) the Council is satisfied that:
  - (i) the development would not unduly restrict the flow of floodwaters,
  - (ii) the development would not unduly increase the level of flooding on other land in the vicinity, and
  - (iii) the structural characteristics of any building or works the subject of the application are capable of withstanding flooding, and
- (b) satisfactory arrangements are made for access to the building or work during a flood.

### **30 Land subject to bush fire hazards**

The Council shall not grant consent to the subdivision of land, other than for boundary adjustments, or to the erection of a building on land that is considered to be a medium to high bush fire hazard by reason of the vegetation on the land or on any adjacent land and following an assessment of the subject lands by the Council, unless in the opinion of the Council:

- (a) adequate provision is made for access for fire fighting vehicles,
- (b) adequate safeguards are adopted in the form of dams, fire breaks, reserves and fire radiation zones,
- (c) adequate water supplies are available for fire fighting purposes,
- (d) fire protection measures can be undertaken within the boundaries of the subdivision or allotment and there will be no adverse effect on environmentally sensitive land, and
- (e) access tracks, dams and firebreaks are designed so as not to cause erosion or sedimentation of drainage lines or other soil.

### **31 Heritage items**

- (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item:
  - (a) demolish or alter the building or work,
  - (b) damage or move the relic,
  - (c) excavate for the purpose of exposing the relic,
  - (d) damage or despoil the place or tree,
  - (e) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or

(f) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features and its setting.

### **32 Development in the vicinity of heritage items**

The Council may grant consent to a development application to carry out development adjoining, or adjacent to, land on which a heritage item is situated, providing the Council has made an assessment of the effect which the carrying out of that development will have on the heritage significance of the item and its setting.

### **33 Heritage conservation area**

(1) A person shall not, in respect of a heritage conservation area:

- (a) demolish or alter a building or work within the area,
- (b) damage or move a relic within the area,
- (c) excavate for the purpose of exposing or removing a relic within the area,
- (d) damage or despoil a place within the area, or
- (e) erect a building on or subdivide land within the area,

except with the consent of the Council.

(2) The Council may grant consent to a development application required by subclause (1) providing it has made an assessment of:

- (a) the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area, and
- (b) whether a refusal to grant consent would result in there being a danger to the users or occupiers of that land or the public.

(3) The Council may grant consent to an application required by subclause (1), being an application to erect a new building or to alter the exterior of an existing building, providing 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,

- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area, and
- (d) any other architectural feature characteristic of other existing buildings in the heritage conservation area.

### **34 Heritage advertisements and notifications**

(1) Except as provided by subclause (2):

(a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

- (i) the demolition of a building or work that is a heritage item,
- (ii) the demolition of a building or work within a heritage conservation area, and
- (iii) the use of a building or land referred to in clause 35 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, and

(b) where a person makes a development application to demolish a building or work that is a heritage item, the Council shall not grant consent to that application until 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.

(2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage.

### **35 Conservation incentives**

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

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

if it is satisfied that:

(c) the proposed use would have little or no adverse effect on the amenity of the

area, and

(d) the conservation of the building depends on the Council granting consent in accordance with this clause.

(2) When considering an application to erect an additional building on land on which there is situated a building which is a heritage item, the Council may:

(a) for the purpose of determining the floor space ratio, and

(b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council's making that exclusion.

### **36 Provisions relating to heritage items covered by a conservation instrument**

Clauses 31, 32 and 33 shall not apply where the building, work, relic or place that is a heritage item or is within a heritage conservation area is the subject of a conservation instrument within the meaning of the [Heritage Act 1977](#).

### **37 Access**

A road or other means of access to an existing public road shall not be constructed without the consent of the Council.

### **38 Development near zone boundaries**

Where it is intended to carry out development on a site that is divided by a zone boundary and the proposed development is prohibited within one of the zones but permitted in the other, the Council may grant consent to the development providing that the development extends no more than 20 metres into the adjoining zone within which it would otherwise be prohibited.

### **39 Advertising structures**

(1) The Council may consent to the use of an advertising structure for the purpose of displaying an advertisement on land within the village zone, providing the advertisement:

(a) relates to that land, or to premises situated on that land or adjacent land, and

(b) specifies one or more of the following particulars:

(i) the purpose for which the land or premises is or are used,

(ii) the identification of a person residing or carrying on an occupation or business on the land or premises,

- (iii) a description of an occupation or business referred to in subparagraph (ii), or
  - (iv) particulars of the goods or services dealt with or provided on the land or premises.
- (2) The Council may consent to the erection, on land within the village zone, of a directional sign for the purpose of directing the travelling public to tourist facilities or to places of historical interest.
- (3) A person shall not use an advertising structure on land within a rural zone for the purpose of displaying any advertisement, other than:
- (a) an advertisement of the kind permitted by subclause (1),
  - (b) a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest, or
  - (c) a notice directing interested persons to a rural stud or the like.
- (4) Notwithstanding subclause (3), the Council may consent to the erection of an advertising structure within a rural zone for the purpose of displaying an advertisement advertising the services of local business facilities available to the travelling public, providing:
- (a) the advertising structures are located within three kilometres of the Braidwood village zone boundary on MR 51 to the east of Braidwood, within three kilometres of the intersection of Deloraine Lane and MR 51 to the west of Braidwood and within one kilometre of the Araluen, Majors Creek, Mongarlowe and Nerriga village zone boundary, and
  - (b) the area of the advertising sign is less than two square metres.
- (5) The Council:
- (a) must not consent to the erection of advertising structures within the boundaries of classified roads outside the village zone, and
  - (b) must not consent to the erection of advertising structures adjoining a classified road without having regard to the [State Roads Act 1986](#), the [Traffic Safety \(Lights and Hoardings\) Act 1951](#), and current guidelines of the Roads and Traffic Authority.

#### **40 Community use of school facilities and sites**

Where land to which this plan applies is used for the purpose of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation or for any other community purpose, whether or not any such use is a commercial use of the land.

#### **41 Dual occupancy**

- (1) A person may, with the consent of the Council, construct, alter or add to a dwelling-house in Zone Nos 1 (a), 1 (c) or 2 (v) so as to create 2 dwellings if:
  - (a) the area of the allotment on which the dwelling-house is erected is not less than 550 square metres in the sewerred area of the Braidwood village zone and 2,000 square metres in all other village zone areas, and
  - (b) arrangements have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling.
- (2) The provisions of this plan relating to residential flat buildings do not apply to a building altered or added to or proposed to be altered or added to pursuant to this clause.
- (3) For the purpose of enabling development to be carried out in accordance with this clause or in accordance with a consent granted under the Act in relation to development carried out in accordance with this clause, any agreement, covenant or instrument imposing restrictions as to the erection or use of buildings for certain purposes or as to the use of land for certain purposes, to the extent necessary to serve that purpose, shall not apply to the development.
- (4) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of subclause (3).
- (5) If 2 dwellings are erected or created on an allotment of land in accordance with this clause, being an allotment other than an allotment zoned to allow residential flat buildings, the separate occupation of the proposed lots illustrated by a strata plan relating to those dwellings is prohibited.

#### **42 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 6, for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are indicated.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

#### **43 Development within the Welcome Reef Dam inundation area and buffer zone**

- (1) The Council shall not consent to the carrying out of development as listed in Schedule 7 on land within the Welcome Reef Dam inundation area and buffer zone (Stage 2) without the concurrence of the Sydney Catchment Authority.



- (2) The Sydney Catchment Authority, in deciding whether concurrence should be granted under subclause (1), shall take into consideration whether the development, if carried out, will or is likely to result in the degradation of land to which this clause applies.

#### **43A Development within the hydrological catchment comprising intensive plant growing**

- (1) This clause applies to the hydrological catchment within the meaning of *Drinking Water Catchments Regional Environmental Plan No 1*.
- (2) The objective of this clause is to ensure that development with the potential to adversely impact on water quality in the hydrological catchment requires development consent.
- (3) For the purposes of this clause, **intensive plant growing** on land means market gardening, fungi growing, fruit growing, flower growing, viticulture or the like for commercial purposes, but does not include growing field crops (such as wheat, oats, oilseed or legumes) or any species of plant for pastures.
- (4) Despite clause 9 or any other provision of this plan, the consent of the Council is required for development that comprises intensive plant growing.

#### **44 Development of certain land—near Gillamatong Creek, Braidwood**

- (1) This clause applies to land within Zone No 2 (v) near Gillamatong Creek, Braidwood, being Lot 2, DP 519150 and part of Portion 20, Parish of Percy, as shown edged heavy black lettered “V” on the map marked “*Tallaganda Local Environmental Plan 1991 (Amendment No 1)*”.
- (2) The Council must not consent to the carrying out of development on the land to which this clause applies until it is satisfied that:
  - (a) a hydrological assessment of the land has been carried out and a soil and water management plan for the area has been prepared and can be implemented in accordance with guidelines of the Department of Land and Water Conservation, and
  - (b) a traffic impact statement has been completed for the intersection of MR51 and Glenmore Road, and
  - (c) effective environmental control measures have been identified which will protect the water quality of, and the vegetation within 20 metres of, Gillamatong Creek, and
  - (d) the visual design features of the proposed development will be compatible with the environmental and heritage values of the surrounding locality.
- (3) The Council must not grant its consent to the carrying out of residential development on the land to which this clause applies after the expiration of 5 years from the date

*Tallaganda Local Environmental Plan 1991 (Amendment No 1)* takes effect.

**45 Development of certain land—Lot 15, DP 882788 at Bombay**

- (1) This clause applies to Lot 15, DP 882788, Parish of Jinglemoney, Bombay, as shown edged heavy black, lettered “1 (a)” and diagonally hatched with black lines on Sheet 4 of the map marked “*Tallaganda Local Environmental Plan 1991 (Amendment No 3)*”.
- (2) Despite any other provision of this plan:
  - (a) consent may not be granted to the subdivision of the land to which this clause applies, and
  - (b) consent may not be granted to the erection of more than one dwelling-house on the land to which this clause applies, and
  - (c) grazing of domestic stock is not permissible on the land to which this clause applies, and
  - (d) consent may not be granted to the erection of a dwelling-house unless the consent authority is satisfied that:
    - (i) the dwelling-house is erected on land that has previously been disturbed, and
    - (ii) the dwelling-house will not require the construction of additional vehicle tracks, and
    - (iii) infrastructure connections to the proposed dwelling- house will follow existing vehicle tracks.

**Schedule 1 Heritage items**

(Clause 5)

**Town of Braidwood**

<b>Item</b>	<b>Street</b>	<b>Land Description</b>	<b>Assessment No</b>
<b>Coghill Street</b>			
House	17 Coghill St	Lot 91, DP 588096, Section 12	622.4
House	“Yately”, Coghill St	Lots 1/3, Section 32	818
<b>Coronation Avenue</b>			
House	1 Coronation Ave	Lots 6/10, DP 2100	636
Cottage	48 Coronation Ave	Lot 7, DP 2726, Sec B	650
<b>Cowper Street</b>			

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House	51 Cowper St	Lots 4/5, Section 17	669.04
House	Cowper St	Lots 6/7, Section 14	676
House & Brick Outbuilding	"Athol", Cowper St	Lots 1, 7/8 Sec 17 & 16	671.1
Cemetery	Cowper St		
<b>Duncan Street</b>			
Cottage	50 Duncan St	Cnr Lot 2, DP 529841, Section 5	881
Cottage	65 Duncan St	Lot B, Section 8	707
House	"The Villa", 80 Duncan St	Lot 3, DP 596527, Section 4	697/2
Semi-detached Cottages	87 Duncan St	Part Lot 8, Section 9	710
	89 Duncan St	Lot 1, DP 579802, Section 9	711
Cottage	91 Duncan St	Part Lot 8, Section 9	712
Uniting Church Hall	82 Duncan St	Lot A, Section 4	696
Uniting Church	109 Duncan St	Cnr Lot 8, (Section 10)	844
House	116 Duncan St	Lot D (Pt Lot 1), Sec 1	687
<b>Elrington Street</b>			
House	23 Elrington St	Lot 17, Section 10	721
Cottage	25 Elrington St	Lot 16, Section 10	722
House	"The Patch" 26 Elrington St	Lot 3, Section 9	748
House	29 Elrington St	Lot 14, Section 10	724
House	31 Elrington St	Pt Lot 13 (B), Sec 10	725
House	33 Elrington St	Pt Lot 12/13 (A), Sec 10	726
Cottage	35 Elrington St	Pt Lot 11/12, Sec 1	727
House	37 Elrington St	Pt Lot 11, Section 10	728
House	38 Elrington St	Lot 10 (Lot 3), Sec 4	744.1
St Andrews	Elrington St	Lots 14/15, Section 1	733
C of E House	48 Elrington St	Lots 9/10 (B), Sec 4	741
Masonic Hall	51 Elrington St	Lots 12/13, Section 1	734
Cottage	63 Elrington St	Lot 1, DP 568393, Sec 2	735.02

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House	64 Elrington St	Lot 7, Section 3	737
<b>Keder Street</b>			
Cottage	16 Keder St	Lot 25, Section 15	752
<b>Lascelles Street</b>			
House	59 Lascelles St	Pt Lot 9, Section 11	763
Cottage	77 Lascelles St	Lots 4/5, Section 34	767
Catholic Presbytery	Lascelles St	Lots 16/19 Section 9	946
Cottage	112 Lascelles St	Lot 12, DP 576767, Clyde Road	775/001
<b>Mackellar Street</b>			
Hawthorn Cottage	1 Mackellar St	Por 199, Ph Boyle	796
Cottage	18 Mackellar St	Lot 3, DP 630521, Lot 3, DP 712208, Section 6	790
Cottage	33 Mackellar St	Pt Lots 11/12, Sec 3	798
Former Mill	Mackellar St	Pt Lots 9/10, Sec 5	975
<b>Monkittee Street</b>			
Cottage	51 Monkittee St	Lots 6/7, Section 30	824
Cottage	63 Monkittee St	Lot 1, Section 30	828
House	76 Monkittee St	Lot 1, DP 719449, Section 1	842
Semi-detached residence	Monkittee St	Lots 7/8, Section 32	816
Cottage	90 Monkittee St	Lot 2, DP 563161, Sec 2	840
Cottage	94 Monkittee St	Lots 5/8, Section 2	838
<b>Park Lane</b>			
Cottage	3 Park Lane	Lot 4, DP 255840, Sec 3	866.04
Cottage	5 Park Lane	Lot 3, DP 255840, Section 3	866.03
Cottage	7 Park Lane	Lots 1/2, DP 255840, Section 3	866.01
Semi-detached housing	18 Park Lane	Pt Lot 23, Section 5	865
<b>Ryrie Street</b>			
House	"Tidmarsh" 50 Ryrie St	Lot 1, DP 209874	910

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House	"Arcona" 60 Ryrie St	Pt Lots 2/3, Sec 23	905.1
<b>Solus Street</b>			
Cottage	Solus St	Lot 1, DP 712208	922
House & Two Outbuildings	3 Solus St	Lot 9, Section 7	924
Cottage	14 Solus St	Lots 7/10, Section 6	921
<b>Wallace Street</b>			
Cottage	14 Wallace St	Lot 3, Section 12	1015
Former Shop	27 Wallace St	Lot 17, Section 13	938
Former Hotel	30 Wallace St	Lot 3, DP 635437, Section 11	628
House	"Chez Nous" 39 Wallace St	Lots 11/12, Sec 34	942
Former Business	42 Wallace St	Lot 6, Section 11	1011
Premises & Residence Barn Structure	Wallace St	Lot 7, Section 11	1010
Shops & Residence	44-46 Wallace St	Lot 8, Section 11	1009
Former Hotel	56 Wallace St	Pt Lot 1, Section 8	1008
Group of Shops & Residences	72-74 Wallace St	Pt Lot 2, Section 8	1006
Shops (2)	80 Wallace St	Pt Lot 3, Section 8	1004
Shop	84 Wallace St	Lots 1 & 2, SP 711583, Section 8	1002
Shops (2)	91 Wallace St	Lot 14, Section 9	948
Shops	99-101 Wallace St	Lots 1 & 2, DP 701021, Section 9	948.1 & 950
Former Bank	104 Wallace St	Pt Lots 7/8, Section 8	998
Shops (3)	107 Wallace St	Lots 10/11, Section 9	952
Dzamics Bldg	112-114 Wallace St	Pt Lot 8 (B), Section 8	996
Albion Bldg & Outbldgs	113-117 Wallace St	Lot 1, DP 598830, Section 9	952
Shop, Residences & Stables	116 Wallace St	Lots 7/8, DP 526323 Lots 415, RP 1769 Sec 5	994 993.2
Farmers & Graziers Building	121 Wallace St	Pt Lot 15, Section 4	953

Former Bakery	123 Wallace St	Pt Lot 15, Section 4	954
Commercial Premises	125 Wallace St	Lot 1, DP 713618 Lot 2, DP 713618 Sec 4	954.1 955
Shop	124-126 Wallace St	Pt Lots 3, 5, Sec 5	993
Shop	130 Wallace St	Lots 3/4, Section 5	991
Former Hotel	131-133 Wallace St	Lot 6, DP 519457, Sec 4	956
Shops (3), Passage & Outbldg	139-143 Wallace St	Lots 11/12, Section 4	958-960
Royal Mail Hotel	145 Wallace St	Lots 11/12, Section 4	961
Westpac Bank	Wallace St	Pt Lot 4, Section 5	989
Council Chambers	144 Wallace St	Lots 32, 34, Sec 5	984
Post Office & Residence	Wallace St	Lots 33, 36, Sec 5	
Court House	Wallace St	Reserve 34512, Sec 5	
Police Residence & Outbldgs	Wallace St	Reserve 34510, Sec 5	
Commercial Hotel & Outbldgs	180 Wallace St	Lot 1, DP 711400, Sec 5	978
Former Bank	185 Wallace St	Pt Lot 14, Section 3	965
Museum	186 Wallace St	Lot 1, DP 86338, (Lot 7), Section 5	977
Mill Centre	Wallace St	Pt Lots 9/10, Sec 5	975
Mill Centre (Central Bldg & Flat)	Wallace St	Cnr Pt Lots 9/10, Sec 5	975
Cottage	202 Wallace St	Lot 3, DP 630521, Section 6	790
St Bedes Catholic Church	Wallace St	Lots 16/19, Sec 9	946
Rock Outcrops	Wallace St Lot 1 & Pt 2, Sec 12, & Lots 6/8, Section 13		
Pavilion	Wallace St	Ryrie Park	
War Memorial	Wallace & Wilson Sts		
<b>Wilson Street</b>			
Cottage	32 Wilson St	School Ground Section 5	
House & Stables	47 Wilson St	Pt Lots 4/5 (A), Sec 23	1028

Former Convent & Building	Wilson St	Lots 1/2, DP 219650, Section 4	1030.1
House	53 Wilson St	Lot 11, Section 1	1031
The Rectory	62 Wilson St	Lot 2, DP 706093, Section 2	1042.1
Cottage	73 Wilson St	Pt Lot 10, Section 1	1033
House	75 Wilson St	Lot 1, DP 633530, Section 1	1034
House	50 Wilson St	Pt Lot 1, Section 3	1044
Cottage	60 Wilson St	Cnr Pt Lot 1, Sec 3	1043

### Remainder of the Shire of Tallaganda

“Bedervale”	Lot 3, DP 543076, Parish of Coghill
“Half Moon House”	Portion 10, Parish of Mongarlowe
Dr T B Wilson’s Gardener’s Cottage	Lot 15, DP8711, Parish of Braidwood
“Bellevue”	Lot 1, DP69286, Parish of Coghill
“Manar”	Homestead and Outhouses Part Portion 117, Parish of Mulloon
Bunn Cottage	Portion 42, Parish of Percy
“Durham Hall” Homestead	Portion 96, Parish of Elrington
“St Omer” Cottage	Lot 4, DP790531, Parish of Braidwood
“Caloola” Mill	Portion 98, Parish of Elrington
“Mt Elrington” Homestead	Part Portion 63, Parish of Jinero
St Stephen’s Anglican Church	Lot 7, Section 15, Village of Majors Creek
“Nithdale” Homestead	Part Portion 2, Parish of Bendoura
“Ballalaba” Barn	Lot D, DP391419, Parish of Jinero

### Schedule 2 Cluster housing development

(Clause 17)

- 1 Lot 2, DP594188, Parish of Jinglemoney—maximum of 40 allotments.

### Schedule 3 Roads

(Clause 23)

Main Roads 51, 79, 92, 270, 271  
 Bombay Road (SR 21) to the Shoalhaven River  
 Krawarree Road (SR 16)  
 Majors Creek Road (SR 11)

Reidsdale Road (SR 9) to Monga Lane  
Mongarlowe Road (SR 5)  
Charleys Forest Road (SR 6)

## **Schedule 4 Development which must be advertised**

(Clause 26)

- 1 The demolition of a building or work that is an item of the environmental heritage, or is within a conservation area, not being a partial demolition, which in the opinion of the Council, 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 Tallaganda.
- 2 Boarding-houses; hotels/motels; residential flat buildings.
- 3 Industries, other than rural industries, in Zone No 1 (a), 1 (c) or 2 (v).
- 4 Commercial stockholding yards; intensive livestock keeping; junk yards; liquid fuel depots; sawmills.

## **Schedule 5 Development requiring special provisions in relation to arterial roads**

(Clause 27 (2))

Bulk Stores  
Caravan parks  
Car repair stations  
Clubs  
Commercial premises  
Educational establishments  
Hospitals  
Hotels  
Industries (other than home or rural industries)  
Institutions  
Junk yards  
Liquid fuel depots  
Mines  
Motels  
Place of public assembly  
Place of public worship  
Recreation facilities  
Recreational establishments  
Refreshment rooms  
Retail plant nurseries  
Roadside stalls  
Sawmills  
Service stations  
Stock and sale yards  
Transport terminals  
Warehouses



## **Schedule 6 Development for certain additional purposes**

(Clause 42)

- 1 Land known as Lots 1 to 30 in Deposited Plan 250880, Parish of Merigan, County of Murray, within Zone No 1 (a)—dwelling-houses.
- 2 Land known as Portions 9 and 11, Parish of Warri, and Lot 2 in Deposited Plan 594188, Parish of Jinglemoney, County of Murray, within Zone No 1 (a)—forestry (but not including any dwelling-house).
- 3 Land known as Lot 3, DP 847375 and Lot 519, DP 755901, Parish of Araluen and Lot 13, DP 755957 and Lot 1, DP 125782, Parish of Seymour, Reidsdale, within Zone No 1 (a), as shown edged heavy black on Sheet 1 of the map marked "*Tallaganda Local Environmental Plan 1991 (Amendment No 3)*"—subdivision to create 2 lots of approximately 57.41 hectares and 17.9 hectares, respectively, where:
  - (a) 2 of the 3 existing dwelling-houses will be situated within the larger lot, and
  - (b) the remaining existing dwelling-house will be situated within the smaller lot.
- 4 Land known as Lot 3, DP 1003163 and Lot 12, DP 1087058, Parish of Jinero, Harolds Cross, within Zone No 1 (a), as shown edged heavy black on Sheet 2 of the map marked "*Tallaganda Local Environmental Plan 1991 (Amendment No 3)*"—subdivision to create 2 lots of approximately 25 hectares and 119.46 hectares, respectively, where the existing dwelling-house will be situated within the smaller lot.

## **Schedule 7 Development to be referred to the Sydney Catchment Authority for concurrence**

(Clause 43)

Commercial stockholding yards  
Designated development  
Hazardous or offensive industries  
Junk yards  
Storage of hazardous materials  
Tourist facilities