

# Murrurundi Local Environmental Plan 1993

[1993-356]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 22 December 2013 (accessed 18 July 2024 at 6:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Repeal**

The plan was repealed by cl 1.8 (1) of the [Upper Hunter Local Environmental Plan 2013 \(756\)](#) (LW 23.12.2013) with effect from 23.12.2013.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 23 December 2013

# Murrurundi Local Environmental Plan 1993



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 .....	4
4 Relationship to other environmental planning instruments .....	4
5 Interpretation .....	5
6 Model provisions.....	8
7 Consent authority .....	8
<b>Part 2 General restrictions on development of land</b> .....	8
8 Zones indicated on the map.....	8
9 Zone objectives and development control table.....	8
<b>Part 3 Special provisions</b> .....	11
10 General development principles for rural zones .....	11
11 Subdivision of land—general .....	11
12 Subdivision of rural land .....	12
13 Subdivision of land in Zone No 2 (v).....	13
14 Dwelling-houses on rural land .....	13
14A Dwelling entitlements on existing concessional lots .....	14
15 Advertising of certain applications .....	14
16 Conversion of building to create a dual occupancy building.....	14
17 Development along arterial roads .....	15
18 Land subject to bushfire hazards.....	15

19 Flood liable land .....	15
20 Drainage, parking and roads etc .....	16
20A What is exempt and complying development?.....	16
<b>Part 4 Heritage provisions</b> .....	<b>16</b>
21 Heritage aims and objectives .....	16
22 Heritage items .....	17
23 Development within heritage conservation areas .....	18
24, 25 (Repealed) .....	18
26 Development in the vicinity of heritage items.....	18
27 Advertising of heritage applications .....	18
28 Conservation incentives .....	19
<b>Part 5 Special development provisions for particular land</b> .....	<b>19</b>
29 Additional uses of certain land .....	19
<b>Schedule 1 Heritage items</b> .....	<b>19</b>
<b>Schedule 2 Additional uses of certain land</b> .....	<b>23</b>

# Murrurundi Local Environmental Plan 1993



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Murrurundi Local Environmental Plan 1993*.

### 2 Aims, objectives etc

(1) The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Murrurundi by protecting, enhancing or conserving:
  - (i) prime crop and pasture land,
  - (ii) timber, minerals, soil, water and other natural resources, and
  - (iii) the land's environmental heritage, and
- (b) to achieve the requirements of the *Hunter Regional Environmental Plan 1989* and *Hunter Regional Environmental Plan 1989 (Heritage)* by consolidating and updating the existing planning controls within the Shire of Murrurundi into a single local environmental plan.

(2) The particular objectives for land within a zone are set out in the Table to clause 9.

### 3 Land to which plan applies

This plan applies to all land within the Shire of Murrurundi, as indicated on the map.

### 4 Relationship to other environmental planning instruments

(1) This plan repeals:

- (a) *Interim Development Order No 1—Shire of Murrurundi*,
- (b) *Murrurundi Local Environmental Plan No 1*, and
- (c) such other local environmental plans as, immediately before the appointed day,

applied to the land to which this plan applies, but to the extent only to which those instruments applied to the land.

- (2) This plan amends *Hunter Regional Environmental Plan 1989 (Heritage)* by:
- (a) omitting from clause 3 the word “This” and by inserting instead the words “Except as provided by subclause (2), this”,
  - (b) inserting at the end of clause 3 the following subclause:

(2) This plan does not apply to land to which *Murrurundi Local Environmental Plan 1993* applies.

- (c) omitting from Schedules 1, 2, 3, 4 and 5 any item or conservation area listed under the heading “Murrurundi”.

## 5 Interpretation

- (1) In this plan:

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

**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, not including changes resulting from maintenance.

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

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

**arterial road** means an existing road indicated on the map by heavy broken black lines and existing classified Main Roads Nos 72 and 358 and State Highway No 9.

**Council** means the Council of the Shire of Murrurundi.

**demolition**, in relation to a heritage item or to a building, work, relic or place 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.

**dual occupancy building** means a building containing 2 dwellings only.

**existing holding** means:

- (a) except as provided by paragraph (b)—the area of a lot as it was at 31 December 1991, or
- (b) where as at 31 December 1991 a person owned 2 or more adjoining or adjacent allotments of land—the aggregation of those allotments as they were at 31 December 1991, and includes such an area or aggregation affected by a subdivision from which land has been excised for a public purpose or for purposes of a boundary adjustment after that date.

**flood liable land** means the land within the township of Murrurundi or the village of Blandford or Willow Tree or elsewhere which is affected by flood as indicated on the map.

**heritage item** means a building, work, relic, tree or place of heritage significance described in Column 1 of Schedule 1.

**heritage item of local significance** means a heritage item classified by the word “Local” in Column 2 of Schedule 1 opposite that item.

**heritage item of regional significance** means a heritage item classified by the word “Regional” in Column 2 of Schedule 1 opposite that item.

**heritage item of State significance** means a heritage item classified by the word “State” in Column 2 of Schedule 1 opposite that item.

**heritage conservation area** means the land shown edged heavy black and marked “conservation area” on the map.

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

**intensive livestock keeping establishment** means a building or place in which or upon which cattle, sheep, goats, pigs or poultry or other livestock are held and nurtured, either wholly or predominantly, by a feeding method other than natural grazing, but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for person consumption or enjoyment by the owner or occupier of land.

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

**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 deposited in an office of the Council, as Class 1, Class 2 or Class 3 or as land of merit

for special agricultural uses, but does not include land which the Director-General of the Department of Agriculture has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

**recreation area** means:

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

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the settlement of the Shire or Murrurundi which is 50 or more years old.

**the map** means the series of maps marked "*Murrurundi Local Environmental Plan 1993*", 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.

**the RTA** means the Roads and Traffic Authority of New South Wales.

- (2) In this plan, a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, lopping, removing or other destruction of, or injury to, a tree.
- (3) In this plan:
  - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (b) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose.
- (4) Notes in this plan do not form part of this plan.

## 6 Model provisions

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

- (a) the definitions of **agriculture**, **arterial road** and **map** in clause 4, and
  - (b) clauses 15, 29 and 34,
- are adopted for the purposes of this plan.

## 7 Consent authority

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

## Part 2 General restrictions on 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)—(Rural “A” Zone)—coloured light brown and lettered “1 (a)”.

Zone No 1 (c)—(Rural Small Holdings “C” Zone)—coloured light brown, with red edging and lettered “1 (c)”.

Zone No 2 (v)—(Village “V” Zone)—coloured light scarlet with red edging and lettered “V”.

### 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 development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

### **Zone No 1 (a)—Rural “A” Zone**

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

The objectives of this zone are:

- (a) to encourage the productive and efficient use of land for agricultural purposes,
- (b) to control subdivision of land having regard to the efficient use of land for the purposes of agriculture,
- (c) to ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the cost of providing services and amenities, and
- (d) to protect, conserve and enhance the natural and scenic resources of the Shire.

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

Agriculture (other than intensive livestock keeping establishments); forestry.

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

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

#### **4 Prohibited**

Advertising structures (other than as permitted by clause 33 of the [Environmental Planning and Assessment Model Provisions 1980](#)); boarding houses; motor showrooms; residential flat buildings; shops (other than general stores).

### **Zone No 1 (c)—Rural Small Holdings “C” Zone**

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

The objective of this zone is to promote the development of land for rural residences and hobby farms throughout the Shire in a way which maximises housing and lifestyle choices without creating unreasonable or uneconomic demand for the provision or extension of public amenities or services.

## **2 Without development consent**

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Boarding houses; caravan parks; commercial premises; extractive industries; hotels; industries (other than rural industries or home industries); residential flat buildings; shops (other than general stores).

### **Zone No 2 (v)—Village “V” Zone**

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

The objectives of this zone are:

- (a) to encourage the development and expansion of business activities which will contribute to the economic growth of and employment opportunities within the Shire,
- (b) to maintain the existing character of the villages of Blandford, Murrurundi and Willow Tree, and
- (c) to encourage a broad range of housing in appropriately serviced locations.

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

Nil.

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

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

#### **4 Prohibited**

Abattoirs; animal boarding or training establishments; extractive industries; intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries.

## **Part 3 Special provisions**

### **10 General development principles for rural zones**

- (1) In addition to the matters specified in section 90 (1) of the Act, the Council, in determining any application for consent to carry out development on land within Zone No 1 (a) or 1 (c), shall have regard to the following:
  - (a) the suitability and capability of the land on which the development is to be carried out, as indicated on maps prepared by the Director-General of the Department of Agriculture and the Director-General of the Department of Conservation and Land Management and copies of which are deposited in an office of the Council,
  - (b) the present and potential use of the land for the purposes of agriculture,
  - (c) whether the development is of a type compatible with the maintenance and enhancement, as far as practicable, of the existing rural and scenic character of the Shire of Murrurundi,
  - (d) whether the development will unreasonably prejudice the future recovery of known or prospective areas of valuable deposits of mineral, coal, petroleum, sand, gravel or other extractive materials,
  - (e) whether the development will create significant additional traffic or a condition of ribbon development on any road, having regard to the capacity, standard and safety of the road,
  - (f) the cost of providing, extending and maintaining public amenities and services by the Council or a public authority.
- (2) Subclause (1) does not apply to development being:
  - (a) a minor addition to a building or work,
  - (b) development ancillary to a purpose which may be carried out with the consent of the Council under this plan, or
  - (c) the erection of a dwelling-house or dual occupancy building on an allotment of land the Council is satisfied was created in accordance with this plan for the purpose of a dwelling or dwellings.

### **11 Subdivision of land—general**

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) A development application for consent to subdivide land within Zone No 1 (a) or 1 (c) must not be determined unless the Council has been advised:

- (a) in relation to each allotment to be created by the subdivision, of the primary purpose for which that allotment is intended to be used,
- (b) of any allotment which is intended to be used primarily for the purposes of agriculture,
- (c) of any allotment which is intended to be used primarily for the purposes of a dwelling,
- (d) of any allotment on which it is intended to erect a dwelling and whether or not the dwelling is the primary purpose for which the allotment is being created, and
- (e) of the approximate location of any dwelling erected on the land at the date of the application.

## **12 Subdivision of rural land**

- (1) Land within Zone No 1 (a) shall not be subdivided unless each allotment to be created has an area of not less than 40 hectares.
- (2) Notwithstanding subclause (1), an allotment of land having an area of less than 40 hectares but not less than 10 hectares may be created within Zone No 1 (a) where the Council is satisfied that the allotment is to be used for the purposes of agriculture.
- (3) Notwithstanding subclause (1), an allotment of land having an area of less than 40 hectares may be created within Zone No 1 (a) where the Council is satisfied the allotment is intended to be used for a purpose for which the land may be used (either with or without development consent) in accordance with this plan other than agriculture, forestry, a dual occupancy building or a dwelling-house (not being a dwelling-house ancillary to the purpose) and:
  - (a) none of the land the subject of the application is prime crop and pasture land,
  - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created, and
  - (c) no other land in the locality could reasonably be used for that purpose.
- (4) (Repealed)
- (5) Land within Zone No 1 (c) shall not be subdivided unless:
  - (a) each separate allotment thereby created has an area of 4,000 square metres or more,
  - (b) arrangements satisfactory to the Council have been made for the provision of water and drainage services to, and for the disposal of sewage from, the land, and
  - (c) the land capability (including soil resources and soil stability), natural constraints

and hazards of the land to be subdivided has been assessed by the Council in relation to the density of the allotments.

- (6) This clause does not restrict or prohibit the subdivision of land within Zone No 1 (a) or 1 (c) for the purpose of opening a public road.

**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 Subdivision of land in Zone No 2 (v)**

A person shall not subdivide land within Zone No 2 (v) to create an allotment that the Council is satisfied is to be used for the purpose of a dwelling-house unless the allotment to be created has an area of 800 square metres or more.

**14 Dwelling-houses on rural land**

- (1) Except as provided by subclause (2), (3) or (4), one (but not more than one) dwelling-house may be erected on land within Zone No 1 (a) if the land:
- (a) has an area of not less than 40 hectares, or
  - (b) comprises the whole of a vacant existing holding.
  - (c) (Repealed)
- (2) In addition to a dwelling-house permitted by subclause (1), additional dwelling-houses may, with the consent of the Council, be erected where the additional dwelling-houses will be occupied by a relative of the owner or a person employed or engaged by the owner of the land in the use of the land for the purpose of agriculture.
- (3) A dwelling-house may be erected on an allotment of land created by a subdivision referred to in clause 12 (2) if:
- (a) the use of the dwelling-house is ancillary to agricultural purposes, and
  - (b) the applicant has satisfied the Council of the need to have a dwelling upon the subject allotment.
- (4) A dwelling-house may be erected on an allotment of land created by a subdivision referred to in clause 12 (3) where the use of the dwelling-house is ancillary to the purpose for which the allotment is used and the use is established.
- (5) Nothing in this clause shall prevent the erection of a dwelling-house on land on which another dwelling-house is erected where the additional dwelling-house to be erected is intended to replace the original dwelling-house.
- (6) A person must not occupy an additional dwelling-house referred to in subclause (5) if

the dwelling-house it is intended to replace is also being occupied.

- (7) A dwelling-house shall not be erected on an allotment of land within Zone No 1 (c) unless the allotment has an area of 4,000 square metres or more.

#### **14A Dwelling entitlements on existing concessional lots**

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

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

#### **15 Advertising of certain applications**

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply in respect of development for the purposes of a residential flat building, junk yards, intensive livestock keeping establishments and rural industries in the same way as those provisions apply to and in respect of designated development.

#### **16 Conversion of building to create a dual occupancy building**

- (1) This clause applies to land within Zone No 1 (a) or 1 (c).
- (2) A person may, with the consent of the Council, alter or add to a dwelling-house on land to which this clause applies so as to create a dual occupancy building.
- (3) The Council shall not grant a consent referred to in subclause (2) unless:
- (a) the area of the allotment on which the dwelling-house is erected is not less than 800 square metres,
- (b) the floor space ratio of the dwelling-house as altered or added to, is not greater than:
- (i) the floor space ratio of the dwelling-house before it was altered or added to, or
- (ii) 0.5:1,
- whichever is the greater, and
- (c) arrangements satisfactory to the Council have been made for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater drainage from each building.
- (4) Where a building is altered or added to, or is proposed to be altered or added to, pursuant to this clause, the separate occupation of the lots illustrated by a proposed

strata plan relating to that building is prohibited.

### **17 Development along arterial roads**

The Council shall not consent to an application to carry out development on land which has frontage to an arterial road, unless:

- (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
- (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
  - (i) the design of the access to the proposed development, or
  - (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

### **18 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.

### **19 Flood liable land**

Notwithstanding any other provision of this plan, the Council shall not grant consent to the carrying out of any development on flood liable land, unless it has made an assessment of:

- (a) the effect of the proposed development on the flow of flood waters on that land or land in its immediate vicinity,
- (b) the safety of the proposed development in the time of flood,
- (c) whether the proposed development involves any risk to life, human safety or private property in time of flood,
- (d) whether the floor level of any dwelling-house or other habitable building on the land will be at least 500 millimetres above the highest known flood in the vicinity, and

- (e) whether adequate measures have been or will be taken to offset the likely effects of flooding on the development.

## **20 Drainage, parking and roads etc**

Development may be carried out on land within any zone for the purposes of public roads, stormwater drainage, passive recreation areas and public parking:

- (a) where the development is to be carried out by the Council or a public authority, without the consent of the Council,
- (b) in any other case, only with the consent of the Council.

### **20A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed as exempt development in *Murrurundi Shire Council Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 19 October 1999 is **exempt development**, despite any other provisions of this plan.
- (2) Development listed as complying development in *Murrurundi Shire Council Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 19 October 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 *Murrurundi Shire Council Development Control Plan—Exempt and Complying Development*, as adopted by the Council on 19 October 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Murrurundi Shire Council Development Control Plan—Exempt and Complying Development* adopted by the Council on 19 October 1999, as in force when the certificate is issued.

## **Part 4 Heritage provisions**

### **21 Heritage aims and objectives**

The aims and objectives of this Part are:

- (a) to retain those items known to have been an important part of the early life of Murrurundi or which illustrate particular aspects or themes relating to the development of the Shire,



- (b) to protect the unique and irreplaceable visual qualities associated with items of environmental heritage significance, or areas containing a number of items,
- (c) to encourage the retention and reinforcement of the historic character of Murrurundi township, in particular its pre-1925 housing stock, and
- (d) to prevent demolition of any item of potential significance without thorough consideration of its possible historical associations.

## **22 Heritage items**

- (1) A person shall not, in respect of a building, work, relic, tree or place 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 land on which the building, work or relic is situated or land which comprises the place,
  - (d) erect a building on or subdivide 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. However, any such development or activity may be carried out without the consent of the Council if it is, in the opinion of the Council, of a minor nature or does not adversely affect the heritage significance of the item.
- (2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of:
  - (a) the significance of the item as a heritage item,
  - (b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site,
  - (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained,
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public, and
  - (e) measures to be taken to conserve heritage items including any conservation plan prepared by the applicant.

### **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).*

### **23 Development within 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, or
  - (b) damage or move a relic, or excavate for the purpose of exposing a relic, within the area,
  - (c) damage or despoil a place within the area,
  - (d) erect a building on or subdivide land within the area, or
  - (e) damage any tree within the area,

except with the consent of the Council. However, any such development or activity may be carried out without the consent of the Council if it is in the opinion of the Council, of a minor nature or does not adversely affect the significance of the heritage conservation area.

- (2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the heritage conservation area.

### **24, 25 (Repealed)**

### **26 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 the setting.

### **27 Advertising of heritage applications**

- (1) Except as provided by subclause (3), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) the demolition of a building or work that is a heritage item,
  - (b) the demolition of a building or work within a heritage conservation area, and
  - (c) the use of a building, work or land referred to in clause 28 for the purpose which, but for that clause, would be prohibited under this plan,

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

(2) (Repealed)

(3) This clause does not apply to the partial demolition of a building or work which, in the opinion of the Council, is of a minor nature and does not adversely affect the heritage significance of the building or work.

## 28 Conservation incentives

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

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

if it is satisfied that:

- (c) the proposed use would have little or no adverse effect on the amenity of the locality in which the item is situated or the heritage conservation area, and
- (d) the conservation of the building depends on the Council granting that consent.

## Part 5 Special development provisions for particular land

### 29 Additional uses of certain land

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

## Schedule 1 Heritage items

Column 1		Column 2
Rosebank	Part Lots 1 & 2 Section 5 Adelaide Street, MURRURUNDI	Local
Temple Court Station and Railway Cottage	Boyd Street, MURRURUNDI	Local

“The Ranch”	Part Portions 18 & 1C Off Doughboy Street, MURRURUNDI	Regional
Murrurundi Oil Shale Refinery and Temi Shale Mine	Part Portion 18 Off Doughboy Street, MURRURUNDI	Local
Former Tattersalls Hotel	Lots 9-11, Section 7 Haydon Street, MURRURUNDI	Local
Railway Hotel	Lot 80 DP 705831 Haydon Street, MURRURUNDI	Local
“Ethelston”	Lots 14 & 15, Section 3 Haydon Street, MURRURUNDI	Local
Rosedale Cottage	Little Street, MURRURUNDI	Local
Council Chambers	Lots 18 & 19, Section 4 Mayne Street, MURRURUNDI	Local
Post Office	Lot 8 Mayne Street, MURRURUNDI	Local
Presbyterian Church	Lots 3 & 4 DP 238204 Mayne Street, MURRURUNDI	Local
Former Literary Institute	Lots 1 & 2 DP 238204 Mayne Street, MURRURUNDI	Local
Public School	Part Lots 4 & 5, Section 19 Mayne Street, MURRURUNDI	Local
Pink Cottage	Part Lot 1, Section 19 Mayne Street, MURRURUNDI	Local
Former Telegraph Office	Lot 3, Section 18 Mayne Street, MURRURUNDI	Local
Former “Haydonton Inn”	Lot 1, Section 1 Mayne Street, MURRURUNDI	Local

White Hart Hotel	Part Lots 16-18, Section 2 Mayne Street, MURRURUNDI	Local
J. Dooley General Store	Part Lots 20 & 11, Section 2 Mayne Street, MURRURUNDI	Local
Bridge House	Lot 23, Section 2 Mayne Street, MURRURUNDI	Local
Former Manchester Unity Hall	Part Lot 9, Section 8 Mayne Street, MURRURUNDI	Local
Methodist Church	Lots 19/20, Section 7 Mayne Street, MURRURUNDI	Local
Former CBC Bank	Lot 13, Section 7 Mayne Street, MURRURUNDI	Local
Royal Hotel	Lots 11 & 12, Section 7 Mayne Street, MURRURUNDI	Local
Royal Hotel Stables	Lots 11 & 12, Section 7 Mayne Street, MURRURUNDI	Local
Rose Cottage	Lot 13 & Part Lots 11/12, Section 6 Mayne Street, MURRURUNDI	Local
Bobadil House	Part Lots 15 & 16, Section 8 Mayne Street, MURRURUNDI	Local
St Pauls Church of England	Lots 1 & 2, Section 2 Mount Street, MURRURUNDI	Regional
St Pauls Rectory	Lot 3, Section 2 Mount Street, MURRURUNDI	Regional
Police Sergeant's Residence	Lot 6, Section 2 Murulla Street, MURRURUNDI	Regional
Gaol and Police Residence	Part Lot 7, Section 2 Murulla Street, MURRURUNDI	State

Courthouse and Police Station	Part Lots 8 & 9, Section 2 Murulla Street, MURRURUNDI	State
Footbridge	Murulla Street, MURRURUNDI	Regional
Roman Catholic Presbytery	Lot 5 and Part Portion 28 DP 6156 O'Connell Street, MURRURUNDI	Regional
Former Sisters of Mercy Convent	Lots 2-6 & 12-16, Section 13 Polding Street, MURRURUNDI	Regional
St Josephs Church	Lots 7, 8 & 17-19, Section 13 Polding Street, MURRURUNDI	Regional
Railway Guard's Cottage	East of Railway Station Polding Street, MURRURUNDI	Local
Station Master's Cottage	Lots 22-26, Section 12 Polding Street, MURRURUNDI	Local
Railway Gatekeeper's Cottage	Opposite Albert Street Polding Street, MURRURUNDI	Local
Greenhayes	Sunshine Street, MURRURUNDI	Local
Murrurundi Railway Station	Victoria Street, MURRURUNDI	Local
"Glasston" Station—Staging Post	Part Portion 2 Glasston Road, WILLOW TREE	Local
New Warrah Station	Part Lot 655AA Merriwa Road, WILLOW TREE	Regional
Old Warrah Homestead	Lot 33 DP 978937 Merriwa Road, WILLOW TREE	Regional
Ardglen Tunnel	ARDGLEN	Regional
Glenalvon Group	Part Portions 26 & 27 MURRURUNDI	State
Glenalvon Homestead	Part Portions 26 & 27 MURRURUNDI	State

Glenalvon Old Cottage	Part Portions 26 & 27 MURRURUNDI	State
Glenalvon Stables	Part Portions 26 & 27 MURRURUNDI	State
St Lukes Church	Portions 8, 17 and 19/20 New England Highway, BLANDFORD	Regional
Barsham	Part Portion 57 BLANDFORD	Local
Harben Vale Group	BLANDFORD	Regional
Bloomfield	Part Portion 61 New England Highway, MURRURUNDI	Local
Bickham Homestead Group	Part Portion 63 BLANDFORD	Regional
Bickham Woolshed and Shearer's Quarters	Part Portion 63 BLANDFORD	Regional
"Timor" Station	Part Portions 35, 41 & 87 Crawney Road, TIMOR	Regional
"Whissonset" Station	Part Portion 2 Off Edmonds Road, TIMOR	Local
Old Cemetery	Portions 80/86 New England Highway MURRURUNDI	Regional
St Peters Anglican Church	Lot 1 DP 208165 TIMOR	Local

## Schedule 2 Additional uses of certain land

(Clause 29)

### Column I

Animal boarding or training establishment.

Animal boarding or training establishment.

### Column II

Lot 5, DP 708542, "Rosedale", Murrurundi.

Lot 57 DP 871906, "Murrurundi House", Murrurundi.