

# Cooma-Monaro Local Environmental Plan 1993—(Urban) (1993 EPI 540)

[1993-540]



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

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of plan .....	4
2 Aims, objectives etc.....	4
3 Land to which plan applies .....	5
4 Relationship to other environmental planning instruments .....	5
5 Adoption of Model Provisions .....	5
6 Interpretation .....	5
7 Consent authority .....	9
<b>Part 2 General provisions for land use management</b> .....	9
8 Zones indicated on the map .....	9
9 Zone objectives and land use management table .....	9
<b>Part 3 Special provisions</b> .....	14
10 Subdivision .....	14
10A What is exempt and complying development? .....	15
11 Development that must be advertised .....	15
12 Development in Zone No 1 (c).....	15
13 Development of land—Zone No 7 (d) .....	16
14 Clearing .....	17
15 Development of main and arterial road frontages .....	17
16 Flooding.....	18
17 Dual occupancy .....	19

18 Heritage items .....	20
19 Development in the vicinity of heritage items .....	20
20 Heritage conservation areas .....	20
21 Heritage advertisements .....	21
22 Provisions relating to heritage items covered by a conservation instrument .....	21
23 Suspension of certain laws etc .....	21
24 Roads, drainage, recreation areas and parking .....	21
25 Development near boundary of adjacent zones .....	22
26 Dwelling-houses on unformed or unmade roads .....	22
27 Development for the purpose of advertisements .....	22
28 Temporary use of land .....	27
29 Classification and reclassification of public land .....	27
<b>Schedule 1 Heritage items .....</b>	<b>28</b>
<b>Schedule 2 Classification and reclassification of public land .....</b>	<b>29</b>

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New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Cooma-Monaro Local Environmental Plan 1993—(Urban)*.

### 2 Aims, objectives etc

The aims of this plan are:

- (a) to update and simplify planning policies and controls applying to the Cooma urban area and adjoining land,
- (b) to extend the boundaries of the urban area to include land suitable for low density semi-urban development and other urban support development,
- (c) to provide opportunities for and to encourage development which will support the town's economic and tourism base,
- (d) to encourage the carrying out of development in a manner that minimises conflict between the owners and occupiers of adjoining properties, minimises the risks from natural hazards and minimises the cost to ratepayers of providing services in response to development,
- (e) to maintain and enhance the existing character and environment of the town and its setting,
- (f) to conserve the environmental heritage of the area of Cooma, and
- (g) to ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings, as well as streetscapes and landscapes of the Cooma-Monaro area and the distinctive character that they impart to the Cooma-Monaro area.

### 3 Land to which plan applies

- (1) Subject to subclause (2), this plan applies to the land within the area of Cooma-Monaro as shown bounded by a firm black line on the map.
- (2) Clause 26 applies to all land within the area of Cooma-Monaro.
- (3) (Repealed)

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Municipality of Cooma Planning Scheme Ordinance* in so far as it applied to land shown on the Map as being within a zone under this plan,
- (b) Interim Development Orders Nos 2 to 21—Municipality of Cooma, and
- (c) such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments and plans applies to that land.

### 5 Adoption of Model Provisions

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

- (a) the definition of **map** in clause 4 (1), and
- (b) the definitions of **advertising structure** and **advertisement** in clause 4 (1), and
- (c) clauses 15, 17, 19, 20, 21, 22 and 23,

are adopted for the purposes of this plan.

### 6 Interpretation

- (1) In this plan:

**advertisement** means a display by the use of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

**advertising structure** means a structure used or intended to be used principally for the display of an advertisement.

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

- (a) make structural changes to the outside of the heritage item, building or work, or

- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work 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.

**animal boarding or training establishment** means the commercial boarding, breeding, keeping, or training of animals, and includes riding schools and veterinary clinics.

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

**brothel** means premises habitually used for the purposes of prostitution, or that have been used for that purpose and are likely to be used again for that purpose. Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

**bushfire fighting establishment** means a building or place used for the storage and maintenance of bushfire vehicles or the operation of a bushfire control centre, or both.

**cluster development** means the erection of three or more detached dwelling-houses together with shared communal open space and other facilities on a single allotment of land.

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

- (a) does not exceed 1 square metre in area, and
- (b) in respect of any place or premises to which it is affixed, contains only:
- (i) a reference to the identification or description of the place or premises,
  - (ii) a reference to the identification or description of 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 at the place or premises,
  - (v) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
  - (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.

**community centre** means a building or place owned or controlled by the council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health service,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding facilities,
- (g) any other like facilities.

**community land** has the same meaning as in the [Local Government Act 1993](#).

**council** means the Council of Cooma-Monaro.

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

**heritage conservation area** means an area of heritage significance, being the land shown edged heavy black and cross hatched and marked “Heritage Conservation Area” on the map.

**heritage item** means a building, work, relic, tree, or place of heritage significance to the Cooma-Monaro area and described in Schedule 1.

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

**home business** means a business or profession (not being a home industry, home occupation or professional consulting room), carried on in part of a dwelling or within the curtilage of a dwelling by or involving the permanent residents of the dwelling.

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

- (a) feed lots,
- (b) piggeries, and

(c) poultry farms,

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

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

**operational land** has the same meaning as in the [Local Government Act 1993](#).

**reception establishment** means a building or place used for the purpose of wedding receptions, birthday parties and the like, but does not include a refreshment room or hotel.

**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) the council, 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 showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the area of Cooma-Monaro which is 50 or more years old.

**research establishment** means a laboratory or other place where scientific or technological development or research is carried out.

**the map** means the map marked "*Cooma-Monaro Local Environmental Plan 1993—(Urban)*", as amended by the maps (of if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

*Cooma-Monaro Local Environmental Plan 1993—Urban—Amendment No 4.*

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,



(b) a reference to a map is a reference to a map deposited in the office of the council, and

(c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

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

## **7 Consent authority**

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

## **Part 2 General provisions for land use management**

### **8 Zones indicated on the map**

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

Zone No 1 (c) (Rural-Urban Fringe Zone)—black edging and lettered “1 (c)”.

Zone No 2 (Urban Zone)—black edging and lettered “2”.

Zone No 3 (a) (Business Zone)—black edging and lettered “3 (a)”.

Zone No 4 (a) (Industrial Zone)—black edging and lettered “4 (a)”.

Zone No 7 (d) (Environment Protection (Scenic) Zone)—black edging and lettered “7 (d)”.

### **9 Zone objectives and land use management 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 (c) (Rural-Urban Fringe Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for a transition between urban areas and land within a rural small holdings zone, in particular by accommodating large residential allotments in appropriate locations,
- (b) to encourage the preservation of wooded hills and slopes as a scenic backdrop to the town,
- (c) to accommodate non-residential development that is appropriate in the context, is required to be located close to town and is unlikely to affect residential amenity,
- (d) to ensure that subdivision and other development are carried out in a way that will accommodate the possibility of long term urban development,
- (e) to ensure that development is arranged so that potential nuisance from sewage treatment works, main road traffic and local traffic movement is minimised, and
- (f) to ensure that adequate arrangements are made for water supply and sewage disposal.

### **2 Without development consent**

Agriculture (other than animal boarding or training establishments or intensive livestock keeping); forestry.

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

Animal boarding and training establishments; bushfire fighting establishments; caravan parks; child care centres; clubs; cluster development; community centres; dwelling-houses; educational establishments; general stores; home businesses; home industries; home occupations; hospitals; picnic grounds; places of assembly; places of public

worship; professional consulting rooms; public buildings; reception establishments; recreation establishments; refreshment rooms; research establishments; retail plant nurseries; riding schools; roadside stalls; rural industries; stock and saleyards; storage and servicing of motor vehicles associated with the occupation of the owner of the land; tourist facilities; utility installations; veterinary hospitals; veterinary surgeons establishments; not included in item 2 any other purpose, which, in the opinion of the council, is appropriately located in this zone and which will not adversely affect the amenity of residents.

#### **4 Prohibited**

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

### **Zone No 2 (Urban Zone)**

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

The objectives of this zone are:

- (a) to provide a flexible framework for the promotion of growth and development in the Town of Cooma,
- (b) to encourage effective variety and choice in housing by allowing a diversity of residential allotment sizes, dwelling types and intensity of residential land use in so far as these are practicable and compatible with the physical capability and environmental quality of the land concerned and the adequacy of services available to the area,
- (c) to provide generally for the retention of low intensity residential development in existing residential areas characterised by single dwelling development and to allow increased intensity of residential land use in selected localities consistent with the maintenance of reasonable standards of residential amenity and where greatest advantage can be taken of utility services and community facilities,
- (d) to enable other forms of development and services which are associated with, ancillary to or supportive of a living area if they are compatible with or complementary to the particular amenity, character and requirements of residential localities within the zone, including:
  - (i) educational establishments,
  - (ii) community facilities,

- (iii) hospitals and health care facilities,
  - (iv) open space and recreation facilities,
  - (v) mixed businesses and local business centres,
  - (vi) utility installations,
  - (vii) places of worship, and
  - (viii) tourist related development,
- (e) to enable full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet new or increased demand,
- (f) to promote achievement of a high quality of residential life style by providing open space and freedom from intrusive, offensive, hazardous or environmentally insensitive development, and
- (g) to allow residents to conduct a range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

## **2 Without development consent**

Dwelling-houses (except on land shown as flood plain on the map).

## **3 Only with development consent**

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

## **4 Prohibited**

Animal breeding or boarding establishments; brothels; extractive industries; industries (other than light industries or home industries); institutions; intensive livestock keeping; junk yards; mines.

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

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to consolidate retail and other business development in appropriate locations, and

(b) to encourage business development.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in item 4.

## **4 Prohibited**

Agriculture; bus depots; caravan parks; cemeteries; extractive industries; forestry; heliports; industries (other than home industries or light industries); institutions; junk yards; liquid fuel depots; mines; panel beating and spray painting workshops; road transport terminals; roadside stalls; sawmills; stock and saleyards; timber yards.

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

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

The objectives of this zone are:

- (a) to encourage development which will generate employment and contribute to the needs of Cooma-Monaro Shire,
- (b) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone, and
- (c) to ensure that industrial or other permitted development is carried out in a manner which is compatible with any residential development in the vicinity.

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

Nil.

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

Any purpose ordinarily incidental or subsidiary to industry; any purpose (such as a shop, refreshment room, commercial premises, child care centre, general store, hotel or tavern) primarily intended to serve persons occupied or employed in an activity otherwise permitted in this zone; advertising structures; brothels; bulk stores; bus depots; bushfire fighting establishments; helipads; industries; junk yards; liquid fuel depots; motor

showrooms; panel beating or spray painting works; research establishments; retail plant nurseries; road transport terminals; saw mills; service stations; timber yards; utility installations; warehouses; any other purpose not included in item 2 which by virtue of its nature, the services provided or the products produced, distributed or sold is, in the opinion of the council, appropriately located in this zone.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 7 (d) (Environment Protection (Scenic) Zone)**

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

The objective of this zone is to ensure that development is carried out in a manner consistent with the scenic importance of the land included in this zone.

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

Nil.

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

Agriculture; dwelling-houses; recreation areas; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Part 3 Special provisions**

#### **10 Subdivision**

- (1) Subject to this clause, a person shall not subdivide land to which this plan applies except with the consent of the council.
- (2) Land to which this plan applies may be subdivided without the consent of the council, where the subdivision is for the purpose of:
  - (a) transferring land to another property for agricultural use,
  - (b) boundary adjustments that do not create an additional allotment,
  - (c) consolidation of existing allotments under one title,
  - (d) road widening, or

- (e) closure and transfer of unformed roads to adjoining property.

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

- (1) Development of minimal environmental impact listed in *Development Control Plan No 20* adopted by the council on 17 January 2000 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in *Development Control Plan No 21* adopted by the council on 17 January 2000 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Development Control Plans Nos 20 and 21 adopted by the council on 17 January 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 21* adopted by the council, as in force when the certificate is issued.

#### **11 Development that must be advertised**

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

- (a) development for the purposes of a residential flat building, or
- (b) any development (other than designated development as defined in the Act) that the council determines should require advertisement, in the same way as those provisions apply to and in respect of designated development.

#### **12 Development in Zone No 1 (c)**

- (1) The council must not grant consent to the subdivision of land within Zone No 1 (c) unless each allotment to be created by the subdivision has an area of not less than 4000 square metres.
- (2) In deciding whether to grant consent, the council is to have regard to the following:
  - (a) the availability of reticulated water and sewer services and, if unavailable, the capacity of the land to provide an adequate domestic water supply,
  - (b) the ability of the land to accommodate septic or other methods of disposal of household waste,
  - (c) the standard and capacity of public roads serving the land, having regard to the

likely volume of traffic to be generated as a consequence of the density of the subdivision and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated,

- (d) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
  - (e) the desirability of providing development incentives in order to preserve more steeply sloping wooded areas or prominent ridgelines,
  - (f) the nature and topography of the land, having regard to the density of the subdivision and whether the land is susceptible to soil erosion and risk of potential pollution as a result of water runoff,
  - (g) the desirability of maintaining a low density of development in areas adjacent to arterial roads, sewerage treatment works or areas of high bushfire risk,
  - (h) the desirability of providing a range and mix of allotment sizes,
  - (i) the need to maintain a semi-rural character in the area,
  - (j) the purpose for which, in the opinion of the council, the land is to be used after subdivision.
- (3) The council shall not consent to a subdivision of land within Zone No 1 (c) which creates allotments intended to be used, in the opinion of the council, for the erection of a dwelling-house if the proposed allotments have an area of less than 4000 square metres.
- (4) In considering the design of a proposed subdivision of land within Zone No 1 (c), the council shall have regard to:
- (a) in relation to the land that may, in the opinion of the council, be suitable for long term urban development, whether the subdivision has been designed to facilitate its possible future subdivision,
  - (b) the necessity for and ability to construct a dam on each proposed allotment, and
  - (c) the risk of bushfires.

### **13 Development of land—Zone No 7 (d)**

- (1) The council shall not grant consent to the carrying out of development on land in Zone No 7 (d) unless it is satisfied that the development is designed, and is to be carried out, in a manner which:
- (a) minimises the risk of soil erosion on the land or on other land, and
  - (b) minimises the destruction and permanent removal of existing natural vegetation.



- (2) Where land the subject of a development application is partly within Zone No 7 (d) and partly within Zone No 1 (c), the council may grant consent to development on that part of the land within Zone No 1 (c) which consists of or includes allotments having an area less than the minimum allotment size specified in clause 12 if the council is satisfied that the reduction in size is necessary and desirable in order to retain that part of the land within Zone No 7 (d) in its existing natural state.

#### **14 Clearing**

- (1) In this clause, **clearing** means the removal of trees and other vegetation, but does not include the clearing of regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purposes such as fencing, which may be carried out without the consent of the council.
- (2) Except as provided by subclause (3), land within Zone No 1 (c) shall not be cleared for any purpose except with the consent of the council.
- (3) Land within Zone No 1 (c) may be cleared for the purposes of agriculture, forestry, air navigation safety, land survey, fencing or bushfire hazard reduction without the consent of the council.
- (4) Nothing in subclause (3) authorises the clearing of land in contravention of any other Act or instrument made under an Act concerned with soil erosion, protection of catchment areas or the like.
- (5) Land within Zone No 7 (d) shall not be cleared for any purpose except with the consent of the council.

#### **15 Development of main and arterial road frontages**

- (1) This clause applies to land:
  - (a) having frontage to a main or arterial road,
  - (b) which relies on a main or arterial road for its sole means of access, or
  - (c) which has access to a road which intersects with a main or arterial road, where the point of access is within 90 metres of the intersection of the road and the main or arterial road.
- (2) The council shall not grant consent to the carrying out of development on land to which this clause applies unless it has made an assessment of:
  - (a) whether the development (by its nature, intensity or the volume and type of traffic likely to be generated) is likely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main or arterial road to carry traffic,
  - (b) whether the development is of a type (whether or not related to the

characteristics of the land on which it is proposed to be carried out) that justifies a location in proximity to a main or arterial road,

- (c) whether the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road will not be impeded, and
  - (d) the extent to which the development might prejudice future improvements or realignment of the main or arterial road, as indicated to the council from time to time by the Roads and Traffic Authority.
- (3) Notwithstanding clause 9 and subject to this clause, the council may grant consent to the carrying out of development on land to which this clause applies for the purposes of providing services to motorists, tourists and the travelling public (including development for the purposes of a motel, general store, refreshment room, tourist facility, transport terminal or service station) where:
- (a) the council has made an assessment of the demand for the development, having regard to the nature and volume of traffic using the road, any existing development of similar type and the location of and distance from other land on which development of a similar type may be carried out, and
  - (b) the development comprises (or is part of) a planned roadside service area that has been located and designed so as to minimise interference with the free flow of traffic on the road and to minimum traffic hazards.

## 16 Flooding

- (1) In this clause:

**flood plain** means the land shown on the map between broken black lines.

**floodway** means land within the flood plain that is determined by the council to be essential to the clear passage of floodwater.

- (2) A person shall not erect a building or carry out a work in a flood plain except with the consent of the council.
- (3) The council shall not consent to the erection of a building or the carrying out of a work on land within a floodway if, in the opinion of the council, the carrying out of the development is likely:
- (a) to impede the flow of floodwater on the land or land in its immediate vicinity,
  - (b) to impede the safety of persons on the land or land in its immediate vicinity in the event of those lands being inundated by floodwater, or
  - (c) to aggravate the consequences of floodwater flowing on the land or land in its

immediate vicinity with regard to erosion, siltation and the disturbance of vegetation.

- (4) For the purposes of subclauses (2) and (3), the council must have regard to the principles of the New South Wales Government's Flood Prone Land Policy and any floodplain risk management plan adopted by the council in accordance with the principles contained in the New South Wales Government's *Floodplain Development Manual: the management of flood liable land (April 2005, ISBN 0 7347 5476 0)*.

## **17 Dual occupancy**

- (1) In this clause:

**gross floor area**, in relation to a building, does not include the width of any external wall of that building.

- (2) This clause applies to all land on which a dwelling-house may be erected.
- (3) A person may, with the consent of the council:
- (a) alter or add to a dwelling-house on an allotment of land to which this clause applies so as to create 2 dwellings, or
  - (b) erect a building on an allotment of land to which this clause applies which contains 2 dwellings.
- (4) Except as otherwise provided in this clause, the council shall not grant consent as referred to in subclause (3):
- (a) unless the area of the allotment is not less than:
    - (i) 600 square metres, in the case of land within Zone No 2, or
    - (ii) 4000 square metres, in the case of land within Zone No 1 (c),
  - (b) in the case of land within Zone No 1 (c), if more than one dwelling will have a gross floor area of more than 80 square metres,
  - (c) if the building will have more than 2 storeys, or
  - (d) if the granting of consent would result in more than 2 dwellings on the one allotment.
- (5) The council may grant consent to the erection of an additional dwelling which is not physically attached to an existing dwelling if it is satisfied that the needs of the occupants of the land would be better satisfied and the resulting development is comparable with that which could otherwise be permitted in accordance with this plan.

## **18 Heritage items**

- (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item:
  - (a) demolish or alter the building or work,
  - (b) damage or move the relic, or excavate 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.
- (2) The council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features and its setting.

**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*).

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

The council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item 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.

## **20 Heritage conservation areas**

- (1) A person shall not, in respect of a heritage conservation area:
  - (a) demolish or alter a building or work within the area,
  - (b) damage or move a relic, or excavate 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 required by subclause (1) unless

it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

## **21 Heritage advertisements**

- (1) Except as provided by subclause (2):
  - (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
    - (i) the demolition of a building or work that is a heritage item, and
    - (ii) the demolition of a building or work within a heritage conservation area,in the same way as those provisions apply to and in respect of designated development, and
  - (b) (Repealed)
- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the area of Cooma-Monaro.

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

Clauses 18, 20 and 21 do not apply where the building, work, relic or place that is a heritage item or is within a heritage conservation area is the subject of a conservation instrument within the meaning of, and made pursuant to, the [Heritage Act 1977](#).

## **23 Suspension of certain laws etc**

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or like instrument imposing restrictions on the carrying out of the development, to the extent necessary to serve that purpose, shall not apply to the development.
- (2) Nothing in subclause (1) shall affect the rights or interests of any statutory authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this plan, the Governor approved of subclauses (1) and (2).

## **24 Roads, drainage, recreation areas and parking**

- (1) Nothing in this plan shall prevent or require the council to obtain its own consent for the carrying out of development on land within any zone for the purposes of roads,

stormwater drainage, recreation areas, landscaping gardening, bushfire hazard reduction, parking, flood mitigation works or amenity buildings.

- (2) A person may, with the consent of the council, carry out development on land within any zone, for a purpose referred to in subclause (1), except that consent is not required for landscaping or gardening.

## **25 Development near boundary of adjacent zones**

- (1) Subject to subclause (2), development may, with the consent of the council, be carried out on land within 50 metres of the boundary of any zone for any purpose for which development may be carried out within 50 metres of that boundary on land within the zone adjacent to the zone within which the development is carried out.
- (2) The council shall not grant consent to the carrying out of development pursuant to subclause (1) unless the carrying out of the development is necessary, in the opinion of the council, due to design requirements relating to the subdivision of land to which this plan applies.

## **26 Dwelling-houses on unformed or unmade roads**

- (1) This clause applies to all land in the area of Cooma-Monaro.
- (2) A dwelling-house shall not be erected on land to which this clause applies which has access only by way of an unformed or unmade road, except with the consent of the council.

## **27 Development for the purpose of advertisements**

- (1) **Advertisements allowed without consent** Development for the purpose of an advertisement described in the Table to this clause may be carried out without development consent, but only in accordance with the conditions (if any) imposed by that Table.
- (2) **Advertisements allowed only with consent** Development for the purpose of an advertisement may be carried out only with consent if it is not permitted without consent and is not prohibited by this clause.
- (3) Despite any other provision of this plan, development may be carried out with consent on any land for the purpose of an advertisement that directs the travelling public to a specific tourist facility or place or scientific, historic or scenic interest, if the Council is satisfied that:
  - (a) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
  - (b) the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.

(4) **Advertisements prohibited** Development for the purpose of an advertisement on land within Zone No 1 (c) or 7 (d) is prohibited if it is not permitted without consent by subclause (1) or with consent by subclause (3).

(5) **Definitions** In this clause:

**area** of an advertisement in the form of a sign means:

- (a) for a sign with only one side occupied by the matter displayed, the area within the outline of that sign, or
- (b) for a sign with two sides occupied by the matter displayed, the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side, or
- (c) for any other sign, one third of the total surface area of the sign.

**tourist facility** means an establishment providing holiday accommodation or recreational facilities, or both, on a short-term use basis. A tourist facility may consist of a hotel, motel, bed and breakfast accommodation, serviced apartments, holiday cabins, a caravan park, a camping ground or a houseboat, and may include:

- (a) associated swimming pools, golf courses, tennis courts and marinas,
- (b) restaurants, and
- (c) souvenir shops, arts and craft galleries and exhibition centres.

## **Table**

### **Advertisements allowed without consent**

<b>Description of advertisement</b>	<b>Conditions to be met</b>
<b>Advertisement within a site</b> being an advertisement which is not visible from outside the site on which it is displayed.	Such an advertisement must not be displayed on a heritage item or on a site within a heritage conservation area.
<b>Advertisement on a motor vehicle used principally for conveying goods or passengers.</b>	None

**Business identification sign**

being an advertisement that displays any or all of the following information relating to the place or premises to which it is fixed:

- (a) the identity or a description of the place or premises,
- (b) the identity or a description of any person residing or carrying on an occupation at the place or premises,
- (c) particulars of any occupation carried on at the place or premises,
- (d) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there,
- (e) particulars or notifications required or permitted to be displayed by or under any State or Commonwealth Act,
- (f) particulars relating to the goods, commodities or services dealt with or provided at the place or premises,
- (g) particulars of any activities held or to be held at the place or premises,
- (h) a reference to an affiliation with a trade, professional or other association relevant to the business conducted at the place or premises.

When displayed within Zone No 2 such a sign:

- (a) must not be displayed on a heritage item, and
- (b) must not exceed 0.75 square metres in area, and
- (c) if located over a public road or footpath, must be at such a height as provides a clearance from ground level of at least 2.6 metres at all points, and
- (d) must not be an illuminates sign that flashes, and
- (e) must not be displayed on premises on which another such sign is displayed, and
- (f) must be securely affixed.

When displayed within Zone No 3 (a), such a sign must not be displayed on a heritage item and:

- (a) if there is no awning on the premises, there may be one or more such signs, but none is to extend more than 4.6 metres above ground level or above the level of the bottom of the first floor window (whichever is lower) and not more than 25 % of the area of a shopfront is to be covered by such signs, and
- (b) if there is an awning attached to the premises, there may be one (but not more than one) such sign below the level of the awning, which:
  - must not exceed 1.5 square metres in area, and
  - if located over a public road or footpath, must be at such a height as provides a clearance from ground level of at least 2.6 metres at all points, and
  - must not be less than 1.2 metres in from the side of the shop frontage, and
  - must not to be an illuminated sign that flashes, and
  - must not to be within 300 millimetres from



the front edge of the awning nearest the road, and

(c) if such sign is a flush wall sign, there may be one (but not more than one) flush wall sign, which:

- must not exceed 2.5 square metres in area, and
- if located over a public road or footpath, must be at such a height as provides a clearance from ground level of at least 2.6 metres at all points, and
- must not be an illuminated sign that flashes, and
- must not be displayed on premises on which another such sign is displayed, and
- must be securely affixed, and

(d) if such a sign is a top hamper sign, there may be one (but not more than one) top hamper sign, which:

- must not be erected on a heritage item, and
- must not exceed 2.5 square metres in area, and
- must not protrude above the building's roof line, and
- must not be an illuminated sign that flashes, and
- must be securely affixed.

When displayed within Zone No 4 (a), such a sign:

- (a) must not exceed 3 square metres in area, and
- (b) must not be located over a public road or place, and
- (c) must not be displayed on premises on which another such sign is displayed, and
- (d) must be securely affixed.

**Advertisement displaying a message changed from that displayed by a previously lawful advertisement**

Such an advertisement may be displayed within any zone.

**Public Notice**

being a notice for public information displayed by a public authority giving information or directions about services provided

Such a notice may be displayed within any Zone.

**Real Estate sign**

being an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

Such a sign may be displayed in any Zone. Such a sign relating to the letting or sale by private treaty or auction of residential or rural premises:

- (a) when displayed in a rural zone, must not exceed 2.5 square metres in area, and
- (b) when displayed in a residential zone, must not exceed 1 square metre in area, and
- (c) must not have any returns exceeding 100 millimetres.

Such a sign relating to commercial or industrial premises must not exceed 3 square metres in area.

**Sign behind the glass line of a shop window**

Such a sign may be displayed within any Zone.

**Temporary sign**

being an advertisement of a temporary nature that:

- (a) announces any local level event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event, or announces a garage sale at the residence of the vendor, and
- (b) does not include advertising of a commercial nature.

Such a sign may be displayed within any Zone. Such a sign:

- (a) must not be displayed earlier than 28 days before the event to which it relates is to take place, and
- (b) must be removed within 14 days after that event, and
- (c) must not be displayed on any road safety or traffic sign or equipment.

Temporary signs may consist of advertisements in the form of banners, bunting, posters, inflatable structures and similar things.

## 28 Temporary use of land

Notwithstanding any other provision of this plan, the council may grant consent to development, for a temporary period, on land to which this plan applies for any purpose provided the council is satisfied that:

- (a) use of the land for the purpose is necessary and reasonable as an economic use of the land pending its development in accordance with this plan,
- (b) use of the land for the purpose will not prejudice the development of the land in accordance with this plan, and
- (c) appropriate arrangements are made for the termination of the use and the removal of any associated structures at the end of the temporary period specified in the conditions of the development consent.

## 29 Classification and reclassification of public land

- (1) The objective of this clause is to enable the council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the [Local Government Act 1993](#).

### Note—

Under the [Local Government Act 1993](#), “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33 of the [Local Government Act 1993](#). Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 2 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).
- (3) The public land described in Part 3 of Schedule 2 is classified, or reclassified, as community land for the purposes of the [Local Government Act 1993](#).
- (4) The public land described in Part 1 of Schedule 2:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 2, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:

- (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 2, and
- (b) any reservations that except land out of the Crown grant relating to the land, and
- (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note—**

In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 2.

## **Schedule 1 Heritage items**

(Clause 6)

- 1 No 6 Amos Street Cooma—"Vine Cottage".
- 2 House—"Wrens Nest Cottage", Church Road.
- 3 Church—St. Paul's Anglican Church—Commissioner Street, Cooma.
- 4 House—Anglican Rectory, Commissioner Street, Cooma.
- 5 Church—Uniting Church, Soho Street, Cooma.
- 6 House—No 11 Lambie Street, Cooma.
- 7 House—No 19 Lambie Street, Cooma.
- 8 House—No 20 Lambie Street, Cooma.
- 9 House—No 32 Lambie Street, Cooma.
- 10 House—No 39-41 Lambie Street, Cooma.
- 11 House—No 43 Lambie Street, Cooma.
- 12 House—Nos 47-49 Lambie Street, Cooma.
- 13 House—Nos 51-51A Lambie Street, Cooma.
- 14 House—Nos 53-55 Lambie Street, Cooma.
- 15 Hotel Royal, corner Lambie and Sharp Streets, Cooma.
- 16 Police Offices, Massie Street, Cooma.
- 17 Post Office, corner Vale and Massie Streets, Cooma.
- 18 Church and House—St. Patrick's Church and Presbytery.
- 19 Convent—Brigidine Convent, Vale Street, Cooma.
- 20 Gaol—Vale Street, Cooma.

21 Court House, Vale Street, Cooma.

22 Grandstand—Showground, Cooma.

23 Primary School, corner Vale and Commissioner Streets, Cooma.

## Schedule 2 Classification and reclassification of public land

(Clause 29)

### Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

### Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Cooma  Rear of 130 Sharp Street	Lot 1, DP 62685 and Lot 12, DP 854182, as shown edged heavy black on the map marked " <i>Cooma-Monaro Local Environmental Plan 1993—(Urban) (Amendment No 7)</i> ".	Right-of-carriageway 3.6 metres wide and variable (DP 630214), easement to drain sewage 2 metres wide (DP 630214), right-of-carriageway 3.5 metres wide and variable (DP 630214), easement to drain sewage 2 metres wide (DP 630214), easement to drain sewage over approximate position of existing line pipes (DP 630214), right-of-carriageway 3.656 metres wide created by registration of Book 2393, No 960, right-of-way 3.05 metres wide created by registration of Book 2392, No 960, right-of-carriageway 3.655 metres wide (DP 580491) and right-of-carriageway 3.655 metres wide, as noted on Certificate of Title Folio Identifier 12/854182.

### Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
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**Locality**

**Description**