

Snowy River Rural Local Environmental Plan 2007

[2007-170]



New South Wales

Status Information

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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The plan was repealed by cl 1.8 (1) of the [Snowy River Local Environmental Plan 2013 \(700\)](#) (LW 13.12.2013) with effect from 13.12.2013.

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](#).

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Snowy River Rural Local Environmental Plan 2007



New South Wales

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Snowy River Rural Local Environmental Plan 2007



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Snowy River Rural Local Environmental Plan 2007*.

2 Aims of plan

The aims of this plan are:

- (a) to protect agricultural land resources wherever possible by:
 - (i) minimising the ad-hoc fragmentation of rural land, and
 - (ii) discouraging land uses unrelated to agriculture from locating on prime agricultural land, and
- (b) to recognise that agriculture is in a state of adjustment by supporting restructuring and succession through flexible subdivision controls, and
- (c) to help reduce the negative effects of an ageing and declining rural population across the rural areas of Snowy River, and
- (d) to plan and provide for rural settlement where it can benefit and support existing communities by specifically providing for rural living and rural residential development in accordance with the policies of the *Snowy River Shire Settlement Strategy 2003*, copies of which are available from the office of the Council, and
- (e) to provide for rural settlement where it can have access to appropriate community services and infrastructure and to ensure efficient use of existing infrastructure and human services, and
- (f) to manage land use by encouraging appropriate subdivisions and development in the rural areas of Snowy River, and
- (g) to provide for tourism development that is small-scale and in areas with access to

appropriate tourist activities, services and amenity such as adjacent to Kosciuszko National Park, Lake Jindabyne and Lake Eucumbene, and

- (h) to provide for intensive agricultural production and other rural enterprises in locations and at a scale to avoid conflict with settlements and tourist activities, and
- (i) to protect and enhance the natural environment, including areas of native vegetation in Snowy River, by incorporating principles of ecologically sustainable development into land use controls, and
- (j) to promote natural resources and biodiversity and their careful management by:
 - (i) discouraging development, such as subdivisions, that may result in land or environmental degradation, and
 - (ii) encouraging development that will result in the rehabilitation or conservation of native vegetation and assist in the wise use of resources including energy, and
- (k) to promote natural, cultural and archaeological heritage and its careful management by:
 - (i) discouraging development, such as subdivisions, that may result in the degradation of heritage, and
 - (ii) encouraging development that will result in the protection and conservation of heritage assets, and
- (l) to provide flexibility in the imposition of certain development standards.

3 Definitions

- (1) The Dictionary at the end of this plan contains definitions of certain terms used in this plan.
- (2) In this plan, a reference to a map is a reference to a map kept at the office of the Council.

4 Consent authority

For the purposes of this plan, the consent authority is the Council, subject to the Act.

5 Land to which plan applies

This plan applies to so much of the land within the local government area of Snowy River as is shown edged heavy black on the locality map, known as the rural localities of Brothers–Bobundara, Adaminaby–Eucumbene, Rocky Plain–Eucumbene, Berridale–Coolringdon, Dalgety–Numbla Vale, Moonbah–Ingebirah, Crackenback and Jindabyne.

6 Relationship to other environmental planning instruments

- (1) This plan amends *Snowy River Local Environmental Plan 1997* by inserting at the end of clause 3 (2):

Land to which *Snowy River Rural Local Environmental Plan 2007* applies

- (2) Where this plan is inconsistent with the *Kosciuszko Regional Environmental Plan 1998—(Snowy River)*, this plan prevails.

7 Effect of this plan on covenants

- (1) Any covenant, agreement or similar instrument which affects development allowed by this plan does not apply to the extent necessary to allow the development.
- (2) Nothing in subclause (1) affects the rights or interests of any statutory corporation, public authority or Minister of the Crown under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

8 Development consent—matters for consideration

Development consent must not be granted for development unless the consent authority:

- (a) has had regard to the aims of this plan, and
- (b) is satisfied that the development will not be inconsistent with the relevant objectives for the locality in which it will be carried out as set out in Part 2.

9 Consideration of neighbouring localities

- (1) Where the land to which a development application applies is adjacent to the boundary between 2 or more different localities, the consent authority must, in determining the application, take into consideration the provisions of this plan relating to the adjacent locality or localities.
- (2) In this clause, **adjacent** means lying near to or contiguous with.

10 Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Snowy River Development Control Plan E3—Exempt Development* as amended by the Council on 21 December 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Snowy River Development Control Plan C4—Complying Development* as amended by the Council on 21 December 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 the relevant development control plan referred to in subclause (1) or (2).
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Snowy River Development Control Plan C4—Complying Development* as in force at the commencement of this plan.
- (5) Development carried out on land in the Lake Eucumbene Visual Protection Area is not exempt or complying development.

11 Development the subject of SEPP 1 application

- (1) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by Part 3 of this plan in the same way as it applies to a development standard.
- (2) Despite subclause (1), *State Environmental Planning Policy No 1—Development Standards* does not apply to the requirements made by clauses 19 (3) (a), (b) and (c), 20 (3) (a), (b), (c) and (d), 22 and 24.

12 Development by public authorities

Nothing in this plan is to be construed as restricting or prohibiting or enabling the consent authority to restrict or prohibit:

- (a) the use of existing buildings of the Crown by the Crown, or
- (b) the carrying out of development of any description specified in Schedule 1, except to the extent that such development affects a heritage item.

13 Development near locality boundaries

Where land is within 50 metres of a boundary of a locality shown on the locality map, the consent authority may consent to development on that land if it is permissible in the adjoining locality on the other side of the boundary and the consent authority is satisfied that:

- (a) the development is not inconsistent with the aims and objectives of this plan, and the objectives of the adjoining localities, and
- (b) the carrying out of the development is desirable due to planning, servicing or similar requirements relating to the optimum development of the land.

14 Temporary development of land

- (1) Despite any other provision of this plan, a person may carry out development on any land with development consent for any purpose for a maximum period of 28 days, whether consecutive or not, in any one year.
- (2) Development consent may be granted as referred to in subclause (1) only if the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this plan, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) appropriate arrangements will be made for the cessation of the use and removal of any associated structures at the end of the period specified in the development consent, and
 - (d) the temporary use is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this plan.

15 Savings provisions

- (1) Any development application lodged but not finally determined prior to the commencement of this plan is to be determined as if this plan had been exhibited under the Act but had not been made.
- (2) Development control plans as in force immediately before the commencement of this plan are to be taken into consideration by the consent authority in determining any such development application.

Part 2 Operation of the development controls

16 Localities

- (1) For the purposes of this plan, land to which this plan applies is within one of the following localities, as shown on the Locality Map:

Locality 1—Brothers–Bobundara

Locality 2—Adaminaby–Eucumbene

Locality 3—Rocky Plain–Eucumbene

Locality 4—Berridale–Coolringdon

Locality 5—Dalgety–Numbla Vale

Locality 6—Moonbah–Ingebirah

Locality 7—Crackenback

Locality 8—Jindabyne

- (2) For land within each locality, the Table to this clause identifies the development that:
- (a) may be carried out without development consent, and
 - (b) may be carried out only with development consent, and
 - (c) is prohibited.
- (3) The Table to this clause also states the objectives for each locality.

Locality 1 Brothers-Bobundara

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive rural enterprises and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied rural enterprises, and
- (c) to promote tourism if:
 - (i) it does not adversely affect any use of adjoining land for agriculture, and
 - (ii) it focuses on on-farm activities, and
 - (iii) it results in the maintenance and preservation of heritage items.

In relation to built form and design:

- (a) to ensure development is compatible with the existing low scale and scattered nature of rural buildings and respects the flat to rolling topography of the landscape, and
- (b) to design and site development in a manner that minimises the potential for impacts from agriculture.

In relation to natural resource management:

to retain and maintain remnant savanna woodlands on hilltops and

existing dry tussock grasslands for their environmental values and functions.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

dual occupancies

dwelling-houses

eco-tourism facilities

extractive industries

home activities

home-based child-care

horse breeding and training facilities

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

rural industries

specialist or bulky goods sales

sports and recreation facilities

telecommunications facilities

telecommunications networks

timber yards

tourist operations

transport depots

utility installations

veterinary surgeries

wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 2 Adaminaby-Eucumbene

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for tourism and agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive agriculture and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture and rural industry, and

- (c) to protect the existing tourist development in areas such as Providence Portal and Frying Pan, and
- (d) to promote new tourism and recreational development primarily around Lake Eucumbene and adjacent to the Kosciuszko National Park where:
 - (i) it does not adversely affect any use of adjoining land for agriculture, and
 - (ii) it is small-scale and compatible with the unique landscape setting of Lake Eucumbene and Kosciuszko National Park, and
 - (iii) it does not adversely affect the use of adjoining national park lands.

In relation to built form and design:

- (a) to ensure development is compatible with the rolling, undulating and hilly topography of the landscape, and
- (b) to design and site development in a manner that minimises its visibility when viewed from Lake Eucumbene, and
- (c) to ensure that the vegetated backdrop to the Lake and other remnant bushland is protected and preserved.

In relation to natural resource management:

- (a) to retain and maintain eucalyptus communities and native grasslands and woodlands for their environmental values and functions, and
- (b) to protect the supply and quality of water in the Murrumbidgee River including the maintenance of natural hydrological systems and environmental flows, and
- (c) to manage development and surface run-off to minimise both soil erosion and the removal of native riparian vegetation.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

cultural facilities

dual occupancies

dwelling-houses

eco-tourism facilities

educational facilities

extractive industries

home activities

home-based child-care

horse breeding and training facilities

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or a dwelling that is permitted in this locality

rural industries

rural tourist accommodation
specialist or bulky goods sales
sports and recreation facilities
telecommunications facilities
telecommunications networks
timber yards
tourist operations
transport depots
utility installations
veterinary surgeries
wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 3 Rocky Plain-Eucumbene

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for tourism and agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive agriculture and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture and rural industries, and
- (c) to promote new tourism development if:
 - (i) it does not adversely affect any use of adjoining land for agriculture, and

- (ii) it is small-scale and compatible with the unique landscape setting of Lake Eucumbene and Kosciuszko National Park, and
- (iii) it does not adversely affect the use of adjoining national park lands.

In relation to built form and design:

- (a) to ensure development is compatible with the variable, undulating and rugged topography of the locality, and
- (b) to design and site development in a manner that minimises its visibility when viewed from Lake Eucumbene, and
- (c) to ensure that the vegetated backdrop to the Lake and other remnant bushland is protected and preserved.

In relation to natural resource management:

- (a) to retain white and black sallee communities and protect the open snowgum communities in the west of the locality, and
- (b) to conserve the significant flora and fauna within the Snowy Plain and Nimmo areas.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

dual occupancies

dwelling-houses

eco-tourism facilities

extractive industries

home activities

home-based child-care

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or a dwelling that is permitted in this locality

rural industries

rural tourist accommodation

specialist or bulky goods sales

sports and recreation facilities

telecommunications facilities

telecommunications networks

timber yards

tourist operations

transport depots

utility installations

veterinary surgeries

wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 4 Berridale-Coolringdon

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive agriculture and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture, and
- (c) to promote tourism if:
 - (i) it does not adversely affect any use of adjoining land for agriculture, and
 - (ii) it features small-scale accommodation or outdoor recreation derived from the locality's proximity to Jindabyne and Kosciuszko National Park, and
 - (iii) it results in the maintenance and preservation of heritage items.

In relation to built form and design:

- (a) to ensure development is compatible with the existing low scale and scattered nature of rural buildings and respects the flat to rolling topography of the landscape, and
- (b) to design and site development in a manner that minimises the potential for impacts from agriculture.

In relation to natural resource management:

to retain white and black sallee communities, and maintain the existing dry tussock grasslands for their environmental values and functions.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

cultural facilities

dual occupancies

dwelling-houses

eco-tourism facilities

educational facilities

extractive industries

home activities

home-based child-care

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or a dwelling that is permitted in this locality

rural industries

rural tourist accommodation

specialist or bulky goods sales

sports and recreation facilities

telecommunications facilities

telecommunications networks

timber yards

tourist operations

transport depots

utility installations

veterinary surgeries

wind energy facilities

Development ancillary to development included in this item (including demolition that is ancillary), other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 5 Dalgety-Numbla Vale

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive agriculture and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture, and

- (c) to promote development that supports a diversity of activities based on the Snowy River, while at the same time protecting its ecology and heritage and providing safe access, and
- (d) to promote tourism if:
 - (i) it is small-scale accommodation or outdoor recreation compatible with the natural and management values of the Snowy River, and
 - (ii) it results in the maintenance and preservation of heritage items, and
 - (iii) it does not adversely affect the values of adjoining national park lands.

In relation to built form and design:

- (a) to ensure development is compatible with the existing low scale and scattered nature of rural buildings, and
- (b) to promote development that respects the variable topography of the locality, including the rolling hills, the gorge-like valleys and the flat riparian areas adjoining the Snowy River, and
- (c) to design and site development in a manner that minimises the potential for impacts from agriculture.

In relation to natural resource management:

- (a) to retain the yellow box, red gum and montane eucalypt woodland communities and maintain the existing dry tussock grasslands for their environmental values and functions, and
- (b) to conserve the significant flora and fauna within the Paupong area and along the Snowy River corridor, and
- (c) to protect river flows and support the management of the riverbed and banks of the Snowy River.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving land clearing, earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving land clearing, earthworks or the erection of buildings or structures)

animal keeping and training

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

cultural facilities

dual occupancies

dwelling-houses

eco-tourism facilities

educational facilities

extractive industries

home activities

home-based child-care

horse breeding and training

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or a dwelling that is permitted in this locality

rural industries

rural tourist accommodation
specialist or bulky goods sales
sports and recreation facilities
telecommunications facilities
telecommunications networks
timber yards
transport depots
tourist operations
utility installations
veterinary surgeries
wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 6 Moonbah-Ingebirah

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily for tourism, agriculture (grazing), and on-farm activities related to fibre and food production as well as appropriately located intensive agriculture and residential development, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture, and
- (c) to encourage a range of recreational, tourism and living opportunities that will provide a range of local and regional economic benefits, and
- (d) to encourage tourism development primarily adjacent to Kosciuszko

National Park where it does not adversely affect the values of adjoining National Park lands, and

- (e) to promote tourism if:
 - (i) it is small-scale tourism accommodation or outdoor recreation derived from the locality's proximity to Jindabyne and Kosciuszko National Park, or
 - (ii) it results in the maintenance and preservation of heritage items.

In relation to built form and design:

- (a) to ensure development is compatible with the existing low scale and scattered nature of rural buildings, and
- (b) to promote development that respects the variable topography of the locality, including the rolling hills, the gorge-like valleys and the flat riparian areas adjoining the Moonbah River, and
- (c) to design and site development in a manner that minimises the potential for impacts from agriculture.

In relation to natural resource management:

- (a) to retain yellow box, red gum and montane eucalypt woodland communities, and
- (b) to maintain existing dry tussock grasslands for their environmental values and functions, and
- (c) to protect the river flows and support the management of the riverbed and banks of the Moonbah River.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or

structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

dual occupancies

dwelling-houses

eco-tourism facilities

educational facilities

extractive industries

home activities

home-based child-care

horse breeding and training facilities

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or a dwelling that is permitted in this locality

rural industries

rural tourist accommodation

specialist and bulky goods sales

sports and recreation facilities

telecommunications facilities

telecommunications networks

timber yards

tourist operations

utility installations

veterinary surgeries

wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 7 Crackenback

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for small-scale tourism as well as appropriately located rural industry and intensive agriculture, and
- (b) to promote tourism development that:
 - (i) features accommodation or outdoor recreation that is small-scale, low intensity, low impact and sympathetic to the unique landscape setting of the approaches to Kosciuszko National Park, and preserves the scenic qualities of the locality, or
 - (ii) results in the maintenance and preservation of heritage items.

In relation to built form and design:

- (a) to ensure development is designed and sited to ensure the visual character of the locality remains largely unchanged, and
- (b) to ensure any new development preserves the visual experience of the drive along the Eastern Approaches to the Kosciuszko National Park, and
- (c) to site development in a manner that integrates with the landscape and

has minimal impact when viewed from the Alpine Way, Kosciuszko Road and other significant public places.

In relation to natural resource management:

to retain and maintain montane forest, alpine heathland and snowgum woodland communities for their scenic and environmental values and function.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

community services

cultural facilities

dual occupancies

dwelling-houses

eco-tourism facilities

extractive industries

home activities

home-based child-care

horse breeding and training facilities

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

rural industries

sports and recreation facilities

telecommunications facilities

telecommunications networks

tourist operations

utility installations

wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Locality 8 Jindabyne

1 Locality objectives

In relation to land use:

- (a) to achieve a locality primarily used for tourism and rural living, and
- (b) to protect the existing established agricultural activities and encourage new and varied intensive agriculture in appropriate locations, and
- (c) to promote tourism and recreational development that:
 - (i) features small-scale accommodation or outdoor recreation derived from the locality's proximity to Lake Jindabyne and Kosciuszko National Park, and

- (ii) is small-scale and compatible with the unique landscape setting of Lake Jindabyne and Kosciuszko National Park.

In relation to built form and design:

- (a) to ensure development respects the rolling to undulating and hilly topography of the landscape, and
- (b) to only allow development if its visibility from Lake Jindabyne is minimised, and
- (c) to design and site development in a manner that protects and preserves the vegetated backdrop to Lake Jindabyne and other remnant bushland.

In relation to natural resource management:

- (a) to retain and maintain snow gum and black sallee communities for their scenic and environmental values and functions, and
- (b) to conserve significant flora and fauna scattered throughout the locality, and
- (c) to protect river flows and support the management of the riverbed and banks of the Snowy River.

2 Development allowed without development consent

Development for the purpose of agriculture (not involving earthworks or the erection of buildings or structures).

3 Development that requires development consent

Development for the purpose of:

advertising signs not included in item 2

agriculture (involving earthworks or the erection of buildings or structures)

animal boarding facilities

bed and breakfast accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in the locality

caravan parks

community services

cultural facilities

dual occupancies

dwelling-houses

eco-tourism facilities

educational facilities

extractive industries

home activities

home-based child-care

horse breeding and training facilities

horse riding establishments

intensive agriculture

on-farm tourist accommodation, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

public utility undertakings

roads (including the construction or forming of vehicular access)

rural holiday dwellings, provided the dwelling is an existing dwelling or dwelling that is permitted in this locality

rural industries

rural tourist accommodation

specialist or bulky goods sales

sports and recreation facilities

telecommunications facilities

telecommunications networks

timber yards

tourist operations

transport depots

utility installations

veterinary surgeries

wind energy facilities

Development (including demolition) ancillary to development included in this item, other than development included in item 2.

4 Development that is prohibited

Any development other than development included in item 2 or 3.

Part 3 Special provisions

Division 1 Subdivision

17 Subdivision

- (1) Despite any other provision of this plan, subdivision of land, other than that identified as exempt development, may be carried out only with development consent.
- (2) Development consent may be granted for subdivision as referred to in subclause (1) only if the consent authority:
 - (a) is satisfied that the proposed lots are to be used for a lawful purpose, and
 - (b) has made an assessment of the primary purpose for which each lot is to be used and is satisfied that the proposed lots are suitable for those uses.
- (3) This clause does not affect any other requirement of this plan relating to subdivision.

18 Subdivision for the purpose of intensive agriculture

- (1) This clause aims to provide the opportunity for the development of lots capable of supporting intensive agriculture.
- (2) Development consent must not be granted for a subdivision to create a lot for the purposes of intensive agriculture unless the consent authority is satisfied that:
 - (a) the lot to be used for the intensive agriculture is greater than 10 hectares in size, and
 - (b) the residue lot is greater than the minimum lot size required for a dwelling-house in the locality in which the subdivision is to take place, and
 - (c) if the land contains an existing dwelling, the dwelling is included on the residue

lot, and

(d) the lot is capable of sustaining intensive agriculture, including any necessary buffers, and

(e) the lot and residue lot are suitable for their nominated uses and compatible with adjoining land uses.

19 Subdivision for the purpose of rural living

(1) This clause aims to provide the opportunity for the development of lots for residential purposes where it will not adversely impact on landscape amenity or productivity of agriculture.

(2) Nothing in this plan prevents a person, with development consent, from subdividing land for the purpose of a rural living subdivision, but only if every lot to be created by the subdivision on which it is intended to erect a dwelling is located within a rural living development boundary as identified by a heavy black line on the locality map.

(3) Development consent must not be granted pursuant to subclause (2) for the purposes of a rural living subdivision unless the consent authority is satisfied that:

(a) the maximum number of lots to be created by the subdivision that will be occupied by dwellings does not exceed 7, including any occupied by existing dwellings, and

(b) the lots are created from a holding that existed on the appointed day, and

(c) the minimum lot size for each lot created by the subdivision is 5 hectares, and

(d) if the building envelopes on each lot created by the subdivision are visible from an arterial road, the consent authority has considered a visual impact assessment undertaken by a suitably qualified landscape architect demonstrating how the visual impact of the development can be minimised when viewed from the arterial road, and

(e) if the subdivision includes any class III agricultural land:

(i) the land was taken out of agricultural production not less than 5 years prior to the appointed day, or

(ii) the consent authority has considered a report prepared by a qualified agronomist demonstrating that the land comprising the subdivision is not well suited to grazing and pasture improvement, and

(f) if the subdivision includes any land significant for flora and fauna protection, the consent authority has considered a species impact statement prepared by a suitably qualified person demonstrating that the subdivision will not have an

adverse effect on flora or fauna, and

- (g) if the subdivision includes any land in the Lake Eucumbene Visual Protection Area, the consent authority has considered a visual impact assessment undertaken by a suitably qualified landscape architect demonstrating that any buildings within the subdivision will not be visible from Lake Eucumbene, and
- (h) the applicant has demonstrated that an adequate supply of potable and non-potable water will be available on each lot to be created, and
- (i) the subdivision will not create additional riparian access rights to streams, creeks, rivers or other waterways.

20 Subdivision for rural residential estate development

- (1) This clause aims to provide the opportunity for the development of lots for the purposes of a rural residential estate where it will not adversely impact on landscape amenity or productivity of agriculture.
- (2) Nothing in this plan prevents a person, with development consent, from subdividing land for the purpose of a rural residential estate, but only if every lot to be created by the subdivision on which it is intended to erect a dwelling is located within a rural living development boundary as identified by a heavy black line on the locality map.
- (3) Development consent must not be granted pursuant to subclause (2) for the purposes of a rural residential estate unless the consent authority is satisfied that:
 - (a) the land to be subdivided comprises the whole or part of a holding that existed on the appointed day, and
 - (b) each lot in the subdivision is no smaller than 0.3 hectares and no larger than 5 hectares, and
 - (c) each lot in the subdivision is connected to a reticulated sewerage system, and
 - (d) each lot in the subdivision is connected to a reticulated town water supply, and
 - (e) the building envelopes on each lot in the subdivision are identified and located to minimise visibility of the development when viewed from an arterial road, and
 - (f) if the building envelopes on each lot created by the subdivision are visible from an arterial road, the consent authority has considered a visual impact assessment undertaken by a suitably qualified landscape architect demonstrating how the visual impact of the development can be minimised when viewed from the arterial road, and
 - (g) if the subdivision would result in 7 or more lots, each lot is to be linked by a 2 lane bitumen sealed road to the nearest urban centre, and

- (h) if the subdivision includes any class III agricultural land:
 - (i) the land was taken out of agricultural production 5 years prior to the appointed day, or
 - (ii) the consent authority has considered a report prepared by a qualified agronomist demonstrating that the land comprising the subdivision is not well suited to grazing and pasture improvement, and
- (i) if the subdivision includes any land significant for flora and fauna protection, the consent authority has considered a species impact statement prepared by a suitably qualified person demonstrating that the subdivision will not have an adverse effect on flora or fauna, and
- (j) if the subdivision includes any land in the Lake Eucumbene Visual Protection Area, the consent authority has considered a visual impact assessment undertaken by a suitably qualified landscape architect demonstrating that any buildings within the subdivision will not be visible from Lake Eucumbene, and
- (k) the subdivision will not create additional riparian access rights to streams, creeks, rivers or other waterways, and
- (l) the land to be subdivided is contiguous with existing urban or rural residential land.

21 Special considerations for rural living and rural residential development

When determining an application for development consent for a rural living subdivision or subdivision for the purposes of a rural residential estate, the consent authority must consider the following:

- (a) the impact that the proposed development may have on the agricultural potential of the land, including the potential of the development to unduly fragment or isolate agricultural land,
- (b) the impact of the proposed development on the provision of infrastructure, including the need for public roads, telecommunications and electricity,
- (c) the cumulative impact of successive development on the general character of the area,
- (d) the location of the proposed development in relation to potential risks, including bushfire and other hazards,
- (e) the retention and enhancement of existing vegetation.

Division 2 Dwellings

22 Single dwellings

- (1) Development consent must not be granted for development for the purposes of a dwelling on land to which this plan applies, unless the land:
 - (a) in the case of land within:
 - (i) locality 1 Brothers–Bobundara, locality 4 Berridale–Coolringdon or locality 5 Dalgety–Numbra Vale—has an area of not less than 400 hectares, or
 - (ii) locality 2 Adaminaby–Eucumbene, locality 3 Rocky Plain–Eucumbene or locality 6 Moonbah–Ingebirah—has an area of not less than 250 hectares, or
 - (iii) locality 7 Crackenback—has an area of not less than 100 hectares, or
 - (iv) locality 8 Jindabyne—has an area of not less than 40 hectares, or
 - (b) comprises the whole of an existing holding having an area of less than the minimum lot size for a dwelling as provided in paragraph (a) and on which the dwelling could have been erected under any environmental planning instrument applying to the land at 26 September 1985, or
 - (c) consists of a lot that was created under clause 33 of the *Kosciuszko Regional Environmental Plan 1998—(Snowy River)* as in force immediately before its repeal, or clause 10 of the *Snowy River Rural Local Environmental Plan No 4* as in force immediately before its repeal, and the dwelling could, immediately before the repeal of the clause under which the lot was created (**the relevant clause**), have been erected on the lot under the provisions of the relevant clause.
- (2) Nothing in this clause prevents a person, with development consent, from erecting a dwelling that will wholly replace another dwelling that was lawfully erected.

23 Dual occupancies

- (1) This clause applies to land on which one dwelling is or may be lawfully erected.
- (2) Development consent may be granted for the conversion of an existing dwelling to create two dwellings, or the erection of two dwellings, on land to which this clause applies.
- (3) Development consent must not be granted pursuant to subclause (2) unless the consent authority is satisfied that:
 - (a) granting development consent will not result in more than two dwellings being located on the land, and
 - (b) if it is proposed to convert an existing dwelling, the dwelling is lawful or where it is

proposed to erect two dwellings, a dwelling could be erected on the land in accordance with clause 22 (1) (a) or (b), and

- (c) each dwelling will have a maximum of one kitchen, and
- (d) the two dwellings will be attached and one of the two dwellings will not exceed 100 square metres in gross floor area, and
- (e) the two dwellings will complement each other in terms of building design, siting and materials, and
- (f) the lot is capable of accommodating two dwellings and any ancillary outbuildings, water supply and sewage management facility, and
- (g) no additional access to an arterial road will be required from the land to the dwellings, and
- (h) the erection of more than one dwelling on the land will not interfere with the purpose for which the land or adjoining land is being used.

24 Ancillary dwellings

Despite clause 22, a dwelling may be erected with development consent on a lot created under this plan, other than for the purpose of agriculture, if the consent authority:

- (a) considers that an ancillary dwelling is necessary, and
- (b) is satisfied that the land use, for the purpose for which the consent to the creation of the lot was granted, has substantially commenced.

25 Home activity

- (1) The aim of this clause is to enable small-scale home businesses to operate while protecting rural amenity and the sustainable functioning of the Snowy River Shire's retail and industrial centres.
- (2) The consent authority may grant development consent for development for the purposes of a home activity, but only if the home activity is to be carried out in an existing dwelling or an existing building erected adjacent to a dwelling on the same land as the dwelling and the consent authority is satisfied that:
 - (a) the home activity will not occupy more than 50 square metres of floor space within the existing dwelling or building, and
 - (b) the home activity will be undertaken and carried out only by the permanent residents of the dwelling, and
 - (c) the home activity will not significantly impact on the amenity of adjacent residents or their use of their properties, and

- (d) the home activity will not involve exposure to view of any matter relating to the use other than a sign or advertisement to indicate the name and occupation of the resident.

Division 3 Special controls for tourist development

26 Development for the purpose of eco-tourism

- (1) This clause aims to provide the opportunity for the development of eco-tourism facilities in appropriate locations where the development satisfies the criteria specified in subclause (2).
- (2) Development consent must not be granted for development for the purpose of eco-tourism unless the consent authority is satisfied that:
 - (a) if the number of guests that may be accommodated overnight will exceed 15, the facility will be centrally managed by on-site management with all structural components being the responsibility of one management whether or not individual structures are owned by different entities, and
 - (b) the applicant for development consent has identified environmental risks that may arise from the proposed development and has consequently prepared relevant management actions, and
 - (c) the development will contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area, and
 - (d) the development will provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment, and
 - (e) the development will provide visitors with the opportunity to receive quality interpretive services, and
 - (f) the development is designed to utilise building materials that blend with the surrounding landscape, promoting the use of recycled materials and materials sourced from the region, and
 - (g) the development will maximise energy efficiency and use a minimum of non-renewable energy, and
 - (h) the facility will be developed appropriately on the basis of ecological sustainability and an understanding of the potential environmental impacts, and
 - (i) any buildings and infrastructure will not dominate the visual landscape and are compatible with the local cultural character, and

(j) water consumption in the development will be minimised, and water supply is ecologically sustainable, and

(k) sewage and effluent will be minimised and treated to such a level that no environmental harm results from discharges.

27 Tourist operations

(1) This clause aims to:

(a) enable a variety of tourist operations to be developed in rural areas while at the same time protecting the rural amenity and character of the locality, and

(b) ensure that development for the purposes of a tourist operation will not result in land-use conflicts and that any adverse impacts are identified and managed.

(2) When determining an application for development consent for development for the purposes of tourist operations, the consent authority must consider the following:

(a) the scale and character of the development in the context of surrounding development,

(b) the potential for noise or odours to adversely impact on the amenity of neighbours or other land holders within the vicinity of the site,

(c) the measures proposed to mitigate any potential adverse impacts, including the disposal of effluent,

(d) whether the tourist operations will operate on a year round basis.

28 Horse riding establishment

(1) This clause aims to:

(a) enable horse riding establishments to be developed in rural areas while at the same time protecting the rural amenity, and

(b) ensure that development for the purposes of a horse riding establishment will not result in land-use conflicts and that any adverse impacts are identified and managed.

(2) When determining an application for development consent for development for the purposes of horse riding establishments, the consent authority must consider the following:

(a) the potential for noise or odours to adversely impact on the amenity of neighbours or other land holders within the vicinity of the site,

(b) the potential for the pollution of surface water, groundwater and the degradation of soils and vegetation,

- (c) the suitability of the site in the circumstances, including the extent of any proposed trail riding system and ancillary structures,
- (d) the measures proposed to mitigate any potential adverse impacts, including the maintenance of horse riding trails and the measures proposed to dispose of effluent and horse manure,
- (e) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of the animals.

29 Rural tourist accommodation

- (1) This clause aims to:
 - (a) provide the opportunity for the development of tourist accommodation in rural areas while at the same time protecting the rural amenity, and
 - (b) ensure that development for the purposes of tourist accommodation will not result in land-use conflicts and that any adverse impacts are identified and managed.
- (2) Development consent must not be granted for development for the purpose of tourist accommodation on any site unless the consent authority is satisfied that:
 - (a) the number of guests that may be accommodated overnight within the accommodation facility does not exceed 55, and
 - (b) if the number of guests that may be accommodated overnight exceeds 15, the facility is centrally managed by on-site management with all structural components being the responsibility of one management whether or not individual structures are owned by different entities.
- (3) When determining an application for development consent for development for the purposes of rural tourist accommodation, the consent authority must consider the following:
 - (a) the scale and character of the development in the context of surrounding development,
 - (b) the potential for noise, traffic or other activities associated with the facility to adversely impact on the amenity of residences and other land uses within the vicinity of the site,
 - (c) the measures proposed to mitigate any potential adverse impacts, including the disposal of effluent.

30 Rural holiday dwellings

- (1) This clause aims to provide opportunities for dwellings in rural areas to be used for the purposes of holiday dwellings.

- (2) Development consent must not be granted for the purposes of a rural holiday dwelling on land to which this clause applies unless the consent authority is satisfied that:
 - (a) if there is an existing dwelling on the land, the dwelling is lawful, or
 - (b) if it is proposed to erect a dwelling on the land, a dwelling could be erected on the land in accordance with clause 22 (1) (a) or (b).

Division 4 Building, siting, design and infrastructure controls

31 Building heights

- (1) This clause aims to:
 - (a) achieve consistency in the scale of buildings across localities, and
 - (b) relate the building form to the topography of the site.
- (2) Development consent must not be granted for the erection of a building exceeding a height of 8 metres unless the consent authority is satisfied that:
 - (a) the height is compatible with the heights of other buildings in the immediate vicinity, and
 - (b) the height does not cause any significant loss of amenity to adjoining dwellings and the landscape or the function and architecture of the building has such significance to the community that the building should be considered a landmark.

32 Buildings on ridgelines

- (1) This clause aims to:
 - (a) prevent the unnecessary intrusion of buildings into skylines, and
 - (b) preserve the rural aspect of each locality.
- (2) Development consent must not be granted for the erection of a building on a ridgeline if the building would be visible from a public place (such as an arterial road) and appear as a skyline structure from that place.

33 Building setbacks

- (1) This clause aims to:
 - (a) ensure the safe and efficient flow of traffic, and
 - (b) preserve the rural aspect of each locality as experienced from its roads.
- (2) The minimum building line setbacks from road boundaries must be in accordance with the following:

- (a) arterial road (other than the Alpine Way)—100 metres,
 - (b) Alpine Way—250 metres,
 - (c) public road (other than a road referred to in paragraph (a) or (b)—25 metres.
- (3) Development consent must not be granted for development that contravenes a requirement made by subclause (2) unless the consent authority is satisfied that:
- (a) the buildings are of such a scale as not to intrude unnecessarily into views along adjoining roads, and
 - (b) the sight distance along any roads adjoining the development is not reduced, including visibility from access points.

34 Access

- (1) This clause aims to ensure that:
- (a) the standard of roads is improved and that access for future development is provided in a fair and equitable manner, and
 - (b) all new development has an appropriate and safe level of access.
- (2) Development consent must not be granted for development for any purpose unless the consent authority is satisfied that adequate vehicular access will be provided to the development.
- (3) When determining an application for development consent for development for any purpose, consideration must be given to the following:
- (a) whether the standard of sealed or all-weather road access to the site of the proposed development is the appropriate standard and adequate to cater for potential traffic,
 - (b) what impact the traffic associated with the proposed development will have on existing roads, road safety and other road users in the locality,
 - (c) whether the proposed development will be carried out on land with frontage to a public road, thereby avoiding right of carriageways over other land,
 - (d) whether any additional length of public road created and proposed to be transferred to the control of the Council has been minimised,
 - (e) whether intersections and vehicular entrances satisfy relevant design standards published by the Roads and Traffic Authority.

35 Development adjoining or fronting arterial roads

- (1) This clause aims to:

- (a) preserve the transportation role of arterial roads, and
 - (b) ensure the safe and efficient flow of traffic.
- (2) Despite any other provision of this plan, the consent authority must not grant development consent for development requiring direct access from either Kosciuszko Road or the Alpine Way within the area shown horizontally hatched on the Locality Map and referred to on that map as the Eastern Approaches to Kosciuszko National Park.
- (3) When determining an application for development consent for development that will adjoin an arterial road, the consent authority must consider the following:
- (a) whether the traffic likely to be generated by the development will cause a traffic hazard or reduce the capacity and efficiency of the arterial road,
 - (b) the access points and on-site management plans for vehicle movement and parking,
 - (c) the effect the development will have on future improvements or realignment of the arterial road.

36 Wind energy facilities

Development consent must not be granted for a wind energy facility unless the consent authority is satisfied that the facility is:

- (a) not located within 5 kilometres of an urban boundary or a rural residential estate boundary, and
- (b) not located within 1.5 kilometres of an existing dwelling.

37 Visual landscape character assessment

- (1) This clause aims to ensure that:
- (a) the visual character and quality of the landscape are assessed before consent is granted for development, and
 - (b) the visual impacts of proposed development are minimised.
- (2) Before granting development consent for development involving the carrying out of any works or building construction, within each locality, the consent authority must have regard to the likely visual impacts of carrying out the development, including the visual impacts of ancillary uses like driveways and fencing and of the provision of electricity and other services to the site of the development.
- (3) When assessing visual impacts of proposed development for the purposes of subclause (2), consideration must be given to the following:

- (a) important visual features and the landscape character of the site and surrounding land,
- (b) minimising the visual impact of the development on views from public areas, including public roads,
- (c) reducing the visual impact of driveways and of the provision of services to the development,
- (d) reducing the visual impact of proposed buildings by ensuring that external finishes are non-reflective and of a colour that blends in with the surroundings,
- (e) ensuring fencing and building styles are compatible with the visual character of the area.

Division 5 Heritage conservation

38 Objectives

The objectives of this Division are:

- (a) to conserve the environmental heritage of Snowy River, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

39 Requirement for development consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,

- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

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*).

40 Development consent is not required

However, development consent under this Division is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

41 Development in vicinity of heritage item or heritage conservation area

- (1) Development consent must not be granted for development affecting land in the vicinity of a heritage item or of a heritage conservation area unless the consent authority has considered the likely effect of the development on the heritage significance and setting of the item or area.
- (2) The consent authority may, before granting development consent for any development on land on which a heritage item is situated or that is within a heritage conservation area, require a heritage impact statement to be prepared that assesses

the extent to which the carrying out of the proposed development would affect the heritage significance of the item or area concerned.

42 Heritage conservation management plans

The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting development consent under this Division.

43 Archaeological sites

The consent authority must, before granting development consent under this Division for the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order applies), be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

44 Places of Aboriginal heritage significance

The consent authority must, before granting development consent under this Division for the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

45 (Repealed)

46 Conservation incentives

- (1) The consent authority may grant development consent for development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this plan if the consent authority is satisfied that:
 - (a) the conservation of the heritage item is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and

- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.
- (2) Development consent may be granted for the subdivision of land on which a heritage item is located (even though the subdivision would be otherwise prohibited by this plan), but only if the consent authority is satisfied that:
- (a) the number of lots created by the subdivision does not exceed two, and
 - (b) the retention of the heritage item depends on the granting of consent for the subdivision, and
 - (c) the proposed use of each lot to be created by the subdivision is in accordance with any relevant heritage conservation management plan, and
 - (d) the curtilage of the heritage item will be wholly contained within one lot, and
 - (e) the proposed use of each lot will not adversely affect the heritage significance of the heritage item or its setting.
- (3) Despite any other provision of this plan, development consent may be granted for the erection of a dwelling-house on the lot created by a subdivision referred to in subclause (2) that does not contain the heritage item, but only if the consent authority is satisfied that:
- (a) the lot does not already contain a dwelling-house, and
 - (b) the lot is capable of accommodating the proposed dwelling-house, any ancillary outbuildings, water supply and sewage management facility.

Division 6 Natural resource management

47 Bush rock management

- (1) The aim of this clause is to ensure that the development of land has minimal impact on bush rock within all localities.
- (2) A person must not carry out bush rock removal or carry out development which involves bush rock removal on land to which this clause applies except with development consent.
- (3) This clause applies to land within all localities except for the following:
 - (a) land used for cropping or being prepared to be used for cropping,
 - (b) land the subject of a consent allowing the removal of extractive material.
- (4) Development consent must not be granted for the removal of bush rock unless the consent authority has taken into consideration the following:

- (a) the impact that the removal of the bush rock would have on the landscape character of, and native flora and fauna in, the area,
- (b) whether a landscape management plan and a flora and fauna study have been prepared for the development that demonstrate that the removal of the bush rock will have a minimal impact on the landscape character of, and native flora and fauna in, the area.

48 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the [Rural Fires Act 1997](#) may be carried out on any land without development consent.

Division 7 Additional controls for certain localities

49 Development along the Snowy River Corridor

- (1) This clause aims to provide for development in the vicinity of the Snowy River while at the same time:
 - (a) assisting in the restoration of the ecological health of the Snowy River, and
 - (b) protecting the Aboriginal and European cultural heritage, including the landscapes of the Snowy River.
- (2) A person must not carry out development, including the clearing of land, within 40 metres of the top bank of the Snowy River except with development consent.
- (3) Before granting development consent for development of land allowed to be carried out with development consent by subclause (2), the consent authority must consider the following:
 - (a) whether the design, layout, access and location of the proposed development minimises any impacts on the native vegetation, the water quality and visual quality of the river corridor,
 - (b) whether the development will have any adverse impact on the Aboriginal and European cultural heritage significance of the Snowy River,
 - (c) the need to require remedial works, such as the re-introduction of key vegetation and habitat components and the control of invasive weeds and feral species,
 - (d) the need to provide public access to the Snowy River and the ongoing management of that access,
 - (e) the need to restrict access along certain parts of the Snowy River for certain activities,
 - (f) arrangements for the ongoing management of the riparian corridor, including any

- agreements between the landowner and a relevant land management authority,
- (g) whether the proposed development will involve the extraction of water from the river,
- (h) whether the proposed development will impede the passage of aquatic fauna and natural flow regimes of the watercourse,
- (i) the need for an erosion and sediment control plan,
- (j) the need for a vegetation management plan.

50 Development along the Murrumbidgee and Slacks Creek Corridor

- (1) This clause aims to provide for development in the vicinity of the Murrumbidgee River and Slacks Creek while at the same time:
 - (a) ensuring that the Murrumbidgee River and Slacks Creek respond to hydrological changes with minimum interference, such as by allowing locally indigenous riparian vegetation to regenerate naturally, and
 - (b) maintaining the natural hydrological processes as much as possible, including by the retention and restoration of natural vegetation and flow regimes to protect and enhance water quality and creek line stability.
- (2) A person must not carry out development, including the clearing of land, within 40 metres of the top bank of the Murrumbidgee River or Slacks Creek except with development consent.
- (3) Before granting development consent for development of land allowed to be carried out with development consent by subclause (2), the consent authority must consider the following:
 - (a) whether the proposed design, layout, access and location of the proposed development minimises any impacts on the native vegetation and on the water quality and visual quality of the river corridors,
 - (b) the need to require remedial works, such as the re-establishment of flora and fauna habitats,
 - (c) whether the proposed development will involve the extraction of water from the river,
 - (d) whether the proposed development will impede the passage of aquatic fauna and natural flow regimes of the watercourse,
 - (e) the need for an erosion and sediment control plan,
 - (f) the need for a vegetation management plan.

51 Development within the Lake Eucumbene Visual Protection Area

- (1) This clause aims to protect the following attributes within the catchment of Lake Eucumbene:
 - (a) the visual qualities and scenery,
 - (b) the sense of isolation which can be enjoyed in many areas on and adjacent to the Lake,
 - (c) the recreational functions of the Lake, including its attraction as a prime fishing destination,
 - (d) the water storage functions of the Lake.
- (2) This clause applies to any land in the Lake Eucumbene Visual Protection Area.
- (3) A person must not carry out development on land to which this clause applies, including the clearing of land, except with development consent.
- (4) Before granting development consent for development of land allowed to be carried out with consent by subclause (3), consideration must be given to the following:
 - (a) the visual impact of the development when viewed from the Lake at its full supply level,
 - (b) whether the design and construction of any new buildings (including fencing) prevent any intrusion into the view from the Lake,
 - (c) whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development will not have an unacceptable visual impact on the scenic quality of the area, and
 - (b) the development has been designed to prevent any intrusion into the view from the Lake at its full supply level.
- (6) Development consent must not be granted for development on land in the Lake Eucumbene Visual Protection Area unless the consent authority has considered a landscape management plan of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed development on the views from the Lake.

52 Development within the Lake Jindabyne Visual Protection Area

- (1) This clause aims to protect the following attributes within the catchment of Lake Jindabyne:
 - (a) the visual qualities and scenery,
 - (b) the recreational functions of the Lake, including its attraction as a fishing destination,
 - (c) the water storage functions of the Lake.
- (2) This clause applies to any land in the Lake Jindabyne Visual Protection Area.
- (3) A person must not carry out development on land to which this clause applies, including the clearing of land, except with development consent.
- (4) Before granting development consent for development of land allowed to be carried out with development consent by subclause (3), consideration must be given to the following:
 - (a) the visual impact of the development when viewed from the Lake,
 - (b) whether the design and construction of any new buildings (including fencing) minimises any adverse impacts on views from the Lake and surrounding areas,
 - (c) whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.
- (5) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development will not have an unacceptable visual impact on the scenic quality of the area, and
 - (b) the development has been designed to minimise any intrusion into the view from the Lake.
- (6) Development consent must not be granted for development on land in the Lake Jindabyne Visual Protection Area unless the consent authority has considered a landscape management plan of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed development on the views from the Lake.

53 Development within the Eastern Approaches to Kosciuszko National Park

- (1) This clause aims to:
 - (a) protect and maintain the environmental, scenic and natural attributes of the eastern approaches area, and

- (b) ensure development complements the area's scenic and natural resources, and
 - (c) protect or improve the water quality and supply and catchment hydrology.
- (2) This clause applies to any land shown on the locality map as the Eastern Approaches to the Kosciuszko National Park.
- (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development complements the natural beauty of the area, and
 - (b) the development is compatible with the natural environment and scenic landscape, and
 - (c) in the case of tourist or commercial development, the development demonstrates the capacity to be able to operate on a year-round basis, and
 - (d) the development has been designed to prevent any significant adverse visual impact on any land to which this clause applies, particularly when viewed from the Alpine Way or Eastern Approaches.
- (4) Development consent must not be granted to development of land in the Eastern Approaches unless the consent authority has considered a landscape management plan of an appropriate scale clearly showing the potential of any buildings to intrude into the landscape sufficient to enable it to properly assess the visual impact of the proposed development on the views from the Alpine Way and Kosciuszko Road.

54 Development in areas significant for flora, fauna and environmental protection

- (1) This clause aims to:
- (a) require certain environmental issues to be considered before development is carried out on land within an area significant for flora, fauna and environmental protection, and
 - (b) retain native bushland in parcels of a size and configuration which will, as far as possible, enable the native flora and fauna species and communities to survive in the long-term, and
 - (c) maintain and, where appropriate, revegetate habitat corridors between remnant areas of native bushland, and
 - (d) ensure that any development adjacent to, adjoining or within a watercourse or wetland does not adversely impact on water quality, the natural hydrological regime or habitat value, and
 - (e) ensure that any development adjacent to, adjoining or within a riparian corridor conserves or enhances the aquatic and native vegetation of the riparian corridor,

and

(f) protect native bushland and existing landforms for their scenic values, and

(g) retain the unique visual identity of the landscape.

- (2) This clause applies to any land shown on the locality map as an area significant for flora and fauna protection.
- (3) A person must not carry out development on land to which this clause applies, including the clearing of land, except with development consent.
- (4) Before granting development consent for development of land allowed to be carried out with development consent by subclause (3), the consent authority must consider the following:
- (a) the impact of the proposal on the habitat value of vegetation within riparian corridors and wildlife corridors or links,
 - (b) the potential for undertaking environmental conservation works to enhance the biodiversity values of the land, including the potential for rehabilitation works of degraded habitats or breaks in riparian corridors or wildlife corridors or links,
 - (c) whether the design and construction of any proposed fencing minimises possible limitation of fauna movement,
 - (d) whether provision has been made for the planting of appropriate native plant species on the land where the planting would visually screen the development or contribute to the restoration or enhancement of riparian and wildlife corridors or links.
- (5) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development has been designed to minimise disturbance of native vegetation communities, and
 - (b) opportunities to restore or enhance the biodiversity values of the land, including riparian corridors and wildlife corridors or links, have been considered.
- (6) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered a site analysis of an appropriate scale clearly and accurately showing the boundary of any vegetation edge and stands of remnant vegetation on the subject land sufficient to enable it to properly assess the impact of the proposed development on that vegetation and the biodiversity it supports.

55 Development in areas near national parks and nature reserves

- (1) This clause aims to protect the aesthetic, conservation, recreational and scientific values of national parks and nature reserves.
- (2) This clause applies to any land to which this plan applies adjoining or adjacent to a national park or nature reserve.
- (3) Before granting development consent for development of land to which this clause applies, the consent authority must consider the following:
 - (a) whether the development is compatible with and does not detract from the values of the national park or nature reserve,
 - (b) any management plans applicable to nearby areas within the national park or nature reserve,
 - (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.

56 Additional controls for land within rural living development boundary

- (1) This clause applies to land wholly within, or any part of land within, a rural living development boundary as shown by a heavy black line on the locality map.
- (2) Despite any other provision of this plan, development for the following purposes is prohibited on land to which this clause applies:

extractive industries, intensive agriculture, timber yards, transport depots.

57 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 3 may be carried out:
 - (a) with consent, or
 - (b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in any other provision of this Plan.

Schedule 1 Development by public authorities

(Clause 12)

1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose:
but excluding:
 - (c) the construction of new railways, railway stations and bridges over roads, and
 - (d) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
 - (e) the formation or alteration of any means of access to a road, and
 - (f) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground, or
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation, or
- (c) the installation or erection of any plant or other structures or erections by way of addition to, or replacement or extension of, plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks, or

- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity, or
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the consent authority, or
- (f) routine maintenance and emergency works, or
- (g) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.

3 River transport

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

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
- (b) the formation or alteration of any means of access to a road.

4 Air transport

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

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

5 Road transport

The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required

for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

6 Mines

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purpose of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
- (b) the formation of any means of access to a road.

7 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

8 Forestry

The carrying out of any forestry work by the Forestry Commission or Community Forest Authorities empowered under relevant Acts to undertake afforestation, the construction of roads, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#).

9 Rural land protection

The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
- (b) any development designed to change the use or purpose of any such reserve.

10 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Natural Resources of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#),

the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:

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

11 Minor Council works and maintenance

The carrying out by the Council, or on behalf of the Council, development for the purpose of any of the following:

- (a) walkways, observation platforms, boardwalks and interpretative signage,
- (b) minor environmental protection, restoration and conservation activities,
- (c) minor works for recreational, scientific or educational purposes,
- (d) provision of roads, stormwater drainage, flood mitigation, erosion control and stabilisation of watercourses, recreation areas, landscaping, gardening, public amenities, parking areas or shared pathways,
- (e) provision of street furniture, such as benches, bollards, Council information signs, public artwork installations, street lights, bus and light rail stop shelters, telephone booths and the like, but not fixed outdoor vending machines,
- (f) minor improvements to footpaths and other public pedestrian areas, such as tree planting and repaving, street surfacing, reconstruction of kerbs, footpaths, gutters and the like,
- (g) street resurfacing, reconstruction of kerbs, footpaths, gutters and the like.

Schedule 2 Heritage items

(Dictionary)

Ref No	Item description	Property name	Property location/description
CAD.28	Rural Buildings		Lot 9, DP 131498, Campbell Street, Parish of Bobundara
CAD.29	Old Chapel Creek Bridge		Chapel Creek, Dalgety
CAD.30	New Chapel Creek Bridge	New Bridge	Chapel Creek, Dalgety
1.12	House	Crackenback	Lot 22, DP 707976, Parish of Crackenback
1.13	Wollondibby Cottage and Grave	Wollondibby Cottage, Woolshed and 1848 Cemetery	Lot 1, DP 245722, Parish of Thredbo

1.14	Former Leeseville Hotel, Cottage and Woolshed	Leeseville	Lots 14, 19 and 123, DP 756686, Parish of Clyde
1.15	House, Rural Buildings, Orchard and Pine Trees	Cobbin Farm	Lot 2, DP 882864, Parish of Clyde
1.17	Rural Building	The Stone House	Lot 52, DP 756699, Parish of Ingebirah
1.19	Ruin	The Bark Hut	Lot 55, DP 756699, Parish of Ingebirah
1.20	Grave and Hut		Lot 60, DP 7566699, Tin Mine Track, Ingebirah
1.21	Miners Hut		Lot 60, DP 7566699, Tin Mine Track, Ingebirah
1.23	Church	St Thomas Church and Moonbah Cemetery	Lot 1, DP 89733, Barry Way, Mowamba
1.24	House	The Potato Pit No 2	Lot 1, DP 744675, Parish of Mowamba
1.25	Mine Ruins		Lot 60, DP 756699, Parish of Ingebirah
1.26	Rural Buildings	Glenrock Homestead	Lot 9, DP 1041329, Parish of Abington
1.28	Rural Buildings	Glen Milne	Lots 1 and 2, DP 1030529, Parish of Abington
1.29	Church	St Andrews Anglican Church	Lot 146, DP 219583, Jindabyne
1.30	Rural Buildings	Moonbah	Lot 129, DP 756686, Parish of Clyde
1.31	Rural Buildings	The Park Homestead	Lot A, DP 374698 and Lot 61, DP 1012326, Parish of Abington
1.32	Rural Buildings	Pleasant View	Lot 1, DP 821719, Parish of Abington
2.01	Rural Buildings	Boloco	Lot 123, DP 756672, Parish of Beloka
2.02	Church and Cemetery	St James Anglican Church and Boloco Cemetery	Lot 172, DP 729689, Parish of Beloka
2.03	Church	St James Anglican Boloco Church	Lot 16, DP 756730, Parish of Beloka
2.04	Cemetery	Boloco Cemetery	Lot 16, DP 756730, Parish of Beloka
2.05	Rural Buildings	Ironmungie	Lots 1-3, DP 873883, Parish of Coonhoonbula
2.06	Rural Buildings	Matong	Lot 2, DP 871607, Parish of Coonhoonbula
2.07	Rural Buildings	Numbla Vale	Lots 1, 40, 96-98 and Lot 1, DP 421049, Parish of Numbla
2.10	Rural Buildings	Jimenbuen Homestead	Pt Lot 1, DP 756708, Parish of Matong

2.11	Rural Buildings	Jimenbuen Station	Lots 2, 29 and Pt Lot 1, DP 756708, Parish of Matong
2.13	Schoolhouse		Lot 1, DP 719016, Parish of Matong
2.14	Rural Buildings	Boloco South	Pt Lot 10, DP 756672, Parish of Beloka
2.15	Rural Buildings	Boloco	Portions 25, 31, 34, 63, 73,74 and 94, DP 756730, Parish of Wilson
2.16	Rural Buildings	Emohruo	Lot 1, DP 749653, Parish of Wilson
2.22	Bridge	Bridge (1) over Numbla Creek	Lucernedale
2.23	Bridge	Bridge (2) over Numbla Creek near Matong Homestead	near Matong Homestead
L2.01	Lake	Lakeview	Lot 145, DP 756701, Parish of Matong
3.01	Rural Buildings	Coolringdon	Lots 73, 74 and 162-164, Parish of Coolringdon
3.03	Historical Site, Cemetery and Church	St Mary the Virgin Anglican Church and Gegerderick Cemetery	Crown Land and Lot 1, DP 724285, Lot 1, DP 724448 and Lot 1, DP 724809, Parish of Gordon
3.04	Rural Buildings	Kiah Lake Homestead and outbuildings	Lot 29, DP 756715, Parish of Myack
3.06	Rural Buildings	Hazeldean Homestead	Lots 125 and 127, DP 750545, Parish of Cooma
3.07	Rural Building	Outstation on Hazeldean	
3.08	Rural Buildings	Springwell	Lot 2, DP 208390, Parish of The Brothers
3.09	Rural Buildings	Severn Park	Lot 2, DP 591358 and Lot 60, DP 756731, Parish of Wullwye
3.10	Historical Site—Cemetery	Christ Church Maneroo	Myalla Road, Cooma
3.11	Church and Rectory	Christ Church Maneroo	Myalla Road, Cooma
3.12	Former Rectory	Koolaroo	Lot 29, DP 750535, Parish of Cooma
3.13	Rural Buildings	Myalla	Lot 4, DP 756716, Parish of Cooma
3.14	Rural Buildings	Wullwye	Lot 164, DP 756694, Parish of Gordon, Wullwye
3.15	Rural Buildings	Bush Hall	Lot 1, DP 573752, Parish of Gygederick
3.16	House and Stable	The Old Parsonage	Lot 2, DP 545233, Parish of Gordon
3.17	Church	Uniting Church Alpine Parish	Lot 21, DP 756681, Parish of Bullenbalong

3.18	Rural Buildings	Kara	Lot 48, DP 756702, Parish of Jinderboine
3.19	Rural Buildings	Avonside	Lot 20, DP 848079 and Lot 52, DP 756702, Parish of Jinderboine
3.21	Hotel	Past Times (former Pine Valley Hotel)	Lot 1, DP 230790, Parish of Jillamatong
A3.01	Archaeological Site	Murlingbung Flour Mill Site	West of Murlingbung
3.27	Rural Buildings	Willow Grove	Lot 373, DP 750535, Parish of Cooma
3.28	Rural Buildings	Mandalong	Lots 1 and 2, DP 114755, Lots 78, 83 and 190, DP 750561, Lots 1 and 2, DP 795653, Lot 2, DP 848178, Enclosure Permit 204421, Parish of The Brothers
3.31	Rural Buildings	Stratford	Lot 10, DP 749533, Parish of Gordon
3.34	Historical Site and Building	Bobundara	Pt Lot 1, DP 607651, Parish of Maffra, Lot 189, DP 704174, Lot 2, DP 731773, PO 84/11, Parish of Myalla
3.35	Rural Buildings	Cherry Tree	Lot 2, DP 734518, Parish of Arable
3.37	Rural Buildings	Alloura	Lot 74, DP 756698, Parish of Gygederick
3.41	Rural Building	Boonara	Lot 160, DP 756694, Parish of Gordon
3.42	Rural Buildings	Sunnyside	Lot 77, DP 756694 and Lots 9 and 12, DP 1087439, Parish of Gordon
3.46	Rural Buildings	Murlingbung	Lots 213 and 268, DP 41919, Parish of Bullenbalong
3.47	Rural Building	Cottage belonging to Murlingbung	Lot 2, DP 592293, Parish of Bullenbalong
3.48	Church	St Thomas Anglican Church	Lot 69, DP 756679, Parish of Buckenderra
3.49	Rural Buildings	Coolamatong Homestead	Lot 1, DP 756687, Parish of Coolamatong
3.65	House		Lot 3, Sec 19, DP 1242, Berridale
3.86	Rural Buildings	Oakvale	Lots 38, 88, 89, 94, 96, 104, 122 and 142, DP 756687, Parish of Coolamatong and Lots 137, 138, 139, 140, 143 and 170, DP 756694, Parish of Gordon
3.87	Rural Buildings	Kiah Lodge	Lot 2, DP 598807, Parish of Myack
3.88	Rural Buildings	Rockwell	Lots 1 and 2, DP 703710
3.90	Rural Buildings	Kelton Plain	Lots 1-5, DP 795657 and Lots 6-9, DP 795653
3.91	Rural Buildings	Hilltop	DP 756727, Parish of Townsend
3.95	Rural Buildings	Ravensworth	DP 750561, Parish of The Brothers

3.96	Rural Buildings	Nioka	Lot 167, DP 750545, Parish of Jillamatong
3.97	Rural Buildings	Little Plain	Lot 52, DP 756680, Parish of Coolamatong
3.99	Rural Buildings	Lakeview	
L3.01	Lake	Buckleys Lake	Lot 101, DP 756731, Parish of Wullwye (Water Reservoir 690)
4.01	Archaeological Site and Rural Buildings	Happy Valley	Portions 22 and 23, DP 756677, Parish of Bolaira
A4.02	Archaeological Site	Bolaira View (see also 4.45)	Lot 7, DP 756677, Yaouk Road, Adaminaby
4.04	Racecourse	Adaminaby Racecourse	Lot 133, DP 729403, Lots 1, 2 and 3, DP 202185, Parish of Bolaira
4.05	Rural Buildings	Bolaro Shearing Area	Lot 1, DP 756684 and Lot 1, DP 614863, Parish of Chippendale
4.34	Rural Buildings	Lawarra	Pt 24, DP 750534 and Lots 7 and 19 and Pt Lot 2, DP 900497, Parish of Coolringdon
4.40	Rural Buildings	Hazelwood	Lot 110, DP 756677, Parish of Bolaira
4.43	Ruins and Pioneer Grave Sites	Boconnoc	Part Portions 23 and 28, DP 756709, Parish of Middlingbank
4.44	Rural Buildings	Bolaira View	Lot 74, DP 756677, Parish of Bolaira
4.45	Waterwheel and Building	Bolaira View (Outrider Cottage)	
4.46	Rural Buildings	Milroy	Lots 15, 32, 35, 40, 56, 57, 60-2, 65, 79, 80, 81, OCP 77/28, 116 and 123, DP 756684, Parish of Chippendale and Lot 33, PO 82/4, DP 756720, Lots 1 and 2, DP 720143, Lot 1, DP 133617, Parish of Nungar
4.47	Rural Buildings	Fontenoy	Lot 48, DP 756684, Parish of Chippendale
4.48	Rural Buildings	Heatherbrae	Lot 27, DP 756692, Parish of Gabramatta
4.49	Rural Buildings	Gabramatta	Lot 1, DP 756692, Parish of Gabramatta
4.50	Rural Buildings	Fairview	Pt Lot 1 and Lot 95, DP 756729, Parish of Wallgrove
4.52	Rural Buildings	Coolringdon Chalet	Lot 17, DP 756718, Parish of Nimmo
4.53	Rural Building	Jimmy's Hut	Lot 40, DP 756696, Parish of Gungarlin
4.54	Rural Building	Bulmanns Hut	Lot 21, DP 756718, Parish of Nimmo

4.55	Bridge	Nimmo Bridge	Eucumbene River on the boundary of Middlingbank and Nimmo Parishes
4.56	Rural Buildings	Polygon	Lot 105, DP 756677, Parish of Bolaira
4.57	Rural Building	Neriwa	Lot 136, DP 756709, Parish of Middlingbank
5.01	Homestead, garden, garden structures, relics of original driveway and entrance, cottages, building relics, shearing shed and associated buildings, sheds, old plantings	Murranumbla	Lot 2, DP 756707, Parish of Marrinumbla
5.02	House, garden, garage, shed, pine trees	Tallawa	Lot 40, DP 756707, Parish of Marrinumbla
5.03	Ruins	Old Glenmore	Lot 2, DP 354168, Parish of Abington
5.04	House and Exotic Plantings	Briardale	Lot 1, DP 577655, Parish of Caddigat
5.05	Rural Buildings and Ruins	Bushy Park	Lot 2, DP 1033120, Parish of Jinderboine
5.06	2 Lodges, Commissioner's house and Sports Stadium	Jindabyne Winter Academy of Sport and Recreation	Lot 101, DP 1019527, Parish of Clyde
5.07	Recreation Hall (former Cooma North Primary School Building)	Carinya	Lot 10, DP 861805, Parish of Abington
5.08	Rural Buildings	Ashfield	Lot 118, DP 720173, Parish of Crackenback
5.09	Rural Buildings	Barrymore	Lot 26, DP 270225, Parish of Abington
5.10	Gold Dredge	Coolringdon	Lot 2, DP 522635, Parish of Gungarlin
5.11	Stockman's Hut	Flanagans Hut	Lot 35, DP 756696, Parish of Gungarlin
5.12	Buildings	Gaden Trout Hatchery	Lot 1, DP 434685, Parish of Crackenback
5.13	Ruins	Narelles Hut	Lot 109, DP 756714, Parish of Murroo
5.14	Former Schoolhouse	Rocky Plain Public School	Lot 184, DP 756709, Parish of Middlingbank
5.15	Rural Building	Wee Wah	Lot 2, DP 818209, Parish of Townsend
5.16	Ruins	Top Place	Lot 3, DP 786411, Parish of Mowamba
5.17	Slab Hut	Pleasant Valley	Lot 204, DP 40026, Parish of Middlingbank

5.18	Homestead	Coonghoongbula	Lot 13, DP 756707, Lot G, DP 19444 and Lot 4, DP 130225, Parish of Coonhoonbula
5.19	Dwelling	Wheathill	Lot 100, DP 756687, Parish of Coolamatong

Schedule 3 Additional permitted uses

(Clause 57)

1 Use of certain land at Lake Crackenback Resort, Crackenback

- (1) This clause applies to land at Lake Crackenback Resort, being the land shown edged heavy black on the map marked "*Snowy River Rural Local Environmental Plan 2007 (Amendment No 1)*" deposited in the office of Snowy River Shire Council.
- (2) Development for the purposes of rural tourist accommodation is permitted with consent if the number of persons that may be accommodated overnight within the accommodation facility does not exceed 1,000.

2 Use of certain land at Lake Crackenback Resort, Crackenback

- (1) This clause applies to land at Lake Crackenback Resort, being Lot 66, SP 70681, Lot 105, SP 74040, Lot 106, SP 74040 and Lot 107, SP 74040 (shown hatched on the map marked "*Snowy River Rural Local Environmental Plan 2007 (Amendment No 1)*" deposited in the office of Snowy River Shire Council).
- (2) Development for the following purposes is permitted with consent if the number of persons that may be accommodated overnight within the accommodation facility does not exceed 426:
 - (a) rural tourist accommodation, entertainment and conference facilities, tourist operations, rural holiday dwellings, sports and recreation facilities, centralised site management facilities, and
 - (b) retail premises ancillary to such uses.

Dictionary

(Clause 3)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

agriculture means the extensive propagation, cultivation or harvesting of plants for commercial purposes or the keeping and breeding of animals for food and fibre production. Examples are bee keeping, crop production, marine farming, forestry and grazing.

animal boarding facility means a building or placed used for the boarding of animals. Examples are premises used for a cattery, dog pound or kennel.

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

archaeological site means a site of one or more relics, listed in Schedule 2 as an archaeological site.

arterial road means any of the following roads:

- (a) Alpine Way (MR 677),
- (b) Barry Way (MR 7626, S51 and MR 4056),
- (c) Bobeyan Road (S1),
- (d) Dalgety Road (Berridale to Dalgety) (MR 394),
- (e) Kosciuszko Road (MR 286),
- (f) Middlingbank Road (MR 585),
- (g) Snowy Mountains Highway (SH4),
- (h) "The Snowy River Way" (Dalgety to Bombala) (MR 394),
- (i) "The Snowy River Way" (Jindabyne to Dalgety) (MR 7626).

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means a dwelling used by its permanent residents to provide short-term tourist accommodation for up to a maximum of 6 guest beds (which may include meals) for commercial purposes and includes ancillary buildings within the curtilage of the dwelling.

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush rock removal means the disturbance, dislodgment or removal of bush rock from land.

business and professional services means development for the purposes of administration, clerical, technical, professional or other purposes. Examples are a bank, brothel, call centre, child

health clinic, consulting room, funeral parlour, office, real estate agency and travel agency.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, are to be, installed or placed.

class III agricultural land means land marked as such on a map prepared on behalf of the Director-General of the Department of Primary Industries and held at the offices of the Council.

community services means services provided for cultural, community or social purposes. Examples are a church, cemetery (including private cemetery), hall, community centre, library and place of worship.

cultural facilities means facilities used for displaying art or crafts and items of scientific, historic or cultural interest. Examples are an art gallery and museum.

cumulative impact of successive development means the accumulation of environmental and social impacts that result from either a number of developments over time or a number of developments in a given location, or both.

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

dual occupancy means development permitted by clause 23.

dwelling means a building used as a self contained residence containing only one kitchen.

earthworks means excavation or filling.

eco-tourism facility means a facility for nature-based tourism. It includes an accommodation facility at which education about, and interpretation of, the natural and cultural environment are provided.

educational facility means premises used as a kindergarten, primary school, comprehensive school or tertiary institution.

entertainment and conference facility means premises used for entertainment, exhibitions or displays, conferences or conventions. Examples are theatres, cinemas, music halls, concert halls, drive-in theatres and conference centres.

excavation means the removal of soil or rock, whether it is moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

existing holding means:

- (a) except as provided by paragraph (b), the area of a lot, portion or parcel of land as it was at 26 September 1985, or
- (b) where, at 26 September 1985, a person owned two or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were at 26 September 1985.

existing use means a use as defined in section 106 of the Act.

extractive industry means an industry carried on for the purpose of extracting or removing material, including construction, roadwork or manufacturing works and includes an industry carried on for the purpose of the treatment or processing of that material by crushing, grinding, milling or screening on the land from which it is extracted or on adjoining land. Examples are mineral exploration, mining, quarrying, sand mining and turf extraction.

frontage means a boundary of a lot which abuts a road.

full supply level, in relation to Lake Eucumbene, means RL 1164.95 metres.

gross floor area means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

height, in relation to a building, means the distance measured vertically from any point on the roof of the topmost floor of the building to the natural ground level immediately below that point.

heritage conservation area means:

- (a) an area of land that is shown as a heritage conservation area on the locality map (including any heritage items situated on or within that conservation area), or
- (b) a place of Aboriginal heritage significance shown on that map.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object specified in Schedule 2.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

holding means:

- (a) except as provided by paragraph (b), the area of a lot, portion or parcel of land as it was on the appointed day, or
- (b) where, on the appointed day, a person owned two or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels, as they were at the appointed day.

home activity means the use of a dwelling for the purposes of business or professional services, manufacturing or processing, food services or the servicing or repairing of articles or machinery.

home-based child-care means development for the purposes of the provision of care by a care giver, licensed under the *Children (Care and Protection) Act 1987*, for up to 7 children (including the care giver's own children) in the dwelling in which the care giver resides.

horse breeding and training facility means a building or place used for the commercial stabling, breeding or training of horses.

horse riding establishment means land used for renting and riding horses or the teaching of horse riding, whether or not horse riding takes place only within the land and whether or not for gain, but does not include an establishment where the maximum number of horses kept at any one time does not exceed 7.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital services means health services (including preventative care, diagnosis, medical and surgical treatment and counselling) provided to persons admitted as in-patients. It may include the care or treatment of outpatients.

hotel industry means premises that are the subject of a hoteliers licence under the *Liquor Act 1982*.

intensive agriculture means the carrying on of intensive livestock agriculture or intensive plant growing.

intensive livestock agriculture means the keeping or breeding of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant growing means the commercial growing of plants or fungi, or both, where water is applied over and above the water naturally occurring and includes horticultural systems such as hydroponics, crop protection, market gardening, orcharding, the growing of field flowers, viticulture and turf farming, but does not include the growing of plants solely for the consumption or enjoyment of the owner or occupier of the land concerned.

Lake Eucumbene Visual Protection Area means the area shown on the locality map as the Lake Eucumbene Visual Protection Area.

Lake Jindabyne Visual Protection Area means the area shown on the locality map as the Lake Jindabyne Visual Protection Area.

land significant for flora and fauna protection means land shown as such on the locality map.

local heritage significance, in relation to a place, building, work, historical archaeological site, tree or precinct, means its heritage significance to an area.

locality map means the map marked “*Snowy River Rural Local Environmental Plan 2007—Locality Map*”, as amended by the maps, or sheets of maps, marked as follows:

Editorial note—

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

maintenance in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

mezzanine means an intermediate floor within a room.

natural ground level means the natural level of a site at any point.

on-farm tourist accommodation means a dwelling on a holding of an area of not less than 100 hectares, being a dwelling-house occupied by a person engaged in the use of the holding for the purpose of agriculture or horticulture and used to provide tourist accommodation where tourists using the accommodation are exposed to agricultural or horticultural aspects and activities on the holding.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial

places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

public road means any road that is opened or dedicated as a public road under any Act or law.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by the authority of any Government Department or under the authority of, or pursuant to, any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services.

RL means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of Snowy River Shire, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

residential development means one or more dwellings providing long-term accommodation. Examples are an apartment, conjoined dwelling, dependent persons unit, flat, house, multiple dwellings, staff housing, non-commercial holiday home.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

river includes:

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and
- (c) anything declared by the regulations under the [Water Management Act 2000](#) to be a river,

whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations under the [Water Management Act 2000](#) not to be a river.

rural holiday dwelling means a dwelling used wholly for holiday accommodation by different groups of associated people, or by family groups at different times.

rural industry means an industry carried on for the purposes of:

- (a) storing, handling, treating, processing or packing plant or animal resources, or
- (b) servicing or repairing plant, or equipment, used in agriculture or intensive agriculture.

Examples are an abattoir, animal saleyard, cheese factory, fish processing, milk processing, sawmilling, and composting facilities and works.

rural living subdivision means subdivision of rural land into small rural lots to be occupied by dwellings, where the subdivision is close to towns and villages and services are provided within the subdivision.

rural residential estate means a low density residential estate development of rural lots on the edge of towns and villages and connected to urban services.

rural tourist accommodation means short-term accommodation for tourists or travellers. Examples are guesthouses, holiday cabins, holiday units, residential camps and health retreats.

setback means the minimum distance from any lot boundary to a building.

specialist or bulky goods sales means the sale of goods of a specialist or bulky nature including (but not limited to) garden and landscape supplies, primary produce sales and trade supplies, but not including household goods or other non-rural related goods.

species impact statement has the same meaning as in the [Threatened Species Conservation Act 1995](#).

sports and recreation facility means a place used for leisure, recreation or sport conducted wholly or mainly in outdoor settings. Examples are a golf course or driving range, firing range, public swimming pool, sportsground, outdoor recreation facility, picnic ground, showground, skatepark, walking tracks and shared pathways.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

telecommunications facility means any part of the infrastructure of a telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

the Act means the *Environmental Planning and Assessment Act 1979*.

the Council means the Snowy River Shire Council.

timber yard means a place or building used for the storage, treatment or sale of timber products.

tourist operation means premises used specifically for attracting tourists, other than for the provision of accommodation. Examples are a winery, theme park, visitors centre, wildlife park, and may include a souvenir shop.

transport depot means premises used for distributing goods or depositing passengers, and that may incorporate facilities to park and service vehicles. Examples are an airport, bus terminal, heliport, mail centre, railway station, road or rail freight terminal, taxi depot and a wharf.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

utility installation means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises.

veterinary surgery means a building or place used for the medical or surgical treatment of animals.

wind energy facility means land used to generate electricity by wind force and includes any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force. It does not include turbines principally used to supply electricity for domestic or rural use of the land or anemometers.