

# Corowa Local Environmental Plan 1989

[1989-709]



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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File last modified 15 December 2008

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New South Wales

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# Corowa Local Environmental Plan 1989



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Corowa Local Environmental Plan 1989*.

### 2 Aims, objectives etc

The general aims of this plan are as follows:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Corowa 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,
  - (v) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
  - (vi) the bed and banks of the Murray River, its streams and tributaries,
- (b) to promote a variety of urban development and forms in existing towns and villages in a manner which:
  - (i) is compatible with their existing urban and tourist function,
  - (ii) retains and enhances their historical attributes, and
  - (iii) enables development to occur in accordance with a development control plan where appropriate, and
- (c) to replace the existing planning controls with a single local environmental plan in order to facilitate growth and development of the Shire of Corowa in a manner which

is consistent with the objectives specified in paragraph (a) and (b), and which:

- (i) minimises the cost to the community of fragmented and isolated development of rural and urban land,
- (ii) facilitates the efficient and effective provision or 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 arterial roads is not adversely affected by development on adjacent land.

### 3 Land to which plan applies

This plan applies to all land within the Shire of Corowa 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 Corowa* and such other local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, are (to the extent to which those plans and instruments then applied to the land) repealed.

### 5 Definitions

(1) In this plan:

**advertisement** means any sign, notice, device, or representation in the nature of an advertisement that is visible from any public place or public reserve or from navigable water.

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

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

**animal boarding or training establishment** means a building or place in or on which the commercial breeding, keeping, boarding or training of animals is carried out

and includes riding schools and veterinary clinics.

**appointed day** means 18 February 1986.

**aquaculture establishment** means a fish farming establishment including an establishment for the farming of crustaceans or oysters.

**bank**, in relation to a river, means the limit of the bed of the river.

**bed**, in relation to a river, means the whole of the soil of the channel in which the river normally flows without reference to extraordinary freshets in time of extreme flood or to diminution due to droughts.

**caravan park** means land used as a site for movable dwellings (including tents and caravans or other vehicles) used for temporary accommodation and for any kiosk, or other similar facility, situated on the land that is intended to service the movable dwellings.

**commercial sign** means an advertisement, whether illuminated or not, which:

- (a) does not exceed 1.0 square metres in area, and
- (b) in respect of any place or premises to which it is affixed, contains only:
  - (i) matter identifying or describing the place or premises,
  - (ii) matter identifying or describing any person residing or carrying on an occupation at the place or premises,
  - (iii) particulars of any occupation carried on at the place or premises,
  - (iv) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
  - (v) particulars or notifications required or permitted to be displayed by or under any Act or any Act of the Commonwealth,
  - (vi) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
  - (vii) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting, or
  - (viii) particulars of any activities held or to be held at the place or premises.

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

**Council** means the Council of the Shire of Corowa.

**demolition**, in relation to an item of environmental heritage or to a building or work within a conservation area, means the damaging, defacing, destruction, pulling down or removal of the item of environmental heritage, 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 by paragraph (b)—the area of a lot, portion or parcel of land as it was on 10 August 1988, or
- (b) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were on 10 August 1988.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone, or a similar substance, but does not include any metal or mineral.

**flood liable land** means land shown diagonally hatched with black lines on the map or identified by survey a copy of which is deposited in the office of the council.

**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 on 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) a feed lot,
- (b) a piggery, and
- (c) a poultry farm,

but does not include an animal boarding or training establishment or an establishment for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land on which the establishment is situated or short term feeding lots or feedlots operated during periods of drought declaration.

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

**main road** means an existing road indicated on the map by heavy broken black lines.

**marina** means a pontoon, jetty, pier or similar structure, designed or adapted to provide moorings for small boats used primarily for pleasure or recreation and

includes ancillary works such as slipway facilities for the repair and maintenance of boats and the provision of fuel accessories and parts for boats, and of foodstuffs.

**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 and Fisheries and deposited in an office of that Department and in the office of the Council) as Class 1, Class 2 or Class 3 land or as land of merit for special agricultural uses, but does not include land which the Director-General of the Department of Agriculture and Fisheries notifies the Council in writing is not prime crop and pasture land for the purposes of this plan.

**recreation area** means:

- (a) an area used for sporting activities or sporting facilities, or
- (b) 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 purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or showground.

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

**river** means the Murray River and its tributaries.

**the map** means the set of maps marked “*Corowa Local Environmental Plan 1989*”, 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.

*Corowa Local Environmental Plan 1989 (Amendment No 3)*

*Corowa Local Environmental Plan 1989 (Amendment No 8)*

*Corowa Local Environmental Plan 1989 (Amendment No 11)*

*Corowa Local Environmental Plan 1989 (Amendment No 16)—Sheets 1 to 5*

**tree** means a perennial woody plant with a height of at least 3 metres.



- (2) In this plan, a reference to destroying a tree is a reference to ringbarking, cutting down, felling, poisoning, lopping, removing or otherwise destroying, defacing the appearance of or injuring a tree.
- (3) 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 a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
  - (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner specified in clause 8 as the means of identifying land of the zone as specified.
- (4) Notes in this plan do not form part of this plan.

## 6 Adoption of model provisions

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definitions of **advertisement**, **arterial road**, **extractive material**, **main road** and **map** in clause 4 (1), and
- (b) clauses 15, 29 and 33,

and the definition of **commercial premises** in clause 4 (1) of those Provisions is adopted as if there were inserted after the word “clause” wherever occurring in the definition the words “or clause 5 of *Corowa Local Environmental Plan 1989*”.

## 7 Consent authority

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

## Part 2 General restrictions on the development of land

### 8 Zones indicated on the map

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

Zone No 1 (a) (General Rural Zone)—edged heavy black and lettered “1 (a)”.

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

Zone No 2 (a) (Residential “A” Zone)—edged heavy black and lettered “2 (a)”.

Zone No 2 (b) (Residential “B” Zone)—edged heavy black and lettered “2 (b)”.

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

Zone No 3 (a) (Commercial Zone)—edged heavy black and lettered “3 (a)”.

Zone No 4 (a) (Industrial Zone)—edged heavy black and lettered “4 (a)”

Zone No 5 (a) (Special Uses Zone)—edged heavy black and lettered “5 (a)”.

Zone No 6 (a) (Public Open Space Zone)—edged heavy black and lettered “6 (a)”.

Zone No 6 (b) (Private Open Space Zone)—edged heavy black and lettered “6 (b)”.

Zone No 7 (a) (Environment Protection Zone)—edged heavy black and lettered “7 (a)”.

## **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 Zone)**

#### **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 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,
  - (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 in environmentally sensitive areas where the conservation of the vegetation is significant for scenic amenity or natural wildlife habitat or is likely to control land degradation,
  - (vi) water resources for use in the public interest,
  - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
  - (viii) places and buildings of archaeological or heritage significance, including the protection of aboriginal relics and places,
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,
  - (c) facilitating farm adjustments,
  - (d) 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
  - (e) 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.

## **2 Without development consent**

Agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments); forestry (other than ancillary dwellings and private forestry).

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

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

### **4 Prohibited**

Boarding-houses; child care centres; clubs; commercial premises; educational establishments; hospitals; hotels; institutions; light industries; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres gross floor area); taverns; units for aged persons; warehouses.

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

### **1 Objectives of zone**

The objectives of this zone are to promote development of land identified as being suitable for rural residential or hobby farm development.

### **2 Without development consent**

Agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments).

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

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

### **4 Prohibited**

Aquaculture establishments; boarding-houses; car repair stations; caravan parks; child care centres; clubs; commercial premises; educational establishments; forestry; hospitals; hotels; industries; institutions; liquid fuel depots; motels; motor showrooms; offensive or hazardous industries; places of assembly; places of public worship; professional consulting rooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area); taverns; tourist facilities; utility installations (being gas holders or generating works); warehouses.

## **Zone No 2 (a) (Residential "A" Zone)**

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide areas within towns where development is predominantly detached residential, and
- (b) to ensure that compatible non-residential development is facilitated where this is justified functionally and aesthetically.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Child care centres; drainage; dwelling-houses; educational establishments; home industries; home occupations; hospitals; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation areas; recreation facilities; roads; units for aged persons; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 2 (b) (Residential “B” Zone)**

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

The objectives of this zone are:

- (a) to promote orderly and efficient development of higher density residential and tourist uses required to service community needs,
- (b) to ensure that urban areas are convenient and attractive environments, and
- (c) to ensure that compatible non-residential development is facilitated where this is justified functionally and aesthetically.

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

Nil.

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

Boarding-houses; caravan parks and camping grounds; cemeteries; child care centres; clubs; community centres; drainage; dwelling-houses; educational establishments; home industries; home occupations; hospitals; institutions; motels; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation areas; recreation establishments; recreation facilities; residential flat buildings; roads; tourist facilities; units for aged persons; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

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

### **1 Objectives of zone**

The objectives of this zone are to recognise existing villages and to enable future development appropriate to their functions.

### **2 Without development consent**

Nil.

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

Advertising structures; boarding-houses; builders' yards; bulk stores; bus depots; bus stations; car repair stations; cemeteries; child care centres; clubs; commercial premises; community centres; dwelling-houses; educational establishments; home industries; home occupations; hospitals; hotels; motels; motor showrooms; picnic grounds; places of assembly; places of public worship; professional consulting rooms; public buildings; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings; retail plant nurseries; road transport terminals; rural industries; shops (not exceeding 100 square metres in gross floor area); timber yards; tourist facilities; utility installations (other than gas holders or generating works); veterinary hospitals; veterinary surgeons establishments.

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

## **Zone No 3 (a) (Commercial Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for commercial development to serve the needs of the surrounding area,
- (b) to ensure that commercial development is compatible with the historic character and visual quality of streetscapes and developments, and
- (c) to promote orderly and efficient development of commercial and service areas to service community needs.

### **2 Without development consent**

Nil.

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

Any purpose other than a purpose included in Item 4.

### **4 Prohibited**

Amusement parks; animal boarding or training establishments; aquaculture establishments; boarding-houses; caravan parks; dwelling-houses (other than those used in conjunction with commercial premises); industries; institutions; intensive livestock keeping establishments; junk yards; liquid fuel depots; offensive or hazardous industries; residential flat buildings; roadside stalls; stock and sale yards; timber yards; transport terminals; units for aged persons; utility installations (being gas holders or generating works).

## **Zone No 4 (a) (Industrial Zone)**

### **1 Objectives of zone**

The objective of this zone is to provide adequate and appropriate land for industrial and ancillary purposes.

### **2 Without development consent**

Nil.

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

Any purpose other than a purpose included in Item 4.

### **4 Prohibited**

Agriculture; aquaculture establishments; animal boarding, breeding or training establishments; caravan parks; commercial premises other than agricultural showrooms; dwelling-houses other than those used in conjunction with industries; educational establishments; extractive industries; forestry; hotels; institutions; mines; motels; offensive or hazardous industries; places of assembly; places of public worship; professional consulting rooms; public buildings; refreshment rooms; residential flat buildings; roadside stalls; shops (other than smallgoods and sandwich shops and fruit and vegetable markets not exceeding 100 square metres in gross floor area); stock and sale yards; tourist facilities; units for aged persons.

## **Zone No 5 (a) (Special Uses Zone)**

### **1 Objectives of zone**

The objective of this zone is to make provision for particular specialised uses.

### **2 Without development consent**

Utility installations (other than gas holders or generating works).

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

Any public purpose; any purpose which produces revenue intended to be used for solely public purposes; the particular use, or any purpose ordinarily incidental or subsidiary to a use indicated by black lettering on the map.

### **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

## **Zone No 6 (a) (Public Open Space Zone)**

### **1 Objectives of zone**

The objective of this zone is to protect and preserve land in general community recreational usage.



## **2 Without development consent**

Nil.

## **3 Only with development consent**

Agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments); camping and caravan parks; children's playgrounds; drainage; marinas; public parks; racecourses; recreation areas; recreation facilities; refreshment rooms; roads; sports grounds; uses or buildings associated with recreational purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 6 (b) (Private Open Space Zone)**

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

The objective of this zone is to provide for private recreational usage of land including ancillary residential accommodation.

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

Nil.

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

Clubs; commercial premises and ancillary facilities required in connection with a purpose referred to in this item; drainage; marinas; places of assembly; playing fields; recreation areas; recreation facilities; residential buildings used in conjunction with a recreational purpose permitted in this zone; roads; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 7 (a) (Environment Protection Zone)**

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

The objectives of this zone are to identify and protect lands that are

environmentally sensitive from adverse development impacts, and in particular:

- (a) areas of biological diversity, remnant native vegetation (including grasslands), places significant for nature conservation, and areas of habitat (including potential “critical” habitat for threatened species), and
- (b) the wetland environment and the natural habitats it supports for conservation purposes, and
- (c) places and buildings of archaeological or heritage significance (including Aboriginal relics and places), and
- (d) the scenic values of the region, and
- (e) the water quality of streams, lakes and groundwater resources.

## **2 Without development consent**

Agriculture (other than animal boarding or training establishments).

## **3 Only with development consent**

Ancillary buildings; aquaculture establishments; drainage; dwelling-houses; extractive industries; forestry (other than pine plantations); home industries; marinas; public baths; public parks; recreation areas; roads; tourist facilities; uses or buildings associated with purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).

## **4 Prohibited**

Any purpose other than a purpose included in Item 2 or 3.

# **Part 3 Special provisions**

## **10 General considerations for development**

The Council shall not consent to an application to carry out development on any land unless it has made an assessment, where relevant, of the effect of the carrying out of that development on:

- (a) the present use of the land, the potential 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 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 of 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 heritage or archaeological significance including aboriginal relics and places,
- (e) the practicality, adequacy and cost of providing, extending and maintaining public amenities for and services to the development,
- (f) future expansion of settlements in the Shire of Corowa,
- (g) development on adjoining land or other land in the locality, and
- (h) the means of access and availability of parking and whether these are adequate for the development including the likely traffic effects of the development.

#### **10A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed in *Corowa Development Control Plan No 8* adopted by the Council on 16 March 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in *Corowa Development Control Plan No 8* adopted by the Council on 16 March 1999 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 *Corowa Development Control Plan No 8* adopted by the Council on 16 March 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Corowa Development Control Plan No 8* adopted by the Council, as in force when the certificate is issued.

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

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) A person who makes an application to subdivide any land shall, on the application form:

- (a) state, in relation to each proposed allotment to be created by the subdivision, the primary purpose for which that allotment is intended to be used,
  - (b) identify any proposed allotment which is intended to be used primarily for the purposes of agriculture,
  - (c) identify any proposed allotment which is intended to be used primarily for the purposes of a dwelling, if any,
  - (d) identify any proposed allotment on which it is intended to erect a dwelling and state whether or not the erection of the dwelling is the primary purpose for which the allotment is being created, and
  - (e) indicate the approximate location of any dwelling erected on the land at the date of the application.
- (3) The Council shall not consent to an application to subdivide any land unless the applicant complies with subclause (2).

#### **12 Subdivision for the purposes of agriculture within Zones Nos 1 (a) and 7 (a)**

- (1) This clause applies to land within Zone No 1 (a) and 7 (a).
- (2) The Council may consent to the creation of an allotment of any area for the purposes of agriculture.
- (3) The Council shall not consent to the creation of an allotment for the purposes of agriculture if the allotment has an area of less than 250 hectares and there is a dwelling on the allotment.
- (4) The Council may consent to the creation for the purposes of agriculture of one, but not more than one, allotment from an existing holding on which a dwelling stands if that dwelling was lawfully erected on that land on or before the appointed day.

#### **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.

#### **13 (Repealed)**

#### **14 Subdivision for other purposes within Zones Nos 1 (a) and 7 (a)**

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) or 7 (a) if any allotment to be created by the subdivision is to be used primarily for purposes other than agriculture or a dwelling, unless in the opinion of the Council:
  - (a) none of the land the subject of the application is prime crop and pasture land, and
  - (b) the area of each allotment to be created by the subdivision is appropriate having

regard to the purpose for which it is to be created.

- (2) Nothing in subclause (1) prevents the Council from granting consent to an application to subdivide land to create an allotment to be used for a purpose other than agriculture or a dwelling where the Council is satisfied that:
  - (a) the purpose for which the proposed allotment is to be used involves the supply of goods or services for which there is an identified demand,
  - (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 proposed allotment and the extent to which that allotment is proposed to be used to meet that demand justify the creation of the allotment notwithstanding its agricultural value.

#### **15 Subdivision for the purposes of dwellings within Zone No 1 (c)**

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (c) if an allotment is to be created primarily for the purposes of the erection of a dwelling unless the allotment will have an area of 5,000 square metres or more.
- (2) The Council shall not grant consent to the subdivision of land under subclause (1) unless it has made an assessment of:
  - (a) the land capability (including soil resources and soil stability) and the 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 economic provision of services to the allotment and the physical suitability for on-site disposal of wastes from the allotment, and
  - (d) the desirability of future resubdivision of the land for more intensive urban settlement.

#### **16 Dwellings within Zones Nos 1 (a) and 7 (a)**

- (1) Subject to subclause (2), a person shall not erect a dwelling on vacant land within Zone No 1 (a) or 7 (a) unless:
  - (a) the land has an area of 250 hectares or more, or
  - (b) the land comprises:
    - (i) an existing holding,
    - (ii) an allotment created in accordance with this plan, or

- (iii) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling could lawfully have been erected immediately before the appointed day.
- (2) The Council may consent to the erection of a dwelling on land within Zone No 1 (a) or 7 (a) where:
- (a) the dwelling is ancillary to the use of the land for another purpose, and
  - (b) the Council is satisfied that:
    - (i) the land could not reasonably be used for that primary purpose without the erection of the dwelling, and
    - (ii) the dwelling is to be located so as to minimise any adverse effect on the use of the land for that primary purpose.

#### **16A 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.

#### **17 Dwellings within Zone No 1 (c)**

- (1) A dwelling-house shall not be erected on land within Zone No 1 (c), except with the consent of the Council given in accordance with this clause.
- (2) The Council may only consent to the erection of dwelling-houses on land within Zone No 1 (c) which comprises an allotment or portion where that allotment or portion has an area of 5,000 square metres or more.
- (3) When considering any application for the erection of a dwelling-house on land within Zone No 1 (c), the Council shall consider the consequences of carrying out that development on the pattern of land-use within the zone and the services available to that land.
- (4) The Council shall not consent to the erection of a dwelling-house on an allotment or portion pursuant to subclause (3) unless it has examined the matter set out in clause 15 (2).

#### **18 Erection of additional dwellings within Zones Nos 1 (a), 1 (c), 2 (a), 2 (b) and 2 (v)**

- (1) Despite clause 9, a person shall not erect more than one dwelling on land within Zone

No 2 (a), 2 (b) or 2 (v) except with the consent of the Council.

- (2) The Council may consent to the erection of not more than one additional dwelling on land within Zone No 1 (a), 1 (c), 2 (a), 2 (b) or 2 (v) or to the alteration of an existing dwelling to create 2 dwellings on land within Zone No 1 (a), 1 (c), 2 (a), 2 (b) or 2 (v) where:
  - (a) the dwelling could have been erected on the land in accordance with the provisions of this plan if not for the fact that the land is not vacant,
  - (b) no additional access to a public road will be required from the land,
  - (c) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land,
  - (d) in the opinion of the Council, the dwelling to be erected or created on that land will not interfere with the purpose for which the land is being used, and
  - (e) the land is not prime crop and pasture land.
- (3) The Council shall not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except under this plan.

#### **19 Subdivision and dwelling-houses within Zones Nos 2 (a), 2 (b) and 2 (v)**

- (1) The Council shall not grant consent to the subdivision of land within Zone No 2 (a), or 2 (b) into allotments intended to be used for the erection of dwelling houses unless each proposed allotment will have an area of not less than 550 square metres.
- (2) The Council shall not grant consent to the subdivision of land within Zone No 2 (v) into allotments intended to be used for the erection of dwelling-houses unless each proposed allotment will have an area of not less than 2,000 square metres.
- (3) A dwelling-house shall not be erected on an allotment of land within Zone No 2 (a) or 2 (b) unless the allotment has an area not less than 550 square metres or if the land is within Zone No 2 (v) unless the allotment has an area of land not less than 2,000 square metres, unless in either case it is an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling-house could lawfully have been erected immediately before the appointed day.

#### **20 Residential flat buildings and motels within Zone No 2 (b)**

- (1) The Council shall not grant consent to the subdivision of land within Zone No 2 (b) into allotments intended to be used for the erection of residential flat buildings unless each proposed allotment will have an area of not less than 700 square metres.
- (2) The Council shall not grant consent to the subdivision of land within Zone No 2 (b) into allotments intended to be used for the erection of motels unless each proposed

allotment will have an area of not less than 2,000 square metres.

- (3) A residential flat building or motel shall not be erected on an allotment of land within Zone No 2 (b) unless in the case of a proposed residential flat building, the allotment has an area of not less than 700 square metres and a frontage to a public road of not less than 17 metres, or, in the case of a proposed motel, the allotment has an area of not less than 2,000 square metres.

#### **20A Brothels prohibited except within Zone No 4 (a)**

- (1) The use of land to which this plan applies for the purpose of a brothel is prohibited, except as provided by subclause (2).
- (2) A person may, but only with the consent of the Council, use land within Zone No 4 (a) for the purpose of a brothel.
- (3) In this clause, **brothel** means premises habitually used for the purposes of prostitution:
  - (a) whether or not used by only one prostitute for the purposes of prostitution, and
  - (b) irrespective of any other services which may also be provided, such as massage, relaxation therapy, photography or other services of a like nature.

#### **21 Advertised development**

Development for the purposes specified in Schedule 2 is identified as advertised development.

#### **22 Development along main roads**

- (1) The Council shall not grant consent to an application to carry out development on land which has frontage to a main road, unless:
  - (a) access to that land is provided by a road other than the main road, where practicable, and
  - (b) in the opinion of the Council, the safety and efficiency of the main 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, and
    - (iii) the nature, volume or frequency of vehicles that will use the main road to gain access to the proposed development.
- (2) The Council shall not grant consent to the development of land within Zone No 1 (a) or 1 (c) for any purpose listed in Schedule 3 if the development of the land for the purpose will have direct access to:



- (a) a main road, or
- (b) a road connecting to a main road, and the access to the connecting road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road.

### **23 Flood liable land**

A person shall not erect a building or carry out work for any purpose on flood liable land except with the consent of the Council.

### **24 Land subject to bushfire hazards**

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

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

### **25 Items of environmental heritage**

A person shall not, in respect of a building, work, relic, tree or place that is an item of environmental heritage:

- (a) demolish or alter the building or work,
- (b) damage or move the relic, including excavation for the purpose of exposing the relic,
- (c) damage or despoil the place or tree,
- (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 the land which comprises the place,

except with the consent of the Council.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

### **26 Development in the vicinity of items of environmental heritage**

The Council shall not grant consent to an application to carry out development on land in

the vicinity of an item of environmental heritage unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

## **27 Conservation area**

- (1) A person shall not, in respect of a conservation area:
  - (a) demolish or alter a building or work within the area,
  - (b) damage or remove a relic, including excavation for the purpose of exposing or removing a relic within the area,
  - (c) damage or despoil a place within the area, or
  - (d) erect a building on or subdivide land within the area,except with the consent of the Council.
- (2) The Council shall not grant consent to an application under 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 conservation area.
- (3) Nothing in clause 9 or 10 of *State Environmental Planning Policy No 4—Development Without Consent* authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.

## **28 Heritage advertisements**

- (1) the following development is identified as advertised development:
  - (a) the demolition of a building or work that is an item of environmental heritage, and
  - (b) the demolition of a building or work within a conservation area.
- (1A) (Repealed)
- (2) Subclause (1) does not apply to the partial demolition of an item of environmental heritage or a building or work within a 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 item, building or work in relation to the environmental heritage of the Shire of Corowa.

## **29 Use of conservation areas**

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

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

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

where, in the opinion of the Council:

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

### **30 Access**

A person other than the Council shall not construct a road which has access to an existing public road except with the consent of the Council.

### **31 Environmentally sensitive land**

Despite any other provision of this plan, 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) stock and sale yards.

### **32 Tree clearing**

- (1) A person shall not, except with the consent of the Council, cause the destruction of trees listed in Schedule 4 on land to which this plan applies.
- (2) The Council shall not consent to an application made in accordance with subclause (1) unless, in the opinion of the Council, the destruction of trees on the land will be carried out in a manner which, in respect of that land and adjacent land, minimises:
  - (a) the risk of soil erosion or other environmental degradation,
  - (b) the loss of scenic amenity, and
  - (c) the loss of important vegetation systems and natural wildlife habitats.

### **33 Development along the river**

- (1) Despite any other provisions of this plan, a person shall not, within Zone No 7 (a):

- (a) on any land cause the destruction of any tree,
- (b) on land within 400 metres of any bank of a river, erect a building for any purpose,
- (c) on land within 20 metres of any bank of a river, carry out development for any purpose, or
- (d) on land comprising the bed or any bank of a river carry out development for the purposes of:
  - (i) a canal,
  - (ii) a marina (including pontoons, jetties, piers or other structures) designed to provide mooring or dry storage for one or more vessels used for any purpose, or
  - (iii) filling or excavation,

except with the consent of the Council.

- (2) The Council shall not consent to an application to erect a building on land comprising:
  - (a) a bed of a river, or
  - (b) land within 100 metres of any bank of a river and within a non-urban zone,unless, in the opinion of the Council, the building:
  - (i) is ancillary to the use of the land for the purpose of a recreation area, or
  - (ii) is for the purposes of fisheries, irrigation works (including the pumping and treatment of water for private domestic consumption), marinas, utility installations or the servicing of vessels.
- (3) The Council shall not consent to an application made in accordance with subclause (1) unless, in the opinion of the Council, the destruction of the trees, or the development on the land, including subdivision of land, will be carried out in a manner which, in respect of that land and the adjacent land, minimises:
  - (a) the risk of soil erosion or other environmental degradation,
  - (b) the loss of scenic amenity, and
  - (c) the loss of important vegetation systems and natural wildlife habitats.

### **34 Advertisements**

- (1) Except as provided by this clause, an advertising structure shall not be erected and an advertisement shall not be displayed on any land.

- (2) Nothing in this clause shall operate to prohibit the Council or another person, with the consent of the Council, from erecting advertising structures on land for the purpose of directing the travelling public to tourist areas, or displaying on such structures private advertisements of tourist facilities.
- (3) Commercial signs may be erected or displayed on any land with the consent of the Council.
- (4) A single advertising structure which is larger than a commercial sign may be erected on land within Zone No 3 (a) or 4 (a), with the consent of the Council, if the structure is for the purpose only of displaying a notice relating to the purpose for which the land is used.
- (5) Nothing in this clause prevents the displaying on any land of an advertisement which, in the opinion of the Council, is a temporary advertisement.

### 35 Development of certain land

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

#### Table

Column 1	Column 2
Land within Zone No 1 (a) being Lot 541, DP 733600, as shown edged heavy black on the map marked " <i>Corowa Local Environmental Plan 1989 (Amendment No 1)</i> ".	Transport terminal.
Land within Zone No 2 (b) being Lot 27, Section C, as shown edged heavy black on the map marked " <i>Corowa Local Environmental Plan 1989 (Amendment No 2)</i> ".	Accountancy office.
Lot 1, DP 805773, John Street, Corowa, as shown edged heavy black on the map marked " <i>Corowa Local Environmental Plan 1989 (Amendment No 3)</i> ".	Bus depot.
Lot 7, DP 253594, Tocumwal Road, Mulwala, as shown edged heavy black on the map marked " <i>Corowa Local Environmental Plan 1989 (Amendment No 4)</i> ".	Landscaping and garden supplies.
Lots 64, 65, 66, DP 253385, Federation Avenue, Corowa, as shown edged heavy black on the map marked " <i>Corowa Local Environmental Plan 1989 (Amendment No 6)</i> ".	Plant nursery.

Part Lot 8, Section 5, Melbourne Street, Mulwala, as shown edged heavy black on the map marked “Corowa Dwelling-house. Local Environmental Plan 1989 (Amendment No 7)”.

Part Lot 14, DP 844434, McCarthy Street, Mulwala, as shown edged heavy black on the map marked “Corowa Dwelling-house. Local Environmental Plan 1989 (Amendment No 8)”.

Part Lot 1, DP 809714 and Lot 1, DP 745245, Honour Avenue, Corowa, as shown edged heavy black on the map marked “Corowa Local Environmental Plan 1989 (Amendment No 12)”. Light industry.

Land within Zone No 3 (a) at the township of Mulwala. Residential flat buildings.

## Schedule 1 Items of environmental heritage—Shire of Corowa

(Clause 5 (1))

### Address/Location

### Item

#### COROWA

1 Sanger St	Residence (1875) former Rural Bank of NSW
19-23 Sanger St	Building containing shops and verandah
27-29 Sanger St	Shop and verandah (Sthn Riv Rural Co-op)
31-33 Sanger St	Shop and verandah (Dry cleaners)
37-39 Sanger St	Shop and verandah (Border Bearings)
47-51 Sanger St	ANZ Bank
55-61 Sanger St	Corowa Hotel
65-67 Sanger St	Shop (Newsagency)
69 Sanger St	Shop (Photography)
73-75 Sanger St	Building (Lethbridge & McGowan)
81-83 Sanger St	2 shops (beauty salon and dress shop)
91-97 Sanger St	Royal Hotel
109 Sanger St	Corowa Free Press
117-121 Sanger St	Post Office
125-129 Sanger St	2 shops (gifts and butcher)
145-149 Sanger St	State Bank (1938) former Rural Bank of NSW
151-157 Sanger St	Resource Centre, former CBC Bank

159-165 Sanger St	Australia Hotel
201 Sanger St	Former McCulloch Carrying Co Pty Ltd Building
233-235 Sanger St	Shop (Federation Cellars)
2-16 Sanger St	Globe Hotel
20-24 Sanger St	Sunshine Corner Group of 3 shops
26-28 Sanger St	Shop (cafe)
30-32 Sanger St	Shop and balcony (butcher)
44-46 Sanger St	2 shops (1911)
78-84 Sanger St	2 shops (formerly Rattens Store)
86-88 Sanger St	Memorial Hall and shops (formerly Literary Institute)
106-108 Sanger St	National Bank
116-120 Sanger St	Star Hotel
122 Sanger St	Shop with dock
160-162 Sanger St	2 wooden shops
172-174 Sanger St and fronting Queen St	Federation Museum, former band hall (1874)
188-190 Sanger St	Old Rex Cinema
34 Albert St	Dwelling
36 Albert St	Dwelling, "Arawa"
38 Albert St	Dwelling, "Eskdale"
40 Albert St	Dwelling
42 Albert St	Dwelling, "Glen Berrie"
16-18 Church St	Offices and flats, formerly Court House Flats
8-12 Church St	Court House (1885)
2-6 Church St	2 dwellings associated with former police station and residence
70-72 Edward St	Terminus Flats
55 Edward St	Christian Tabernacle
53 Edward St	Brick building—current use Arts and Crafts
51 Edward St	Brick building—formerly timber yard, currently doctors surgery
Federation Ave	Ellerslie Gardens (1915)
221 Federation Ave	Residence

199-201 Federation Ave	Convent of Mercy
175-181 Federation Ave	St Johns Parish Hall (1929)
186-190 Federation Ave	St Johns Anglican Church
Guy St	Corowa Hospital
Honour Ave	Lindemans Wine Cellar, now part of caravan park
John St	Corowa Railway Station Group, comprising Railway Station and Station master's residence
8 Lindsay St	Masonic Hall (1888)
Mary St	St Andrews Presbyterian
Parade Place	St Marys Church Group
Riesling St	Corowa Technical College
Riesling St	Fire Station and Residence
Whitehead St	Corowa Flour Mill
Murray River	John Foord Bridge

#### **MULWALA**

Melbourne St	Court House
	Mulwala Station Homestead

#### **RURAL AREAS**

Redlands/Buraja Rd	"Killaneen" Homestead
Spring Drive	"Collendina" Homestead

### **Schedule 2 Development which must be advertised**

(Clause 21)

- 1 Boarding-houses; hotels and motels; residential flat buildings.
- 2 Industries (other than rural industries) on land not within Zone No 4 (a).
- 3 Animal boarding or training establishments; intensive livestock keeping establishments; junk yards; liquid fuel depots; saw-mills; stock and sales yards.

### **Schedule 3 Development along main roads**

(Clause 22 (2))

- (a) bulk stores
- (b) caravan parks



- (c) car repair stations
- (d) industries (other than home or rural industries)
- (e) junk yards
- (f) liquid fuel depots
- (g) mines
- (h) recreation establishments
- (i) recreation facilities
- (j) retail plant nurseries
- (k) roadside stalls
- (l) sawmills
- (m) service stations
- (n) stock and sales yards
- (o) transport terminals (other than bus stations)

#### **Schedule 4 Species of trees**

(Clause 32)

1	River Red Gum	<i>Eucalyptus camaldulensis</i>
2	White Cypress Pine	<i>Callitris columellaris</i>
3	Black Cypress Pine	<i>Callitris endlicheri</i>
4	Blakely's Gum	<i>Eucalyptus blakelyi</i>
5	Yellow Box	<i>Eucalyptus melliodora</i>
6	Grey Box	<i>Eucalyptus microcarpa</i>
7	White Box	<i>Eucalyptus albens</i>
8	Cootamundra Wattle	<i>Acacia baileyana</i>
9	Gold Dust Wattle	<i>Acacia acinacea</i>
10	Pin Bush Wattle	<i>Acacia burkitti</i>
11	Jacaranda	<i>Jacaranda mimosifolia</i>
12	Flame Tree	<i>Brachychiton acerifolium</i>