

# Crookwell Local Environmental Plan 1994

[1994-581]



New South Wales

## Status Information

### Currency of version

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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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# Crookwell Local Environmental Plan 1994



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is called *Crookwell Local Environmental Plan 1994*.

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

(1) The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and human resources within Crookwell by protecting, enhancing or conserving:
  - (i) prime crop and pasture land,
  - (ii) timber, mineral, soil, water and other natural resources,
  - (iii) areas of significance for nature conservation,
  - (iv) areas of high scenic or recreational value, and
  - (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 Crookwell in a way that is consistent with the aims listed in paragraph (a) above and that:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land,
  - (ii) facilitates the efficient and effective delivery of amenities and services,
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand,
  - (iv) facilitates farm adjustments, and
  - (v) ensures that the efficiency of major traffic routes is not adversely affected by

development on adjacent land.

### 3 Where does this plan apply?

This plan applies to all land within the area of Crookwell which is inside the heavy black line on the map.

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

On the day this plan is published in the Government Gazette, all existing plans applying to land within the area of Crookwell, to the extent that they apply to that land, cease to operate.

### 5 What do terms in this plan mean?

(1) In this plan:

**advertising** means the use of a building or place for the display of symbols, messages or other devices for promotional purposes, whether or not the display involves the erection of a structure or the carrying out of a work.

**agriculture** means:

- (a) the cultivation of crops, including cereals, fruit, vegetables and flowers, or
- (b) the keeping or breeding of livestock or bees, or
- (c) the cultivation of plants in a wholesale plant nursery,

for commercial purposes, but does not include the use of land for an “intensive livestock establishment”.

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

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

**boarding house** includes a house let in lodgings and a hostel, but does not include a motel.

**caravan park** means land used for the accommodation of caravans or other movable dwellings within the meaning of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*.

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

**council** means the Council of Crookwell.

**dual occupancy building** means a building containing 2, but not more than 2, dwellings.

**dwelling house** means a building containing 1 but not more than 1 dwelling.

**existing holding** means any area, lot, portion or parcel of adjoining or adjacent land to which this plan applies held in the same ownership on 1 July 1993 and includes such land:

- (a) from which land has been excised for a public purpose after that date, and
- (b) affected by a subdivision for the purposes of boundary adjustment after that date.

**extractive industry** means:

- (a) the winning of extractive material, or
- (b) an industry or undertaking not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or similar substance.

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

**general store** means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

**hotel** means the premises to which a hotelier's licence granted under the [Liquor Act 1982](#) relates.

**industry** means:

- (a) any manufacturing process within the meaning of the [Factories, Shops and Industries Act 1962](#), or
- (b) the breaking up or dismantling of any goods or any article for trade or sale or for gain as an operation ancillary to any business.

**intensive livestock establishment** means a building or place where cattle, sheep, goats, poultry and other birds or other livestock are held for the purpose of nurturing by 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 farming (including farming of crustaceans and oysters),

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption by the person living on the land or intensive hand feeding of livestock as a result of natural disaster such as drought, flood or bush fire.

**item of environmental heritage** means a building, work, relic or place of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance to Crookwell and described in Schedule 1.

**junk yard** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

**mine** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on which, in which or by use of which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated, but does not include a quarry.

**motel** means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

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

**offensive or hazardous industry** means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from buildings.

**prime crop or pasture land** means land identified by the Director-General of the Department of Agriculture as class 1, 2 or 3 and shown as such on a map held by the Council.

**recreation area** means:

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

but does not include a racecourse or a showground.

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

**residential flat building** means a building containing 2 or more dwellings.

**rural industry** means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

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

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause, or a building or place used for a purpose elsewhere specifically defined in the clause.

**stock and sale yard** means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

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

**the map** means the map marked *Crookwell Local Environmental Plan 1994* as amended by the maps (or the specified sheets of maps) marked as follows:

**Editorial note—**

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

- (2) In this plan:
  - (a) a reference to a map is a reference to a map kept at the council's office, and
  - (b) 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 Who is the consent authority?

The Crookwell Council is the consent authority for development applications relating to land to which this plan applies.

## Part 2 Zoning Controls

### 7 What zones apply

All land is included in one of the following zones which are shown on the map as follows:

<b>Zone 1 (a)</b>	<b>General Rural—edged heavy black and lettered “1 (a)”.</b>
<b>Zone 1 (c)</b>	<b>Rural Environmental Protection—edged heavy black and lettered “1 (c)”.</b>
<b>Zone 1 (d)</b>	<b>Rural Small Holdings—edged heavy black and lettered “1 (d)”.</b>
<b>Zone 2 (v)</b>	<b>Urban—edged heavy black and lettered “2 (v)”.</b>
<b>Zone 5 (w)</b>	<b>Special Uses Water Catchment—edged heavy black and lettered “5 (w)”.</b>
<b>Zone 7 (d)</b>	<b>Environmental Protection State Recreation Area—edged heavy black and lettered “7 (d)”.</b>
<b>Zone 8</b>	<b>National Parks and Nature Reserves—edged heavy black and lettered “8”.</b>

The following development control table gives the objectives of each zone and what development may be carried out without development consent or only with development consent and what development is prohibited in each zone.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

Development Control Table

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

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

- (a) To protect, enhance and conserve the area's:
  - (i) agricultural land (particularly prime crop and pasture land) to sustain its efficient and effective agricultural production potential,
  - (ii) forests of existing and potential commercial value for timber production,

- (iii) valuable deposits of minerals, coal, petroleum and extractive minerals while allowing their efficient extraction,
  - (iv) trees and other vegetation in environmentally sensitive areas where they are significant to scenic amenity or natural wildlife habitat or are likely to control land degradation,
  - (v) water resources for use in the public interest,
  - (vi) places of significance for nature conservation, and
  - (vii) places and buildings of archaeological or heritage significance (including the protection of Aboriginal relics and places).
- (b) To discourage further subdivision and encourage consolidation of existing agricultural landholdings.
- (c) To control development that could:
- (i) have an adverse impact on the rural character of the land in the zone,
  - (ii) create unreasonable or uneconomic demands for the provision or extension of public amenities and services, or
  - (iii) be subjected to physical limitations such as erosion hazard, bush fire risk and flooding.
- (d) To provide land for future urban development, for rural residential development and for development for other non-agricultural purposes, depending on the need for such development.

## **2 Development allowed without development consent**

Development for the purpose of:  
agriculture.

## **3 Development allowed only with development consent**

Development other than that included in item 2 or 4.

## **4 Development which is prohibited**

Development for the purpose of:

motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

## **Zone 1 (c) Rural Environmental Protection**

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

To provide a 400 metre wide buffer zone on the foreshores of Lake Wyangala to protect its waterways and complement the objectives of the rural zone.

### **2 Development allowed without development consent**

Development for the purpose of:

agriculture.

### **3 Development allowed only with development consent**

Development for the purpose of:

dwelling houses; a school and associated structures on Lot 117 DP 41794 (known as Trinity School).

### **4 Development which is prohibited**

Development other than that included in item 2 or 3.

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

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

To promote development of land identified as suitable for a rural residential or hobby farm development and also allow for other compatible uses.

### **2 Development allowed without development consent**

Development for the purpose of:

agriculture (other than intensive livestock establishments).

### **3 Development allowed only with development consent**

Development other than that included in item 2 or 4.

### **4 Development which is prohibited**

Development for the purpose of:

boarding houses; caravan parks; commercial premises; intensive livestock establishments; hotels; motels; motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square

metres in gross floor area).

## **Zone 2 (v) Urban**

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

To promote development in existing towns and villages in a way that is compatible with their residential and servicing functions.

### **2 Development allowed without development consent**

Development for the purpose of:

dwelling houses.

### **3 Development allowed only with development consent**

Development other than that included in item 2 or 4.

### **4 Development which is prohibited**

Development for the purpose of:

extractive industries; intensive livestock establishments; mines; offensive and hazardous industries.

## **Zone 5 (w) Special Uses Water Catchment**

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

To identify lands of particular importance required for water catchment.

### **2 Development allowed without development consent**

Development for the purpose of:

water catchment.

### **3 Development allowed only with development consent**

Development ordinarily incidental to water catchment; recreation.

### **4 Development which is prohibited**

Development other than that included in item 2

## **Zone 7 (d) Environment Protection—(Grabine Lakeside State Park)**

**1 Objectives of the zone**

To identify land included in the Grabine Lakeside State Park.

**2 Development allowed without development consent**

Nil.

**3 Development allowed only with development consent**

Public recreation, and structures and buildings for the purposes of public recreation, subject to the *Crown Lands Act 1989*.

**4 Development which is prohibited**

Development other than that included in item 3.

**Zone 8 National Parks and Nature Reserves**

**1 Objectives of the zone**

(a) To identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974* as national parks, nature reserves, historic sites, Aboriginal places and state game reserves.

(b) To allow for the management and appropriate use of that land as provided for in the *National Parks and Wildlife Act 1974*.

**2 Development allowed without development consent**

Development authorised by the *National Parks and Wildlife Act 1974*.

**3 Development allowed only with development consent**

Nil.

**4 Development which is prohibited**

Development other than that included in item 2.

**Part 3 Special provisions**

**8 What must council consider, other than the zone objectives, when deciding whether to consent to development?**

In deciding whether to consent to development of land, the council must consider:

(a) the present use of the land and the potential of such of the land as is prime crop and

pasture land for sustained agricultural production,

- (b) the vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
- (c) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
- (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and of 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 buildings or works that will result from carrying out the development, and
- (f) future expansion of settlements in the locality.

**9 What is required for the subdivision of land**

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

- (a) minor boundary adjustments which do not create any additional allotments,
- (b) consolidation of existing allotments,
- (c) road widening, or
- (d) closure and transfer of unformed roads to adjoining properties.

**10 What information must be provided to council when making an application to subdivide land in zone 1 (a), 1 (c) or 1 (d)?**

Before granting consent for a subdivision of land within zone 1 (a), 1 (c) or 1 (d), the council must:

- (a) ascertain the main purpose for which each allotment is to be used,
- (b) identify any allotment intended to be used primarily for agriculture,
- (c) identify any allotment on which it is intended to erect a dwelling and ascertain whether building a dwelling is the main reason for creating the allotment, and
- (d) ascertain the approximate location of any existing dwelling on the land.

**11 What is the minimum size for new agricultural allotments in zones 1 (a) and 1 (c)?**

New allotments proposed to be used for the purpose of agriculture in zone 1 (a) or 1 (c) must meet the following standards:

- (a) where the allotment being created for the purpose of agriculture has no dwelling

erected on it, the allotment may be of any size, and

- (b) where there is a dwelling already built on the allotment being created for the purpose of agriculture, the allotment must have a minimum area of 80 hectares.

**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 (Repealed)**

**13 What are the requirements for subdividing land in zone 1 (a) for a purpose other than agriculture or a dwelling?**

- (1) The council can consent to the subdivision of land within zone 1 (a) for a purpose other than agriculture or a dwelling only if:
  - (a) the land is identified by the Director-General of the Department of Agriculture as class 4 or 5 on a map and held in the office of the council, and
  - (b) in the opinion of the council, the area of the allotment to be created is appropriate for the purpose it is to be used for.
- (2) Despite subclause (1) (a), the council may consent to the subdivision of prime crop or pasture land within zone 1 (a) where it is satisfied that:
  - (a) no other land of lesser quality in the locality could reasonably be used for the intended purpose,
  - (b) the proposed use of the land involves the supply of goods and services for which there is a genuine demand in the locality, or
  - (c) the intended purpose otherwise justifies the creation of the allotment notwithstanding its agricultural value.

**14 What are the requirements for erecting dwellings on land zoned 1 (a) or 1 (c)?**

- (1) Land within zone 1 (a) on which a dwelling may be erected must:
  - (a) have an area of not less than 80 hectares, or
  - (b) (Repealed)
  - (c) be an existing holding having an area of more than 40 hectares but less than 80 hectares from which an allotment has been excised and where the land on which the dwelling is proposed to be erected has an area of not less than 40 hectares, or
  - (d) be a lot in a subdivision for a purpose other than agriculture or for dwellings consented to by the council in accordance with clause 13, but only if the council is

satisfied that the use of the dwelling will be ancillary to the primary purpose for which the land will be used, or

- (e) be a lot in a subdivision which was approved by the council before the appointed day and which met the requirements for a lot on which the dwelling could have been lawfully erected that applied before that day.

(2) Despite subclause (1), a dwelling house may be erected on:

- (a) an existing allotment, or
- (b) a portion of land that is not an existing holding, but is part of an existing holding having an area of not less than 40 hectares.

(2A) (Repealed)

(3) Land within zone 1 (c) on which a dwelling may be erected must:

- (a) have an area of not less than 80 hectares, or
- (b) be an existing holding on which no dwelling is erected, or
- (c) be a lot in a subdivision which was approved by the council before the appointed day and which met the requirements for a lot on which the dwelling could have been lawfully erected that applied before that day.

(4) Except where allowed for elsewhere in this part, only one dwelling may be erected on land. This does not, within zone 1 (a) or 1 (c) however, prevent a second dwelling being erected which is intended to replace an existing dwelling and which is not occupied until after the existing dwelling is demolished.

#### **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 What are the requirements for the erection of dwelling houses and the subdivision of land in zone 1 (d) and zone 2 (v)?**

- (1) Land within zone 1 (d) and zone 2 (v) may be subdivided to create one or more dwelling house lots only if each of the lots will have an area of at least 2 hectares.
- (2) Dwelling houses may be erected on land within zone 1 (d) and zone 2 (v) only if the land has an area of at least 0.4 hectares.



- (3) Before consenting to a development in accordance with this clause, the council must take into account:
  - (a) the land capability (including soil resources and soil stability), and any natural constraints or hazards affecting the land,
  - (b) where the development is for the subdivision of land, whether a range of allotments sizes would be desirable,
  - (c) whether services can be economically provided to the land, and
  - (d) whether effluent can be safely disposed of on site.
- (4) In this clause, **dwelling house lot** means an allotment proposed to be used for the purpose of a dwelling house and which does not have a dwelling house erected on it.

**16 Can more than one dwelling be erected on land zoned 1 (a) or 1 (c) to house rural workers?**

With the consent of the council, additional dwellings to house rural workers can be erected on land which has an area of not less than 80 hectares and on which there is a dwelling already built, where:

- (a) the council is satisfied that the dwellings are intended to house rural workers who are employed on the property and that the nature of the agricultural activity carried out requires resident rural workers, and
- (b) the additional dwellings are located on the same allotment of land as the existing dwelling so that they cannot be separately owned unless the council consents to a subsequent subdivision of the land in accordance with this plan.

**17 What standards apply to residential development in urban areas within the town of Crookwell?**

- (1) Each dwelling house within zone 2 (v) that is located within the town of Crookwell:
  - (a) requires a minimum allotment size of 650 square metres, and
  - (b) must be connected to a reticulated water supply and a sewer servicing the allotment, except where the council approves under subclause (2) of the on-site disposal of effluent and the use of tank water.
- (2) The council may approve of the on-site disposal of effluent and the use of tank water if the allotment has an area of 2 hectares or more.

**18 Is dual occupancy development permitted?**

- (1) The council may consent to:
  - (a) alterations or extensions to an existing dwelling so as to create 2 dwellings, or

(b) the erection of a building containing 2 dwellings,

on any land on which a dwelling house can be erected in accordance with this plan.

(2) Where the land is within zone 2 (v), the council must not grant such a consent unless the land has an area of at least 400 square metres and is connected to a reticulated water supply and a sewer servicing the allotment.

### **19 What are the requirements for advertising and notification of development applications?**

Before the council grants consent for development listed in Schedule 3, the proposed development must be advertised by the council in a local newspaper and owners of land adjoining the land concerned must be notified by the council of the proposed development.

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

(1) In this clause, **classified road** means:

- State Road 54 (Goulburn to Bathurst via Crookwell)
- Regional Road 248 (Boorowa-Taralga)
- Regional Road 52 (Canberra to Crookwell via Gunning)

(2) When considering whether to grant consent to development on land which:

(a) fronts a classified road,

(b) solely relies on a classified road for its access, or

(c) has access to a road which intersects with a classified road, where the point of access is within 90 metres of the intersection of the road and the classified road,

The council must consider:

(d) whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the classified road,

(e) whether it is important for the development to be located near the classified road,

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

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

(3) Development referred to in Schedule 3 on land within zone 1 (a) or 1 (c) which is within 400 metres of the alignment of State Highway 54 (Goulburn to Bathurst via

Crookwell), Regional Road 248 (Boorowa–Taralga) and Regional Road 52 (Canberra to Crookwell via Gunning) is prohibited.

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

- (1) The council will not consent to development on land which it considers to be prone to flooding if the development is likely to:
  - (a) restrict the flow of water on the land or on adjoining land,
  - (b) endanger life in time of flood,
  - (c) worsen the impact of flood water through erosion, siltation or the destruction of vegetation, or
  - (d) have an adverse effect on the water table of the land or adjoining land.
- (2) The council must also take into consideration, when deciding whether to approve or refuse a development application that involves land it considers to be prone to flooding:
  - (a) the cumulative effect the development will have on flood behaviour,
  - (b) the risk of pollution to waterways from the development, and
  - (c) whether access to the site of the proposed development will be available in times of flood.

## **22 What provisions relate to bush fire hazard?**

In considering an application for consent to develop land the council considers to be subject to bush fire hazards, the council must make an assessment of:

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

- (i) whether the buildings are to be located to reduce bush fire hazard,
- (ii) whether fireproof building materials are required,
- (iii) access for firefighting purposes, and
- (iv) the means available to ensure that fire protection measures, including fire radiation zones and bush hazard reduction, will be appropriately maintained.

### **23 What are the public road access restrictions?**

A means of access to a public road cannot be established, except with the consent of the council.

### **24 What building setbacks apply?**

- (1) On land within zone 1 (a), 1 (c) or 1 (d) which has frontage to a road, the council may require that any building be setback from the nearest alignment of the road at a distance determined by the council having regard to:
  - (a) the nature, scale and function of the building, and
  - (b) the maximisation of sight distances for drivers using the road, including visibility of points of access to the road,
- (2) A boarding house or a residential flat building must not be erected on an allotment of land within a residential zone closer than 9 metres to a main or arterial road.

### **24A 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 7 or any other provision of this plan, the consent of the Council is required for development that comprises intensive plant growing.

### **25 What council development does not require development consent?**

- (1) The council is not required to obtain development consent to carry out development, in any zone, for the purpose of the following:

- (a) roads,
- (b) stormwater drainage,
- (c) bush fire hazard reduction,
- (e) parking,
- (f) landscaping,
- (g) gardening.

(2) With the exception of development for the purpose of landscaping or gardening, persons other than the council may carry out the above development only with the consent of the council.

## **26 Does clearing of land require consent?**

- (1) On land within zone 1 (a), 1 (c) or 1 (d), the consent of the council must be obtained for land clearing, that is the removal of trees and vegetation, where the area of land to be cleared is greater than 2 hectares.
- (2) In this clause, **land clearing** does not include the clearing of regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purpose such as fencing, firewood and the like, nor does it include clearing for the purpose of air navigation safety, land survey, fencing or bush fire hazard reduction.

## **27 What controls are there on the erection of advertising structures?**

The erection of an advertising structure requires the consent of the council and:

- (a) if erected within zone 2 (v):
  - (i) it must relate to the land on which it is situated, or to premises on or adjacent to that land, and
  - (ii) it may only specify one or more of the following particulars:
    - the purpose for which the land or premises is or are used,
    - identifying the persons using the land and a description of an occupation or business carried out on that land or at those premises,
    - particulars of the goods or services dealt with on the land or at those premises, and
- (b) if erected within zone 1 (a), 1 (c) or 1 (d):
  - (i) it must be of the kind permitted by paragraph (a), or
  - (ii) its purpose must be to direct the travelling public to tourist facilities or activities or

to places of interest.

## **28 Development near zone boundaries**

Where land in a zone is located within 50 metres of a zone boundary, the council may consent to development on that land for a purpose permissible in the adjoining zone on the other side of the boundary where, in the council's opinion, the development is desirable due to design, ownership, servicing or other planning considerations.

## **29 Can land be used for any purpose on a temporary basis?**

Despite other provisions of this plan, the council may consent to the use of land for any purpose (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

# **Part 4 Special requirements relating to heritage conservation**

## **30 Definitions**

In this Part:

**alter**, in relation to a heritage item, 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 other than changes that result from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

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

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

**maintenance** means the continuous protective care of the fabric of an item of environmental heritage and its setting.

**relic** means any deposit, object or material relating to the settlement (including Aboriginal habitation) of the area of Crookwell which is 50 or more years old.

## **31 What controls apply to the development of heritage items?**

- (1) For a building, work, relic, tree or place that is an item of environmental heritage, a person must not, except with the council's consent:
  - (a) demolish, or alter the building or work, or
  - (b) damage or remove the relic, or excavate for the purpose of exposing the relic, or

- (c) damage or despoil the place or tree, or
  - (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
  - (e) damage any tree on land on which the building, work or relic is situated or on land which comprises the place.
- (2) In considering a development application required by subclause (1), the council must consider how what is proposed would affect the heritage significance of the item, and any stylistic or horticultural features of its setting.

### **32 What restrictions apply to development near heritage items?**

The council must not consent to the carrying out of development near an item of environmental heritage unless it has first assessed the effect the development will have on the heritage significance of the item and its setting.

### **33 What incentives are there for heritage conservation?**

Despite other provisions of this plan, the council may grant consent for the use, for any purpose, of a building that is an item of environmental heritage or the land on which it is erected where it is satisfied that:

- (a) the proposed use will have little or no adverse effect on the heritage significance of the item, and
- (b) the conservation of the building depends on the council granting the consent.

### **34 Do applications relating to heritage items need to be advertised?**

- (1) Where a person makes an application for consent to demolish a building or work that is or an item of environmental heritage use a building or land as referred to in clause 33 for a purpose which is otherwise prohibited by this plan, the council must advertise the application in accordance with sections 84, 85, 86, 87 (1) and 90 of the Act in the same way as if it were designated development.
- (2) Where a person makes an application for consent to demolish a building or work that is an item of environmental heritage, the council cannot grant consent until 28 days after it has notified the Secretary of the Heritage Council of its intention to do so.
- (3) Subclauses (1) and (2) do not apply to the partial demolition of an item of environmental heritage where, in the council's opinion, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item as it relates to the environmental heritage of the Crookwell local government area.

### **35 What savings provisions apply with respect to activities of government**

**instrumentalities?**

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

- (a) the use of existing buildings of the Crown by the Crown,
- (b) the carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
  - (i) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (ii) the erection within the limits of a railway station of buildings for any purpose, but excluding:
    - the construction of new railways, railway stations and bridges over roads,
    - the erection, reconstruction and alteration of buildings for purposes other than railway purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges,
    - the formation or alteration of any means of access to a road, and
    - the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place,
- (c) the carrying out by persons carrying on public utility undertakings, being water, sewage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:
  - (i) development of any description at or below the surface of the ground,
  - (ii) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (iii) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars of transformer housings of stone, concrete or brickworks,
  - (iv) the provision of overhead service lines in pursuance of any statutory power to



provide a supply of electricity,

(v) the erection of service reservoirs on land acquired or in process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the council, or

(vi) any other development except:

- the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect their design or external appearance, of buildings, or
- the formation or alteration of any means of access to a road,

(d) the carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

(i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

(ii) the formation or alteration of any means of access to a road,

(e) the carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

(i) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect their design or external appearance, or

(ii) the formation or alteration of any means of access to a road,

(f) the carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repairs of ways, buildings, wharves, works and plant required for that purpose, except:

(i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or

- (ii) the formation or alteration of any means of access to a road,
- (g) the carrying out by persons carrying on a public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road,
- (h) the carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road,
- (i) the carrying out of any forestry work by the Forestry Commission, a school forest trust or community forest authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*,
- (j) the carrying out by a Rural Lands Protection Board of any development required for the improvement and maintenance of travelling stock and water reserves, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
  - (ii) any development designed to change the use or purpose of any such reserve,
- (k) the carrying out or causing to be carried out by a council engaged in flood mitigation works or by officers of the Department of Water Resources of any work for the purposes of soil conservation, irrigation, afforestation, reafforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946* or the *Rivers and Foreshores Improvements Act 1948*, except:
  - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
  - (ii) the formation or alteration of any means of access to a road,
- (l) the use of land for the purpose of construction and development of roads, drainage and public infrastructure services.

## **Schedule 1 Items of environmental heritage**

(Clause 5)

- 1 Crookwell Railway Station.
- 2 Former Mill known as Stephenson's Mill, rear of Commercial Hotel, Roberts Street, Crookwell.
- 3 Westpac Bank (formerly Bank of N.S.W.), corner Goulburn and Spring Streets, Crookwell. (1876)
- 4 Courthouse Group, Goulburn Street:—(Courthouse (1891) Former Magistrate's Residence and lock up).
- 5 Binda Anglican Church, St. James, (1864, Rev. R. Leigh).
- 6 Crookwell River Bridge, Crookwell—Binda Road.
- 7 "Gundowringa" homestead, Goulburn Road.
- 8 The Bookkeepers Cottage—Lot 1 Section 15 DP 759000 Parish of Tuena.

## **Schedule 2 (Repealed)**

## **Schedule 3 Development which must be advertised and is prohibited near certain roads**

(Clauses 19, 20 (2))

- 1 Demolition of a building or work that is an item of environmental heritage, not being a partial demolition, which (in the opinion of the council) is of a minor nature and will not significantly affect the value of the building or work as part of the environmental heritage of Crookwell.
- 2 Development for the purpose of boarding houses, hotels, motels, or residential flat buildings.
- 3 Development for the purpose of an industry, other than a rural industry, in zone 1 (a), 1 (c) or 2 (v).
- 4 Development for the purpose of intensive livestock establishments, junk yards, liquid fuel depots, sawmills or stock and sales yards.