

Narrandera Local Environmental Plan 1991

[1991-3]



New South Wales

Status Information

Currency of version

Repealed version for 15 December 2008 to 19 October 2017 (accessed 16 August 2024 at 23:24)

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**

This plan was repealed by cl 1.8 (1) of [Narrandera Local Environmental Plan 2013 \(357\)](#) with effect from 20.10.2017.

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 20 October 2017

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New South Wales

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Narrandera Local Environmental Plan 1991



New South Wales

Part 1 Preliminary

1 Name of plan

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

2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage proper management, development and conservation of natural and man-made resources within the Shire of Narrandera by protecting, enhancing or conserving:
 - (i) prime crop and pasture land,
 - (ii) timber, minerals, soil, water and other natural resources,
 - (iii) areas of significance for nature conservation,
 - (iv) areas of high scenic or recreational value,
 - (v) riparian land, including the Murrumbidgee River and its tributaries and isolated wetland cultures, and
 - (vi) the use of land within its capability, and
- (b) to replace existing planning controls with a single local environmental plan to help facilitate growth and development of the Shire of Narrandera in a manner which is consistent with the aims specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development on rural land,
 - (ii) facilitates efficient and effective delivery of amenities and services,
 - (iii) facilitates a range of residential and employment opportunities in accordance with demand,

- (iv) facilitates farm adjustments, and
 - (v) ensures that efficiency of arterial roads is not adversely affected by development on adjacent land, and
- (c) to encourage public involvement in conserving the environmental heritage of the area by:
- (i) conserving the environmental heritage of the land to which this plan applies, and
 - (ii) integrating heritage conservation into the planning and development control processes, and
 - (iii) providing for public involvement in the matters relating to the conservation of the area's environmental heritage, and
 - (iv) ensuring 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 and the distinctive character that they impart to the land to which this plan applies.

3 Land to which the plan applies

This plan applies to all land within the Shire of Narrandera 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 Narrandera and such local environmental plans and other 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 then applied to the land) repealed.

5 Definitions

(1) In this plan:

aerodrome means land used to permit aircraft to take-off and land shown edged with broken black lines and marked "Aerodrome" on the map.

alter, in relation to a heritage item means:

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

animal boarding or training establishment means a place for commercial boarding, breeding, keeping or training of animals and includes a riding school and

veterinary clinic.

appointed day means the day upon which this plan takes effect.

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

bank means the limit of the bed or a river.

bed means the whole of the soil of the channel in which a river flows, including that portion which is alternately covered and left bare by an increase or diminution in the supply of water and which is adequate to contain the river at its average or mean stage without reference to extraordinary freshets in time of flood or extreme drought.

caravan park means land used as a site for movable dwellings, (including tents and caravans or other vehicles) used for temporary or permanent accommodation.

Council means the Council of the Shire of Narrandera.

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

environmentally sensitive land means land shown horizontally 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 at the appointed day, or
- (b) if, 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 as at that day.

flood liable land means land shown diagonally hatched with black lines on the map.

height limitation map means a sheet of the map showing an area of land around Narrandera aerodrome and marked "height limitation map".

heritage item means a building, work, relic, tree or place of heritage significance to the Shire of Narrandera:

- (a) situated on land shown edged heavy black on the map, and
- (b) described in Schedule 1.

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

horticulture means the planting and care of fruit trees, vines, flowers, vegetables or similar plants for the purpose of commercial use of their produce.

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

- (a) a feed lot (not including a short term feedlot operated during periods of drought declaration, or following fires or floods),
- (b) a piggery,
- (c) a poultry farm, and
- (d) a fish farm (including a farm for nurturing crustaceans or oysters or both),

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

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

natural conservation area means an area of natural, ecological, scientific or aesthetic local heritage of significance to the Shire of Narrandera:

- (a) described in Schedule 2, and
- (b) shown by black dotted edging and worded "Natural Conservation Area" on the map.

obstacle limitation area means an area of land around Narrandera aerodrome shown as such in a distinctive manner on the map.

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 the 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 and Fisheries notifies the Council in writing is not prime crop or 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,
- (c) an area used by the Council to provide recreational facilities for the physical,

cultural or intellectual welfare of the community, or

- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or a showground.

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

river means the Murrumbidgee River.

the map means the map marked “*Narrandera Local Environmental Plan 1991*” as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Editorial note—

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

Narrandera Local Environmental Plan 1991 (Amendment No 1)

Narrandera Local Environmental Plan 1991 (Amendment No 2)

tree includes a sapling or a shrub.

wetland means land shown on the map by parallel broken lines.

- (2) In this plan, a reference to destroying a tree is a reference to ringbarking, cutting down, felling, poisoning, topping, lopping, removing or otherwise destroying 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 so specified.
- (4) Matter which appears in this plan under the heading “Note” is an explanatory note and does not form part of this plan. It is provided to assist understanding.

6 Adoption of model provisions

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

- (a) omission of the definitions of **arterial road** and **map** in clause 4 (1), and
- (b) omission of clauses 29 and 30, and
- (c) amendment of clause 15 (2) (a) by omitting the matter “400 square metres” and by inserting instead the matter “550 square metres”.

7 Consent authority

The Council is the consent authority for the purposes of this plan.

Part 2 Zones

8 Zones indicated on the map

For the purpose of this plan, land to which this plan applies is 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 1 (f) (Rural [Forests] Zone)—edged heavy black and lettered “1 (f)”

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

Zone No 4 (a) (General Industrial Zone)—edged heavy black and lettered “4 (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 objective of this zone is to promote 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 land 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 conservation of vegetation is significant to 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 sensitivity 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) control and prevention of land degradation.

2 Without development consent

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

3 Only with development consent

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

4 Prohibited

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

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

1 Objectives of zone

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

- (a) rural residential or hobby farm development, or
- (b) a range of industrial, storage or intensive livestock keeping purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect land or development in the vicinity.

2 Without development consent

Agriculture (other than ancillary dwellings, animal boarding and training establishments, potato farming 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, hotels, motels, motor showrooms, refreshment rooms, residential flat buildings, shops (other than general stores not exceeding 100 square metres in gross floor area).

Zone No 1 (f) (Rural [Forests] Zone)

1 Objectives of zone

The objectives of this zone are to enable the continuation or the expansion of forestry and the development of associated purposes.

2 Without development consent

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

3 Only with development consent

Nil.

4 Prohibited

Any purpose other than a purpose included in item 2.

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

1 Objectives of zone

The objectives of this zone are to promote development in existing towns and villages in ways which are compatible with their urban function.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Extractive industries, intensive livestock keeping establishments, mines, offensive or hazardous industries.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to provide land that is suitable for a wide range of industrial and ancillary uses,
- (b) to encourage new development which will generate employment and contribute to the needs of the area, and
- (c) to provide suitable protection to industries and ancillary uses that are established within the zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose which, by virtue of its nature, the services provided by it or the products produced, distributed or sold in carrying it out, is appropriately located in an industrial zone; industries (other than offensive or hazardous industries); utility installations.

4 Prohibited

Offensive or hazardous industries; any other purpose other than a purpose included in item 3.

Part 3 Special provisions

10 General considerations for development within rural zones

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration, if relevant, the effects of carrying out that development on:
 - (a) the present use of the land, the potential use of land for the purpose 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 places and buildings of archaeological or heritage significance including aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public amenities for and services to the development,
 - (f) future expansion of settlements in the locality, and
 - (g) the proposed rehabilitation and post-extractive land use of sites of extractive industries.
- (2) In addition to the matters referred to in subclause (1), the Council shall take into consideration the relationship of the proposed development to development on adjoining land or on other land in the locality.
- (3) This clause does not apply to development, being:
- (a) an addition to a building or work,
 - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or
 - (c) the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purpose of a dwelling.

10A What is exempt development and complying development?

- (1) Development of minimal environmental impact listed in Schedule 1 to *Development Control Plan No 4* as adopted by the Council on Wednesday 24 November 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in Schedule 2 to *Development Control Plan No 4* as adopted by the Council on Wednesday 24 November 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 development standards and other requirements applied to the development by *Development Control Plan No 4* as adopted by the Council on Wednesday 24 November 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the condition for the development specified in *Development Control Plan No 4* 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 for development consent to subdivide land within Zone No 1 (a) or 1 (c) shall, when lodging the application form:
 - (a) state, in relation to each allotment proposed 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 purpose of agriculture,
 - (c) identify any proposed allotment which is intended to be used primarily for the purpose of a dwelling,
 - (d) identify any proposed allotment on which it is intended to erect a dwelling and state whether or not the dwelling is the primary purpose for which the allotment is to be created, and
 - (e) show the approximate location on the land of any dwelling existing on the land at the date of the application.
- (3) The Council shall not consent to an application to subdivide land within Zone No 1 (a) or 1 (c) unless subclause (2) has been complied with.

12 Subdivision for the purpose of agriculture in Zone No 1 (a)

- (1) The Council may consent to creation of an allotment of any area for the purpose of agriculture.
- (2) The Council shall not consent to the creation of an allotment for the purpose of agriculture if the allotment has an area of less than 120 hectares and there is a dwelling on the allotment.
- (3) The Council shall not consent to the creation of an allotment for the purpose of agriculture unless it has considered:
 - (a) whether or not such an allotment will form a part of an adjacent or adjoining holding,
 - (b) the intended use of the allotment, and
 - (c) whether or not the creation of the allotment will adversely affect the existing and potential capability of that land, or adjacent land, to produce food or fibre or to be used for other agricultural purposes.

Note—

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

13 Subdivision for the purposes of dwellings in Zone No 1 (a)

- (1) The Council may consent to creation of an allotment for the purposes of a dwelling from an existing holding within Zone No 1 (a) only if that allotment has an area of not less than:
 - (a) 750 hectares where the land is unirrigated farm land,
 - (b) 200 hectares where the land is irrigated farm land, or
 - (c) 20 hectares where the land is horticultural land.
- (2) (Repealed)
- (3) The Council may not consent to creation of an allotment for the purposes of a dwelling within Zone No 1 (a) unless (in addition to the requirements of subclause (1)) it is satisfied:
 - (a) in the case of irrigated or horticultural areas, that water is available to that land for necessary irrigation, and
 - (b) that it is unlikely to affect adversely the land or other holdings in the locality or to affect the existing or potential capability of the adjoining or adjacent land to produce food or fibre or to be used for other agricultural purposes.

14 Subdivision for other purposes in Zone No 1 (a)

- (1) The Council shall not consent to the subdivision of land within Zone No 1 (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 Council:
 - (a) none of the land which is the subject of the application for subdivision 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 being 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 if the Council is satisfied that:
 - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,
 - (b) no other land in the locality could reasonably be used for that purpose, and
 - (c) the level of demand for the goods or services which are to be supplied from the

allotment and the extent to which that allotment is proposed to be used to meet that demand justify creation of the allotment despite its agricultural value.

15 Subdivision for the purpose of dwellings in Zone No 1 (c)

- (1) The Council shall not consent to the subdivision of land within Zone No 1 (c) unless the Council is satisfied that each allotment to be created is primarily for the purpose of a dwelling.
- (2) The Council shall not grant consent to the subdivision of land as referred to in subclause (1) unless it has taken into consideration:
 - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created,
 - (b) the desirability of providing a range and mix of allotment sizes, and
 - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and is physically suitable for the on-site disposal of wastes.

16 Subdivision of land in Zone No 2 (v)

The Council shall not grant consent to the subdivision of land within Zone No 2 (v) to create an allotment to be used for the purpose of a dwelling-house unless that allotment has an area of not less than 550 square metres.

17 Dwellings in Zone No 1 (a)

- (1) A person shall not erect a dwelling on vacant land within Zone No 1 (a) unless:
 - (a) the allotment of land has an area of not less than:
 - (i) 750 hectares where the land is unirrigated farm land,
 - (ii) 200 hectares where the land is irrigated farm land, or
 - (iii) 20 hectares where the land is horticulture land, or
 - (b) the land comprises:
 - (i) an existing holding,
 - (ii) an allotment created under this plan for a purpose other than agriculture, 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) Notwithstanding subclause (1), the Council may consent to the erection of a dwelling on land within Zone No 1 (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 other 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 other purpose.
- (3) In this clause, **vacant land** means land on which no dwelling is erected.

17A 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.

18 Erection of additional dwellings in Zone No 1 (a)

- (1) The Council may consent to the erection of one additional dwelling on land within Zone No 1 (a) (including the alteration of an existing dwelling to create 2 dwellings) where:
- (a) a dwelling could be erected on the land in accordance with clause 17 where the land is within Zone No 1 (a),
 - (b) no additional access to a public road is 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 the 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.
- (2) The Council shall not consent to the erection or creation of an additional dwelling on land within Zone No 1 (a) where it is of the opinion that the erection or creation of the dwelling is likely to affect adversely the economic sustainability of other holdings in the locality, or to affect adversely the existing or potential capability of the land or adjoining or adjacent land to produce food or fibre or to be used for other agricultural

purposes.

- (3) The Council shall not consent to the subdivision of land on which one additional dwelling is erected or created in pursuance of this clause except under this plan.

18A Dwellings in Zone No 4 (a)

- (1) Dwellings are prohibited on land within Zone No 4 (a), except as provided by subclause (2).
- (2) One but not more than one dwelling is permitted, with the consent of the Council, on land known as Lot 1 in a subdivision of Portions 172, 173 and 174, Parish of Narrandera, County of Cooper, as shown edged heavy black on the map marked "*Narrandera Local Environmental Plan 1991 (Amendment No 2)*" (Council approval 42-95/96).

19 Applications that must be advertised

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purposes specified in Schedule 3 in the same way as those provisions apply to and in respect of designated development.

20 Development along arterial roads

- (1) 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, where 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 access to the proposed development,
 - (ii) emission of smoke or dust from the proposed development,
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development, or
 - (iv) visual distraction or hazard to passing traffic.
- (2) The Council shall not consent to the development of land within Zone 1 (a) or 1 (c) for any purpose listed in Schedule 4 if the development of the land for the purpose will have direct access to:
 - (a) an arterial road, or
 - (b) a road connecting an arterial road, if the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of

the arterial road.

21 Environmentally sensitive land

- (1) A person shall not carry out development on environmentally sensitive land for the purposes of:
 - (a) intensive livestock keeping establishments,
 - (b) junk yards,
 - (c) liquid fuel depots,
 - (d) offensive or hazardous industries,
 - (e) sawmills,
 - (f) stock and sales yards, or
 - (g) extractive industries.
- (2) A person shall not, in respect of an area of environmentally sensitive land:
 - (a) erect a building within that area,
 - (b) destroy any tree of a species specified in Schedule 5 within that area, or
 - (c) clear, drain or fill a wetland or construct a levee on a wetland within that area, without the consent of the Council.
- (3) The Council shall not grant consent to an application made in accordance with subclause (2) unless, in the opinion of the Council, the development 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 land degradation,
 - (b) the loss of scenic amenity, and
 - (c) the loss of important vegetation systems and natural wildlife habitats.

22 Flood liable land

- (1) A person shall not erect a building or carry out a work, other than a building or work incidental to the agricultural use of the land, for any purpose on flood liable land except with the consent of the Council.
- (2) This clause does not allow the erection of a dwelling without the consent of the Council.

23 Land subject to bushfire hazard

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 by fire fighting vehicles,
- (b) adequate safeguards are adopted in the form of firebreaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire fighting purposes.

24 Development near licensed aerodromes

(1) A person shall not, on land shown hatched on the map:

- (a) erect a building or structure of a height that exceeds the limitation specified in the height limitation map, or
- (b) carry out development for the purposes of:
 - (i) a dam or reservoir (not being a water storage dam for a public authority or a normal on-farm storage dam),
 - (ii) the handling or storage of grain (other than normal farming activities),
 - (iii) the disposal of refuse,
 - (iv) an abattoir,
 - (v) a stock and sale yard, or
 - (vi) intensive agriculture,

except with the consent of the Council.

- (2) An application made for development consent to carry out any development described in subclause (1) (a) shall be referred to the Civil Aviation Authority for comment where the height of a proposed building will exceed the height specified in the height limitation map and the land on which the building situated is in the obstacle limitation area.
- (3) In considering whether to grant consent to the development referred to in subclause (2), the Council shall take into account any comment furnished by the Civil Aviation Authority within 28 days (or such longer period as may be agreed upon between that Authority and the Council from time to time before or after the expiration of the 28-day period) after referral of the application.

25 Sound insulation of buildings near aerodromes

- (1) A person shall not, without the consent of the Council, erect a building on land for which an Australian Noise Exposure Forecast has been prepared by the Civil Aviation Authority.
- (2) The Council shall not grant consent to the erection of a residential building or a building intended for human occupation in such an area unless it is satisfied that measures will be taken:
 - (a) which accord with the provisions of the code entitled *Code of Practice for Building Siting and Construction against Aircraft Noise Intrusion* published by the Australian Standards Association of Australia, and
 - (b) which are adequate for the insulation of the building from aircraft noise, where it considers the frequency of aircraft operation warrant preventative noise protection measures.

26 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 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,
 - (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place, or
 - (f) make structural changes to the interior of the building or work,except with the consent of Council.
- (2) The Council shall not grant consent to development referred to in 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 of 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*).

27 Development in the vicinity of heritage items

The Council shall not grant consent to an application to carry out development of or 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.

28 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 carrying out of development within a 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 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 item, building or work in relation to the environmental heritage of the Shire of Narrandera.

(3) In this clause **conservation area** means land identified as a conservation area on the map.

29 Access

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

30 Development along the river

(1) Notwithstanding any other provision of this plan, a person shall not carry out any of the following development along the river within Zone No 1 (a) and 1 (c):

(a) erection of a building, other than a building or work incidental to the agricultural use of the land, for any purpose within 400 metres of any bank of the river, its tributaries or billabongs,

(b) development for any purpose, other than emergency works in time of flooding or a building (not being a dwelling) or work incidental to the agricultural use of the land, within 100 metres of any bank of the river, its tributaries or billabongs,

(c) development on any land comprising the bed or bank of the river or its tributaries

for the purposes of:

(i) a canal, or

(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,

except with the consent of Council.

(2) The Council shall not consent to an application to erect a building on land comprising:

(a) the bed of the river, or

(b) land within Zone No 1 (a) or 1 (c) and being within 400 metres of any bank of the river,

unless, in the opinion of the Council, the building:

(c) is ancillary to the use of that land for the purposes of a recreation area, or

(d) 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, or

(e) is of a standard of design, construction, siting and landscape aesthetics compatible with the existing environment, or

(f) is proposed as there is no other facility conveniently available to service the functions for which the building is proposed, or

(g) is proposed to replace an unsuitable structure and the latter is to be removed upon completion of the building proposed.

(3) The Council shall not consent to an application for consent required by subclause (1) unless, in the opinion of the Council, any destruction of trees or development on the land, including the subdivision of land, will be carried out in a manner which, in respect of that land and adjacent land minimises:

(a) risk of soil erosion or other land degradation,

(b) loss of scenic amenity, and

(c) loss of important vegetation systems and natural wildlife habitats.

31 Forestry

Notwithstanding the provision of clause 9, development may be carried out on land to which this plan applies without development consent:

(a) by the Forestry Commission of New South Wales, if the development is authorised by

the *Forestry Act 1916*, or

- (b) by any person, if the development is authorised by an authority granted or issued by the Forestry Commission under that Act.

32 Natural Conservation Areas

- (1) A person shall not, in respect of a natural conservation area:
- (a) destroy a tree, shrub or grass of a species specified in Schedule 5 within that area, or
 - (b) destroy, clear or remove a habitat of a species of protected fauna within that area,
 - (c) erect a building within that area, or
 - (d) clear, drain or fill a wetland or construct a levee on a wetland within that area,
- except with the consent of the Council.
- (2) The Council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:
- (a) the extent to which the carrying out of the development in accordance with the consent would affect the scientific, natural, aesthetic or ecological significance of the natural conservation area, or
 - (b) whether a refusal to grant consent would constitute a danger to the users or occupiers of that land or the public.

33 Classification and reclassification of public land as operational

The public land described in Schedule 6 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.

Note—

The *Local Government Act 1993* defines **public land** to mean any land (including a public reserve) vested in or under the control of the Council (not including a road, land to which the *Crown Lands Act 1989* applies, a common or land subject to the *Trustees of Schools of Arts Enabling Act 1902*).

Section 25 of the *Local Government Act 1993* requires all public land to be classified as either “operational” or “community” in accordance with Part 2 of Chapter 6 of that Act. The classification will generally be achieved by a local environmental plan but may, in some circumstances, be achieved by a resolution of the Council (see sections 31, 32 and 33 of that Act). (Some land was classified as operational by virtue of the transitional provisions of that Act).

Reclassification of land as operational will also generally be achieved by a local environmental plan. The reclassification may, in one of the limited cases described in section 32 of that Act, be achieved by a Council resolution.

The purpose of classification (and reclassification) is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of

classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

The current classification of public land can be ascertained from the Council's Land Register.

Schedule 1 Heritage items

(Clause 5 (1) and Clause 26 (1) (f))

Railway Station, Platform and Station Master's Residence (Whitton Street, Narrandera)
National Australia Bank (East Street, Narrandera)
Narrandera Post Office (East Street, Narrandera)
Court House and Police Station group (Larmer Street, Narrandera)
Rail Bridge over Murrumbidgee River
Derrendi Cottage (Cadell Street, Narrandera)
C.W.A. Rooms (Yapunyah Street, Barellan)
Steel and Brick Water Tower, North Narrandera

Schedule 2 Natural conservation areas

(Clause 5 (1))

Narrandera Nature Reserve

Schedule 3 Development which must be advertised

(Clause 19)

- 1 The alteration of a building or work that is an item of the environmental heritage, not being a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the Shire of Narrandera.
- 2 Boarding houses; hotels; motels; residential flat buildings.
- 3 Industries, other than rural industries, in Zone No 1 (a), 1 (c) or 2 (v).
- 4 Intensive livestock keeping establishments; junk yards; liquid fuel depots; saw mills; or stock or sales yards.
- 5 Potato farming.

Schedule 4 Traffic generating development

(Clause 20 (2))

Bulk Stores	Motels
Caravan Parks	Places of public assembly
Car repair stations	Places of public worship
Clubs	Recreation establishments
Commercial premises	Recreation facilities

Educational establishments	Refreshment rooms
Hospitals	Retail Plant Nurseries
Hotels	Roadside stalls
Industries (other than home or rural industries)	Saw mills
Institutions	Service Stations
Junk yards	Stock and sales yards
Liquid fuel depots	Transport terminals
Mines	Warehouses

Schedule 5 Protected species of trees

(Clause 21 (2) (b) and Clause 32 (1) (a))

Acacia buxifolia	Box leaf wattle
Acacia deanei	Deane wattle
Acacia decora	Graceful wattle
Acacia doratoxylon	Currawong
Acacia mearnsii	Black wattle
Brachychiton populneus	Kurrajong
Callitris endlicherii	Black cypress pine
Casaurina Cunninghamiana	River she-oak
Callitris columellaris	White cypress pine
Eucalyptus camaldulensis	River red gum
Eucalyptus dealbata	Tumbledown red gum
Eucalyptus dwyerii	Hill red gum
Eucalyptus melliodora	Yellow box
Indigofera australis	Hill indigo
Stypandra glauca	Nodding blue lilly

Schedule 6 Classification and reclassification of public land as operational

(Clause 33)

The following land, as shown edged in heavy black on the map marked “*Narrandera Local Environmental Plan 1991 (Amendment No 3)*” is reclassified from community land to operational land:

Lot/Portion	DP No	Section	Street(s)	Description
Pt Lots 1 & 2		37	East	Council Chambers, Laneways & Shop Premises
1 & 2		81	East & Gundagai	Pumping Station & Residence
Pt Lot 7		U	Argyle & Riverine	Road Resumption
Pt Lot 5		53	Audley	Vacant Land
4 & 5	2597	25	Gundagai	Water Pump Station Land
2		39	Twynam	Public Library (Mechanics Institute)
8, 9, 10		10	Melbourne	Old Garbage Depot Land
Pt Lot 2		60	Charles	Charles Street Building
7		8	Mulga	Swimming Pool Barellan
2	209904			Quarry Site
6		8	Mulga	Swimming Pool Barellan
11	212984	8	Mulga	Swimming Pool Barellan
8	23127		Evans Lane	Laneway—btwn Bolton/Twynam
9 & 10		2	Flood	Land for New Waste Water Works
1	519766	N	Elwin	Land-Storage Shed
11		3	Bendee	Barellan Sewerage Effluent Disposal
Por 267				New Works Depot-Narrandera
3	541131			Car Park—Behind Royal Mail Hotel
Pt Lot 10		24	Cnr Twynam/Cadell	Parkside Historical Society Museum
1	558067		Gundagai	Proposed Waste Water—Eff. Ponds
1	563980		Audley	Proposed Sewerage Pumping Station
3	563064			Laneway to link Midgeon & Melbourne Sts
8		3	Yapunyah	Barellan Fire Station
8		2		Proposed Waste Water Works
3		2		Proposed Waste Water Works
1 & 2		2	Flood	Proposed Waste Water Works
3		7	Flood	Proposed Waste Water Works

4		7	Flood	Proposed Waste Water Works
1, 2 & 10		7	Flood	Proposed Waste Water Works
1		30	Gundagai	Proposed Waste Water Works
2		30	Gundagai	Proposed Waste Water Works
Pt Lots 3 & 4		30	Gundagai	Proposed Waste Water Works
1	254357		Flood	Proposed Waste Water Works
2	591550			Effluent Disposal Area—Barellan
1		26		Land for Underground Bore Site No 3
1	597803			Land for Bore Site No 2
Por 300				Land for Bore Site No 1
4		38		Land for Car Park
1 to 6	16080		Cnr East & King	Vacant Public Land—Proposed Library
1, 2 & 3	Strata Plan 14146		Dalgetty	Strata for Unit Development
7 & 8		5	Yapunyah	Works Depot Barellan
4	624855		Twynam/Leeton Rd	Vacant Land
313	40274		Gundagai	Proposed Waste Water—Eff. Ponds
1	611804		Larmer	Waste Water—Pumping Station
2	625678			Pine Hill Water Supply
318	44544			Pine Hill Water Supply
4	602619		Dalgetty	Strata Title Land
1, 2 & 3	264323		Twynam	Office Premises
C (Pt Lot 4)		59	East	Vacant Land
B (Pt Lot 4)		59	East	Vacant Land
4	701269		East	Vacant Land
1		11	Mulga	Barellan Works Depot
4	776750		River	Vacant land situated at rear of Cemetery
1, 2, 3 & 4	833476		Douglas	Industrial Subdivision
5	842436		Douglas	Industrial Subdivision

23 to 28	802358		Boundary Road	Vacant Residential Land
12	802358		Kiesling Drive	Vacant Residential Land
1	729587		Gundagai	Land Adjacent to Websters Factory
15	802358		Kiesling Drive	Staff Residence
1	187882			Narrandera Aerodrome
339	821526		Audley	Teloca House Aged Hostel Extension
47, 53	845516		Powell	Vacant Residential Land
48, 52 & 61	845516		Powell & Anzac Cres	Vacant Residential Land
49 to 51, 54 to 60, 65	845516		Anzac Cres	Vacant Residential Land
67, 68	845516		Corella Woods	Vacant Residential Land
2, 3 & 4	833476		Bolton	Vacant Industrial Land
6, 7 & 8	845504		Bolton	Vacant Industrial Land
1 & 4	855400			Saleyards area
1	111141		Leeton Rd	Narrandera Aerodrome
1	315767		Cnr King & Charles	Vacant Land—Proposed Car Park
10 to 14 & 16	869904		Driscoll Rd	Red Hill Industrial Subdivision
8, 11 & 12		18	Audley	Teloca House Aged Hostel—Stage 1
326	704368		Broad	Water Tower
9		50	Twynam	Vacant Land
1 to 5		15	Larmer Lane	Sewerage Pump Station
Por 134		Parish of Faithfull		Quarry site