

# Griffith Local Environmental Plan 1994

[1994-638]



New South Wales

## Status Information

### Currency of version

Repealed version for 18 February 2000 to 28 November 2002 (accessed 23 November 2024 at 12:38)

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

### Provisions in force

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

### Notes—

- **Repeal**

The Plan was repealed by the [Griffith Local Environmental Plan 2002](#), cl 3 with effect from 29.11.2002.

### Authorisation

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

File last modified 4 December 2002

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of plan .....	5
2 Aims, objectives etc.....	5
3 Land to which this plan applies .....	5
4 Relationship to other environmental planning instruments .....	6
5 Definitions .....	6
6 Adoption of Model Provisions .....	12
7 References.....	12
8 Consent authority .....	12
<b>Part 2 General restrictions</b> .....	12
9 Zones indicated on the map.....	12
10 Zone aims and objectives and Development Control Table .....	13
<b>Part 3 Special provisions</b> .....	25
10A What is exempt and complying development?.....	25
11 Subdivision of land generally.....	26
12 Subdivision for agriculture in Zones 1 (a) and 1 (d) .....	26
13 Conversion of irrigation land for horticultural purposes .....	26
14 Subdivision for purposes other than agriculture or a dwelling in Zones 1 (a), 1 (c) and 1 (d) .....	26
15 Subdivision of land in Zone 7 (w) .....	26
16 Subdivision for the erection of a dwelling within Zones 1 (c) and 1 (d) .....	26
17 Erection of dwellings in Zones 1 (a), 1 (c) and 1 (d) .....	27
18 Erection of additional dwellings in Zone 1 (a).....	27

19 Services.....	28
20 Development in Zone 6 (a).....	28
21 Development in Zone 7 (w).....	28
22 Flood liable land.....	28
23 Development along Murrumbidgee River.....	29
24 Environmentally sensitive land.....	30
25 Land subject to bush fire hazards.....	30
26 Development near licensed aerodrome.....	31
27 Sound insulation of buildings near aerodrome.....	31
28 Acquisition of land.....	32
29 Development near zone boundaries.....	32
30 Unzoned land.....	32
31 State Rail Authority unzoned land.....	32
32 Temporary use of land.....	32
33 Community use of school facilities and sites.....	33
34 Advertising of certain development applications.....	33
35 Development along arterial roads.....	33
36 Access.....	34
37 Preservation of trees.....	34
38 Irrigation canals and channels.....	34
39 Advertisements relating to places of tourist interest.....	35
40 Aims in relation to heritage.....	35
41 Protection of heritage items, heritage conservation areas and relics.....	35
42 Notice of certain heritage development applications.....	36
43 Notice to Heritage Council.....	36
44 Development of known or potential archaeological sites.....	36
45 Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites.....	37
46 Conservation incentives.....	37
47 Development without consent.....	38
48 Classification and reclassification of public land as operational.....	38
<b>Schedule 1</b> .....	<b>38</b>

<b>Schedule 2</b> .....	39
<b>Schedule 3</b> .....	40
<b>Schedule 4</b> .....	43
<b>Schedule 5</b> .....	44

# Griffith Local Environmental Plan 1994



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as the *Griffith Local Environmental Plan 1994*.

### 2 Aims, objectives etc

The general aims and objectives of this plan are:

- (a) to repeal all existing local planning controls which apply to the land within the City of Griffith and to replace these controls with a broad framework of controls in a single local environmental plan, and
- (b) to simplify the general restrictions on development by reducing the number of zones into which land is divided, and
- (c) to give the Council greater share of responsibility for environmental planning by creating a broad framework of controls and to create the opportunity for more detailed provisions relating to matters of local environmental significance, and
- (d) to expedite the consideration and determination of planning applications, and
- (e) to assist in development of rural industries, tourism, service, business and distribution industries so as to gain employment, economic, cultural, social and recreational benefits to the community, and
- (f) to encourage industrial and commercial development which is environmentally sensitive and acceptable to the community of Griffith, and
- (g) to permit development which is compatible with the environment, while protecting and conserving agricultural, geological, water, timber, recreational and scenic resources and the environmental heritage of the City.

### 3 Land to which this plan applies

This plan applies to all the land within the City of Griffith.

#### 4 Relationship to other environmental planning instruments

This plan repeals *Interim Development Order No 2—Shire of Wade* and such other local environmental plans and deemed environmental planning instruments as immediately before the appointed day applied to the land to which this plan applies, but only to the extent that they so applied.

#### 5 Definitions

In this plan:

**agriculture** means horticulture, the cultivation of crops (including cereals, fruit, vegetable or flower crops), horticultural, irrigation and dry land farming and includes:

- (a) the keeping or breeding of livestock, bees or poultry and other birds, and
- (b) the cultivation of plants in a wholesale plant nursery for commercial purposes.

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

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

**animal boarding establishment** means a building or place used for breeding, boarding, training, keeping or caring for animals for commercial purposes, and includes a riding school and veterinary clinic.

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

**aquaculture** means cultivating (including propagating and rearing) the living resources of the sea or inland waters, whether or not that cultivation is carried out in a farm established for that purpose using an artificially created body of water.

**archaeological site** means a site identified as an archaeological site in Schedule 1.

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

**bed and breakfast accommodation** means the use of an existing lawful dwelling by its permanent residents for the temporary accommodation of visitors for commercial purposes.

**bulky goods** means large goods which, in the opinion of the Council, are of such a size and shape as to require:

- (a) a large area for handling, storage or display, and
- (b) easy and direct vehicular access to enable the goods to be collected by customers

after sale.

**bushfire hazard reduction** means the reduction or modification, by burning, chemical, mechanical or manual means, of material that constitutes a bushfire hazard.

**camping ground or caravan site** means a site used for the purpose of:

- (a) placing movable dwellings for permanent accommodation or for temporary accommodation by tourists or itinerant workers, or
- (b) the erection, assembly or placement of cabins for temporary accommodation by tourists or itinerant workers.

**car park** means a building or place used for parking vehicles and any related manoeuvring space and access, whether operated for gain or not.

**clear** means remove or destroy vegetation or structures.

**commercial premises** means a building or place used as an office or for other business or commercial purposes, but does not include a building or place specifically defined elsewhere for the purposes of this plan.

**community facility** means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place specifically defined elsewhere for the purposes of this plan.

**conservation plan** means a document establishing the significance of a heritage item or a heritage conservation area and identifying the policies and management options that are appropriate to enable that significance to be retained in its future use and development.

**convenience store** means a shop selling a variety of small consumer goods, and petrol, oil and petroleum products, whether or not other goods are available for hire.

**Council** means the Council of the City of Griffith.

**demolish** a heritage item or a building, work, relic, tree or place within a heritage conservation area means wholly or partly destroy or dismantle the heritage item or building, work, relic, tree or place.

**Department** means the Department of Planning.

**dry land** means rural land situated outside an Irrigation Area or District.

**dual occupancy development** means dual occupancy attached development or dual occupancy detached development on a single allotment or portion of land on which a dwelling is permissible.

**dual occupancy attached development** means:

- (a) where no dwelling or dwelling-house exists on the allotment or portion—the erection of 2 attached dwellings, or
  - (b) where a dwelling-house exists on the allotment or portion—the effecting of alterations or additions to the existing dwelling-house so as to create 2 attached dwellings,
- on a single allotment or portion of land on which a dwelling is permissible.

**dual occupancy detached development** means:

- (a) where no dwelling or dwelling-house exists on the allotment or portion—the erection of 2 detached dwelling-houses, or
- (b) where a dwelling-house exists on the allotment or portion—the erection of a second and detached dwelling-house,

on a single allotment or portion of land on which a dwelling is permissible.

**environmentally sensitive land** means land shown shaded on the map.

**existing holding** means:

- (a) the area of a farm, lot, portion or parcel of land as it was at 18 April 1989, and
- (b) if, as at 18 April 1989, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at that date.

**flood liable land** means land shown by broad diagonal hatching on the map.

**floorspace ratio** in relation to a site, means the ratio of the gross floor area of any building or buildings on the site to the site area.

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**height** in relation to a building, means the vertical distance measured between ground level at any point at which the building is sited, and the ceiling of the topmost floor of the building above that point.

**heritage conservation area** means land shown by fine diagonal hatching on the map

and referred to as a conservation area in Schedule 1 and includes buildings, works, relics, trees and places situated on or within that land.

**heritage item** means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) described as a heritage item in Schedule 1.

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

**horticulture** means the permanent planting of fruit trees, vegetables, vines or nuts for commercial purposes and includes such uses as glasshouses, flower growing and hydroponics.

**housing for disabled or aged persons** means residential accommodation which may take any building form which is or is intended to be used as housing for the permanent accommodation of aged persons or disabled persons.

**integrated housing development** means development which results in the subdivision of land into five or more allotments each containing a dwelling house.

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

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms, and
- (d) fish farming (including the farming of crustaceans and oysters),

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

**irrigation land** means land that has an irrigated water supply and is not used for horticulture.

**itinerant workers accommodation** means a site used for the purpose of:

- (a) placing moveable dwellings for temporary accommodation by itinerant workers, or
- (b) the erection, assembly or placement of cabins for temporary accommodation by itinerant workers.

**landscaped area** means the part of a site area used or to be used for swimming pools, recreation areas, lawns, gardens or other landscaping, but does not include driveways, parking areas or drying yards.

**maintenance** means the continuous protective care of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**medical centre** means a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment or counselling) to out-patients only.

**obstacle limitation surfaces plan** means the Masterplan produced in the Griffith Airport Study 1989 showing obstacle limitation surface requirements in relating to Griffith airport, being sheet 5 of the map.

**offensive industry** means development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**potential archaeological site** means a site known to the consent authority to have archaeological potential.

**prime crop and pasture land** means land within an area identified on a map prepared by or on behalf of the Director-General of the Department of Agriculture, deposited in the office of the Council and copies of which are deposited in an office of NSW Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which the Director-General has notified the Council in writing is not prime crop and pasture land for the purpose of this plan.

**recreational area** means:

- (a) a children's playground, or
- (b) a showground, or
- (c) an area used for sporting activities or containing sporting facilities, or
- (d) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (e) an area or building used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes but not including a club licensed under the [Registered](#)

*Clubs Act 1976.*

**relic** means any deposit, object or material evidence relating to:

- (a) the use or settlement of the area of Griffith City Council, not being Aboriginal habitation, which is more than 50 years old, or
- (b) Aboriginal habitation of the area of Griffith City Council commencing before and continuing after its occupation by persons of European extraction, including human remains.

**residential flat building** means a building containing three or more dwellings.

**roadside stall** means a place or temporary structure used for selling by retail agricultural produce or hand crafted goods produced on an adjacent property and which has a gross floor area of not more than 40 m<sup>2</sup>.

**rural industry** means the handling, treating, processing or packaging of primary products and includes the servicing in a work shop of plant or equipment used for rural purposes in the locality.

**swimming pool** means a pool ancillary to a dwelling occupied for private use only.

**temporary building development**, in relation to an application for a complying development certificate means the erection of a building and its use for a period not exceeding 5 years specified in the application for the complying development certificate, being a building that is not used for residential purposes, or for the storage or handling of inflammable materials.

**the map** means the sheets of the map marked “*Griffith Local Environmental Plan 1994*”, as amended by the maps (or, if sheets of maps are specified, by the specified sheets of the maps) marked as follows:

*Griffith Local Environmental Plan 1994 (Amendment No 1)*

*Griffith Local Environmental Plan 1994 (Amendment No 2)*

*Griffith Local Environmental Plan 1994 (Amendment No 5)*

*Griffith Local Environmental Plan 1994 (Amendment No 6)*

*Griffith Local Environmental Plan 1994 (Amendment No 7)*

*Griffith Local Environmental Plan 1994 (Amendment No 10)*

**tree** means a perennial plant more than 1 m in height, having a permanent woody self-supporting main stem or trunk.

**wetland** means land which forms a shallow water body when inundated cyclically,

intermittently or permanently, being inundation which determines the type and productivity of soils and plant and animal communities.

## **6 Adoption of Model Provisions**

Clause 4 of the *Environmental Planning and Assessment Act Model Provisions 1980* is adopted for the purposes of this plan, except definitions of terms defined in clause 5.

## **7 References**

In this Plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the Council, and
- (c) a reference to land within a zone specified in the Table to clause 10 is a reference to land shown on the map in the manner indicated in clause 9 as the means of identifying land of the zone so specified.

## **8 Consent authority**

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

## **Part 2 General restrictions**

### **9 Zones indicated on the map**

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

Zone 1 (a) Rural (General) Zone—edged heavy black and lettered “1 (a)”

Zone 1 (c) Rural (Residential) Zone—edged heavy black and lettered “1 (c)”

Zone 1 (d) Investigation Zone—edged heavy black and lettered “1 (d)”

Zone 1 (f) Rural (Forest) Zone—edged heavy black and lettered “1 (f)”

Zone 2 (a) Residential Zone—edged heavy black and lettered “2 (a)”

Zone 2 (v) Residential (Village) Zone—edged heavy black and lettered “2 (v)”

Zone 3 (a) Business Zone—edged heavy black and lettered “3 (a)”

Zone 4 (a) Industrial Zone—edged heavy black and lettered “4 (a)”

Zone 5 (a) Special Uses (Public Car Parking) Zone—edged heavy black and lettered “5a”.

Zone 6 (a) Open Space Zone—edged heavy black and lettered “6 (a)”

Zone 6 (b) Open Space (Private) Zone—edged heavy black and lettered “6 (b)”

Zone 7 Environmental Protection (Fauna and Flora) Zone—edged heavy black and lettered “7”

Zone 7 (v) Environmental Protection (Scenic Protection) Zone—edged heavy black and lettered “7 (v)”

Zone 7 (w) Environmental Protection (Wetlands) Zone—edged heavy black and lettered “7 (w)”

## **10 Zone aims and objectives and Development Control Table**

- (1) The aims and objectives of a zone are set out in the Table to this clause under the headings “Aims and Objectives of the Zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent, and
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without Development Consent”, “Only With Development Consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council must not consent to the carrying out of development unless the Council is satisfied that carrying out of the development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.
- (4) In the determination of a development application, the Council must take into consideration the aim or aims of the zone or zones in which the development is proposed to be carried out.

Table

### **Zone 1 (a) Rural (General) Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to retain prime crop and pasture land where possible for the purpose of agriculture,

- (b) to retain viability and productivity whilst permitting diversity and flexibility in the management of agricultural land,
- (c) to prevent fragmentation of rural land and facilitate farm adjustments,
- (d) to facilitate rural adjustment by permitting the orderly subdivision and development of rural land and controlling the erection of dwellings so as to ensure the economic base of the City is protected,
- (e) to conserve, enhance and promote rural areas of scenic, tourist or agricultural significance to the benefit of the City,
- (f) to prevent the degradation of rural and natural resources,
- (g) to protect, enhance and conserve the water resource for use in the public interest,
- (h) to enable the development of the land within this zone for purposes which do not reduce the long term agricultural production potential of the land,
- (i) to enable the development of the land for rural industries and associated activities where the Council is satisfied that the use will not detrimentally affect or be affected by nearby agricultural activities,
- (j) to enable the development of land for other purposes compatible with agricultural practices in the area where the Council is satisfied that the use will not detrimentally affect or be affected by nearby agricultural activities.

## **2 Without Development Consent**

agriculture (other than animal boarding establishments and intensive livestock keeping establishments).

## **3 Only With Development Consent**

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

## **4 Prohibited**

integrated housing development; motor showrooms; residential flat buildings.

## **Zone 1 (c) Rural (Residential) Zone**

## **1 Aims and Objectives of the Zone**

- (a) to provide for a range of lifestyles to cater for all socio-economic groups, without causing adverse effects on the character and amenity of the City,
- (b) to promote orderly and economic development of land identified as being suitable for rural residential development,
- (c) to ensure that rural residential development is integrated with the rural landscape and is compatible with the capability of the site on which it is carried out to accommodate such development,
- (d) to enable the development of land within this zone for rural residential purposes,
- (e) to enable the development of land within this zone for purposes which are appropriate land uses within the surrounding rural residential area where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding rural residential area and the existing or proposed nearby development.

## **2 Without Development Consent**

agriculture (other than animal boarding establishments and intensive livestock keeping establishments).

## **3 Only With Development Consent**

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

## **4 Prohibited**

industries other than home industries; intensive livestock keeping establishments; motor showrooms.

### **Zone 1 (d) Investigation Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to identify land which may be needed in the future for urban purposes, and will be investigated with respect to its suitability for urban purposes prior to its release for such purposes,
- (b) to regulate subdivision and use of land so as to prevent development

which could prejudice the possible future release of land within this zone for urban or other purposes,

- (c) to enable the subdivision and use of the land for urban and rural residential purposes where:
  - (i) urban structure planning has been undertaken over the area and adopted by the Council,
  - (ii) appropriate infrastructure and facilities are available to the land or can be provided to the land in a manner which does not create an unreasonable and uneconomic demand for the provision or extension of such infrastructure and facilities,
  - (iii) the Council is satisfied that sufficient demand exists for the release of land for the particular purpose for which it is intended to be developed.

## **2 Without Development Consent**

agriculture (other than animal boarding establishments and intensive livestock keeping establishments); forestry.

## **3 Only With Development Consent**

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

## **4 Prohibited**

animal boarding establishment; commercial premises; intensive livestock keeping establishments.

## **Zone 1 (f) Rural (Forest) Zone**

### **1 Aims and Objectives of the Zone**

- (a) to identify land which is presently being used for forestry and should be retained for forestry and associated activities,
- (b) to enable the development of land within this zone for forestry purposes,
- (c) to enable the development of extractive industries and mines.

### **2 Without Development Consent**

agriculture (other than intensive livestock keeping and animal boarding

establishments); forestry; public utility undertakings.

### **3 Only With Development Consent**

camping grounds; extractive industries; mines.

### **4 Prohibited**

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

## **Zone 2 (a) Residential Zone**

### **1 Aims and Objectives of the Zone**

- (a) to set aside land to be used for residential purposes and associated facilities,
- (b) to ensure full and efficient use of existing social and physical infrastructure and that the future provision of services and facilities meets any increased demand,
- (c) to enable development of land within this zone for residential purposes,
- (d) to enable development of land within this zone for tourist, open space and recreation purposes,
- (e) to enable the development of a variety of housing types while maintaining the existing character of the residential area throughout the City,
- (f) to enable development for retail, commercial and professional services in locations in residential neighbourhoods where such development is compatible with the amenity of adjoining land in respect of scale, height and type of buildings and traffic generation,
- (g) to enable the development of land within this zone for purposes which are considered to be appropriate land uses within the surrounding urban living area where the scale, height, type and traffic-generating characteristics of the development are compatible with the character and amenity of the surrounding urban living area and with the existing or proposed nearby development.

### **2 Without Development Consent**

public utility undertakings.

### **3 Only With Development Consent**

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

### **4 Prohibited**

animal boarding establishments; car repair stations; industries (other than home industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; transport terminals.

## **Zone 2 (v) Residential (Village) Zone**

### **1 Aims and Objectives of the Zone**

- (a) to recognise and promote development in existing villages so as to enable future development appropriate to their function,
- (b) to allow detailed provision to be made to set aside specific areas within the zone for varying housing densities, commercial, special uses, industrial and other urban and tourist facility purposes,
- (c) to ensure land is economically and adequately serviced in view of its likely development,
- (d) to ensure development reflects the existing character of villages and does not create excessive demands for services,
- (e) to enable the development of land within this zone for residential, commercial, special and tourist uses and other urban purposes,
- (f) to enable development of land for other purposes where it can be demonstrated by the applicant for development consent, to the satisfaction of the Council, that such a use will not detrimentally affect the amenity of the existing or proposed nearby development.

### **2 Without Development Consent**

nil.

### **3 Only With Development Consent**

any purpose other than a purpose included in Item 4.

#### **4 Prohibited**

extractive industries; intensive livestock keeping establishments; junkyards; offensive or hazardous industries; mines.

### **Zone 3 (a) Business Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the City,
- (b) to encourage the continued growth of the business area of Griffith as the commercial, retail and administrative centre of the City and surrounding areas and to reinforce particularly the concentrated retail core as the prime business area of the City,
- (c) to permit a wide range of uses within the zone that are associated with, ancillary to or supportive of retail and service facilities within the zone,
- (d) to ensure there is adequate provision for car parking and recreational and social facilities within the vicinity of the zone,
- (e) to minimise conflicts between pedestrian and vehicular movement within the business areas,
- (f) to enable the development of land within the zone for commercial and retail purposes,
- (g) to enable development of land within the zone for industrial uses that are compatible with existing commercial and retail development,
- (h) to enable development within the zone which is associated with, ancillary to or supportive of commercial or retail development,
- (i) to enable the development of land for other purposes where the Council is satisfied that such a use will not detrimentally affect the amenity of any existing or proposed nearby development,
- (j) to enable development of land within this zone for residential use where the Council is satisfied that adequate amenity will be provided for residents of the development and the land will not be required for commercial or retail use.

## **2 Without Development Consent**

public utility undertakings.

## **3 Only with Development Consent**

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

## **4 Prohibited**

liquid fuel depots; offensive or hazardous industries.

### **Zone 4 (a) Industrial Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to provide for an encourage the development and expansion of industrial activities which will contribute to the economic growth of and employment opportunities within the City,
- (b) to ensure a variety of sites are available with regard to area, frontage and services to meet the requirements of a range of industrial uses,
- (c) to minimise negative visual impact of development by limiting the size and scale of buildings and having regard to building design and landscaping of the site,
- (d) to ensure industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and service distribution,
- (e) to enable development of land within this zone for industrial purposes,
- (f) to enable development of land within this zone for the display and sale of bulky goods,
- (g) to enable development of specific office and subsidiary activities in association with the primary industrial use,
- (h) to enable the erection of dwellings which are ancillary to an industrial use for which consent has been granted,
- (i) to enable development of land within this zone for purposes which will not compromise the industrial development of the locality.

## **2 Without Development Consent**

public utility undertakings.

## **3 Only With Development Consent**

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

## **4 Prohibited**

dual occupancy development and dwelling houses (other than a caretaker's/ security residence used in conjunction with a use consented to); integrated housing development; residential flat buildings.

### **Zone 5 (a) Special Uses (Public Car Parking) Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to provide for the projected demand for public car parking associated with the town centre floorspace,
- (b) to enable public car parking to be provided in a structured manner, off the street,
- (c) to enable the installation of utilities in the zone, provided they do not compromise or significantly reduce the area allocated for public car parking.

#### **2 Without Development Consent**

nil.

#### **3 Only With Development Consent**

public car park; utility installations.

#### **4 Prohibited**

any purpose other than a purpose included in Item 3.

### **Zone 6 (a) Open Space Zone**

#### **1 Aims and Objectives of the Zone**

- (a) to provide land for active and passive recreational purposes,
- (b) to provide a diversity of recreational facilities suitable for youth and

adults so as to promote the development of recreation which will enable Griffith to be a venue for major sporting and civic events,

- (c) to facilitate access to particularly visually pleasing or exposed open space locations while allowing recreational use of those areas,
- (d) to promote the social development of the City,
- (e) to enable development of land within this zone for recreational purposes,
- (f) to enable development of land within this zone for uses associated with recreation,
- (g) to enable the development of land for other purposes only where it can be demonstrated that the proposed use will not affect the long term usefulness of the land for recreation.

## **2 Without Development Consent**

gardening, landscaping and bushfire hazard reduction works.

## **3 Only with Development Consent**

buildings for the purposes of gardening, landscaping or bush fire hazard reduction; public utilities; recreational areas.

## **4 Prohibited**

clubs; dual occupancy development; dwelling houses; liquid fuel depots; offensive or hazardous industries; rural industries; any other purposes not included in Item 2 or 3.

## **Zone 6 (b) Open Space (Private) Zone**

### **1 Aims and Objectives of the Zone**

- (a) to identify land presently used or to be used for open space and recreational purposes which is not proposed to be acquired by the Council,
- (b) to enable development of land within this zone for recreational purposes,
- (c) to enable development of land within this zone for uses associated with recreation,
- (d) to enable the development of land for other purposes where it can be

demonstrated that the proposed use will not affect the long term usefulness of the land for recreation.

## **2 Without Development Consent**

gardening, landscaping and bush fire hazard reduction works.

## **3 Only with Development Consent**

buildings for the purposes of landscaping, gardening or bush fire hazard reduction; clubs; recreational areas; any other purpose not included in Item 2 or 4.

## **4 Prohibited**

dual occupancy development; dwelling houses; liquid fuel depots; offensive or hazardous industries; rural industries.

# **Zone 7 Environmental Protection (Fauna and Flora) Zone**

## **1 Aims and Objectives of the Zone**

- (a) to protect and conserve the land as a habitat for diverse species of fauna and flora,
- (b) to enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the land.

## **2 Without Development Consent**

bushfire hazard reduction.

## **3 Only with Development Consent**

clearing of land; destruction of trees; any other purpose not included in Item 2 or 4.

## **4 Prohibited**

advertising structures; animal boarding establishments; car repair stations; commercial premises; dual occupancy development; dwellings; extractive industries; integrated housing development; intensive livestock keeping establishments; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; transport terminals.

## **Zone 7 (v) Environmental Protection (Scenic Protection) Zone**

### **1 Aims and Objectives of the Zone**

- (a) to preserve the prominent landforms which contribute to the visual quality of the City,
- (b) to ensure environmentally sensitive land is appropriately protected from development likely to detrimentally affect its preservation,
- (c) to ensure that significant areas capable of contributing to the character of the City are maintained for the benefit of the community and tourism potential,
- (d) to assist in the prevention of land degradation,
- (e) to enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the locality.

### **2 Without Development Consent**

bushfire hazard reduction.

### **3 Only with Development Consent**

clearing of land; destruction of trees; any other purpose not included in Item 2 or 4.

### **4 Prohibited**

advertising structures; animal boarding establishments; car repair stations; commercial premises; dual occupancy development; dwellings; extractive industries; integrated housing development; intensive livestock keeping establishments; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; transport terminals.

## **Zone 7 (w) Environmental Protection (Wetlands) Zone**

### **1 Aims and Objectives of the Zone**

- (a) to protect and conserve significant wetlands as a habitat for diverse species of fauna and flora,
- (b) to maintain the wetlands as a resource for recreational and educational pursuits,

- (c) to prohibit development which would destroy or damage the wetlands ecosystem,
- (d) to enable development of land within this zone only where it can be shown that the development will not destroy, damage or compromise the ecological, scenic or scientific attributes of the wet land.

## **2 Without Development Consent**

bushfire hazard reduction.

## **3 Only with Development Consent**

clearing of land; destruction of trees; any other purpose not included in Item 2 or 4.

## **4 Prohibited**

advertising structures; animal boarding establishments; car repair stations; commercial premises; dual occupancy development; dwellings; extractive industries; integrated housing development; intensive livestock keeping establishments; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; transport terminals.

# **Part 3 Special provisions**

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

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 22* as adopted by the Council on 19 October 1999 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 22* as adopted by the Council on 19 October 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 22* adopted by the Council, as in force when the certificate is issued.

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

A person shall not subdivide land to which this plan applies except with the consent of the Council.

### **12 Subdivision for agriculture in Zones 1 (a) and 1 (d)**

- (1) This clause applies to land within zone 1 (a) or 1 (d).
- (2) The Council may consent to a subdivision for the purpose of agriculture to create an allotment on which a dwelling is erected only if the area of the allotment is at least 20 hectares for horticultural land, 200 hectares for irrigation land and 500 hectares for dry land (that is neither horticultural land nor irrigation land).
- (3) The Council shall not consent to the subdivision of land for the purpose of agriculture which would result in an additional dwelling erected in pursuance of this plan being situated on a new allotment that formed part of an existing holding.

### **13 Conversion of irrigation land for horticultural purposes**

- (1) The Council may consent to a subdivision of irrigation land to create allotments the Council is satisfied will be use for horticultural purposes only if a suitability assessment and feasibility study, showing that the land is able to sustain the proposed use and that the proposed use is viable, has been considered by the Council.
- (2) The Council may consent to development and subdivision in respect of irrigation land intended to be converted to horticulture only if the applicant has submitted documentation from NSW Agriculture advising that the land is suitable for horticultural purposes and documentation from the Department of Water Resources advising of a water allocation.

### **14 Subdivision for purposes other than agriculture or a dwelling in Zones 1 (a), 1 (c) and 1 (d)**

Where land within zone 1 (a), 1 (c) or 1 (d) may lawfully be used for a purpose other than agriculture, a dwelling house, home industry or home occupation, the Council may consent to the subdivision of the land for that purpose.

### **15 Subdivision of land in Zone 7 (w)**

The Council shall not consent to the subdivision of land within zone 7 (w).

### **16 Subdivision for the erection of a dwelling within Zones 1 (c) and 1 (d)**

The Council may consent to the subdivision of land in zone 1 (c) or 1 (d) only if each allotment will have an area of at least 1 hectare unless documentation is provided which satisfies the Council that no effluent disposal problems will arise following the erection of a dwelling on the allotment.

### **17 Erection of dwellings in Zones 1 (a), 1 (c) and 1 (d)**

- (1) This clause applies to land within zone 1 (a), 1 (c) or 1 (d).
- (2) A dwelling may be erected with Council consent on vacant land within zone 1 (a) but only if the land has an area of at least:
  - (a) 20 hectares where the land is used for horticulture, or
  - (b) 200 hectares where the land is used for irrigation purposes, or
  - (c) 500 hectares where the land is neither irrigated nor used for horticulture.
- (3) A dwelling may be erected with Council consent on vacant land within zone 1 (c) or 1 (d), but only if the land has an area of at least 1 hectare, unless documentation is provided which satisfies the Council that no effluent disposal problems will arise following the erection of dwelling.
- (4) Despite sub-clauses (2) and (3), a dwelling may be erected with Council consent on vacant land consisting of:
  - (a) an existing holding, or
  - (b) an allotment created under this plan for a purpose other than agriculture where the Council considers that an ancillary dwelling is necessary, or
  - (c) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling could have been erected immediately before the appointed day.
- (5) Nothing in this clause prevents a person, with the consent of the Council, from erecting a dwelling that will wholly replace another dwelling that was lawfully erected.
- (6) In this clause, **vacant land** means land on which no dwelling is erected.

### **18 Erection of additional dwellings in Zone 1 (a)**

- (1) This clause applies to land within zone 1 (a).
- (2) One additional dwelling may be erected with the consent of Council where:
  - (a) a dwelling could be erected on the land in accordance with clause 17 if it had been vacant, and
  - (b) no additional access to an arterial road is required from the land, and
  - (c) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land, and
  - (d) in the opinion of the Council, the dwelling to be erected or created on the land will

not interfere with the purpose for which the land or adjoining land is being used,  
and

(e) the additional dwelling is erected on the same lot as an existing dwelling.

## **19 Services**

The Council shall not grant consent to the carrying out of any subdivision or other development on any land unless:

- (a) a water supply and facilities for the removal or disposal of sewage are available to that land, or
- (b) arrangements satisfactory to Council have been made for the provision of that supply and those facilities.

## **20 Development in Zone 6 (a)**

The Council shall not consent to the carrying out of development on land within zone 6 (a) unless consideration has been given to:

- (a) the need for the proposed development on that land, and
- (b) the impact of the proposed development on the locality, and
- (c) the need to retain the land for its existing or likely future use.

## **21 Development in Zone 7 (w)**

- (1) This clause applies to land within zone 7 (w)
- (2) A person shall not clear, drain, excavate or fill land to which this clause applies except with the consent of the Council.

## **22 Flood liable land**

- (1) A person shall not erect a building or carry out works for any purpose on flood liable land except with the consent of the Council.
- (2) The Council shall not grant consent to the erection of a building or the carrying out of works on flood liable land if, in the opinion of the Council, the carrying out of the development is likely:
  - (a) to impede the flow of flood waters on that land or land in its immediate vicinity, or
  - (b) to imperil the safety of persons on that land or land in its immediate vicinity in the event of that land being inundated by flood waters, and
  - (c) to aggravate the consequences of flood water flowing on that land or land in its immediate vicinity with regard to erosion, saltation and the destruction of

vegetation, or

- (d) to have an adverse effect on the water table of that land or of land in its immediate vicinity.

### **23 Development along Murrumbidgee River**

- (1) This clause applies to land adjoining the Murrumbidgee River.
- (2) Despite any other provision of this plan, a person shall not, on land to which this clause applies:
- (a) erect a building for any purpose on land within zone 1 (a), 1 (c) or 1 (d) and within 400 metres of any bank of the river, or
  - (b) destroy any tree on land within 60 metres of any bank of the river, or
  - (c) carry out development for any purpose on land within 20 metres of any bank of the river, or
  - (d) carry out development for the purpose of:
    - (i) a canal, or
    - (ii) a marina (pontoons, jetties, piers or other structures) designed to provide mooring or dry storage for one or more vessels used for any purpose, or
    - (iii) filling or extraction,on any land comprising the bed of any bank of the river, except with the consent of the Council.
- (3) The Council shall not consent to the erection of a building on land comprising:
- (a) a bed of the river, or
  - (b) land within zone 1 (a) and being within 100 metres of any bank of the river, unless, in the opinion of the Council, the building:
  - (c) is ancillary to the use of that land for the purpose of a recreation area, or
  - (d) is to be used of the purpose of fisheries, irrigation works (or the pumping and treatment of water for private domestic consumption), marinas, utility installations or the servicing of vessels.
- (4) The Council shall not grant a consent referred to in subclause (1) or (2) unless, in the opinion of the Council, the destruction of the trees, the development on the land, or the subdivision of the land for which consent is sought, will be carried out in a manner

which, in respect of that land and the adjacent land, minimises:

- (a) the risk of soil erosion and other land degradation, and
- (b) the loss of scenic amenity, and
- (c) the loss of important vegetation systems and natural wildlife habitats, including fish habitats.

#### **24 Environmentally sensitive land**

- (1) A person shall not carry out development on environmentally sensitive land for the purpose of:
  - (a) intensive livestock keeping, or
  - (b) junk yards, or
  - (c) liquid fuel depots, or
  - (d) offensive or hazardous industries, or
  - (e) sawmills, or
  - (f) stock and sale yards.
- (2) A person shall not, except with the consent of the Council, cause the destruction of trees or remnant vegetation on:
  - (a) more than one hectare of environmentally sensitive land of an existing holding, or
  - (b) more than 5 percent of the area of an existing holding, where that 5 percent comprises environmentally sensitive land,whichever is less.

#### **25 Land subject to bush fire hazards**

- (1) The Council shall not grant consent to a subdivision of land or to the erection of a building on land which is subject to a bush fire hazard which has been identified by the Council unless, in the opinion of the Council:
  - (a) adequate provision is made for access for fire fighting vehicles, and
  - (b) adequate safeguards are effected in the form of fire breaks, reserves and fire radiation zones, and
  - (c) adequate water supplies are available for fire fighting purposes.
- (2) The Council should consult with the Department of Conservation and Land Management regarding the design, construction and maintenance of firebreaks on

steep land, ridge lines and on land within zone 7 (v), in order to minimise erosion and sedimentation.

## **26 Development near licensed aerodrome**

- (1) A person shall not, on land shown on sheet 5 of the map:
  - (a) erect a building or structure of a height that exceeds the limitation specified in the obstacle limitation surfaces plan, or
  - (b) carry out development for the purpose of:
    - (i) a dam or reservoir (not being a water storage dam for a public authority or a normal on-farm storage dam), or
    - (ii) the handling or storage of grain (other than normal farming activities), or
    - (iii) the disposal of refuse, or
    - (iv) an abattoir, or
    - (v) a stock and sale yard,except with the consent of the Council.
- (2) An application made for development consent to carry out any development described in subclause (1) (a) shall be referred by the Council to the Civil Aviation Authority for comment where a building exceeds the height specified in the obstacle limitation surfaces plan.
- (3) In considering whether to grant consent to any such development, the Council shall take into account any comment furnished by the Civil Aviation Authority within 28 days (or such longer period as may be agreed on by the Council and the Authority from time to time before or after the expiration of the 28-day period) after referral of the application.

## **27 Sound insulation of buildings near aerodrome**

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

(b) which will be adequate for the insulation of the building from aircraft noise, where the Council considers the frequency of aircraft operations warrants preventative noise protection measures.

## **28 Acquisition of land**

- (1) The owner of any land within zone 6 (a) which is not owned or controlled by the Council may, by notice in writing, require the Council to acquire the land and, on receipt of such a notice, the Council must acquire the land.
- (2) Nothing in subclause (1) requires a Council to acquire any land within zone 6 (a) that could be required to be dedicated to the Council by the owner of the land as a condition of consent.

## **29 Development near zone boundaries**

- (1) This clause applies to land within 20 metres of a boundary between any two zones, except where either of the zones is zone 7 (v) or 7 (w) and except if the land is separated from the zone boundary by a road.
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land on which this clause applies for any purpose for which development may be carried out on land in the zone on the other side of the boundary. Such a consent may be granted only after the Council has had regard to the development standards applying within that zone.
- (3) The Council shall not consent to development as referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to design, ownership, servicing or similar requirements relating to the optimum development of land to which this clause applies.

## **30 Unzoned land**

All development on land shown unzoned on the map requires the consent of the Council unless otherwise provided by this plan.

## **31 State Rail Authority unzoned land**

In respect to land shown unzoned on the map and owned by the State Rail Authority of New South Wales, nothing in this plan prohibits or requires consent for the carrying out of activities involving the management and operation of land for purposes facilitating the transport of passengers and goods normally associated with railways.

## **32 Temporary use of land**

Notwithstanding any other provision of this plan, the Council may grant consent to development for the purpose of a street stall or carnival or to other temporary

development in any zone for a maximum period of 28 days, whether consecutive or not consecutive, in any one year.

### **33 Community use of school facilities and sites**

- (1) This clause applies to all land on which development for the purposes of schools, colleges or other educational establishments may be carried out.
- (2) Notwithstanding any other provision of this plan, the Council may consent to:
  - (a) the community use of facilities and sites of schools, colleges and other educational establishments, and
  - (b) the commercial operation of those facilities and sites, and
  - (c) the carrying out of development for community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any other purpose.
- (3) Nothing in this clause requires consent for the carrying out of development on any land on which development could, but for this clause, be carried out on land without consent.

### **34 Advertising of certain development applications**

- (1) This clause applies to all development for which consent is required other than:
  - (a) development involving alterations or additions to any existing building or work where the alterations or additions are of a minor nature and do not to any significant extent adversely affect the existing or likely future amenity of the neighbourhood,
  - (b) any development which, due to the scale of the development is, in the opinion of Council, compatible with existing and future development on adjoining land, and
  - (c) development for the purpose of dwellings in zone 1 (a), 1 (c), 1 (d) or 2 (a).
- (2) Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the inviting and consideration of submissions, about proposed development) apply to and in respect of development to which this clause applies in the same way as those provisions apply to and in respect of designated development.
- (3) The Council may require submissions to be made about the proposed development within 14 days of the date on which it first advertises for submissions, despite subclause (2).

### **35 Development along arterial roads**

- (1) The Council shall not consent to development on land which has frontage to an

arterial road unless:

- (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
  - (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
    - (i) the design of the access to the proposed development, or
    - (ii) the emission of smoke or dust from the proposed development, or
    - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) The Council shall not consent to development on rural zoned land for the purpose of any building, work, place or land use listed in Schedule 2 if carrying out the development on the land for the purpose will result in direct access from the land to:
- (a) an arterial road, or
  - (b) a road connecting an arterial road where the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

### **36 Access**

A road or other means of access to an existing public road shall not be opened without the consent of the Council.

### **37 Preservation of trees**

- (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order prohibiting the destruction of trees except with the consent of the Council (in this clause referred to as a **tree preservation order**) and may, by like resolution, rescind or vary any such order.
- (2) A tree preservation order shall not apply to trees that are dead or dangerous or that are in a State forest or on land reserved as a timber reserve within the meaning of the [Forestry Act 1916](#), or to trees required to be lopped in accordance with the [Electricity \(Overhead Line Safety\) Regulation 1991](#).
- (3) A person must not destroy a tree in contravention of a tree preservation order.

### **38 Irrigation canals and channels**

- (1) Where land is used for the purpose of a water supply or drainage channel and comprises part of, or has a common boundary with, land that is the subject of a

development application, the Council may, in granting consent, impose a condition that requires beautification works associated with that channel to be carried out.

- (2) In deciding whether such works are necessary the Council shall consider:
- (a) the visibility of that channel or its infrastructure from a public place, and
  - (b) whether the channel or its infrastructure requires maintenance or refurbishment, and
  - (c) the heritage significance associated with the channel and its infrastructure, and
  - (d) any submission from Murrumbidgee Irrigation.

### **39 Advertisements relating to places of tourist interest**

Notwithstanding any other provision of this plan, the Council may grant consent for the erection of an advertisement on any land for the specific purpose of directing the travelling public to buildings or places of tourist interest, if it is satisfied that:

- (a) the advertisement relates to a specific building or place, and
- (b) the principal purpose of the advertisement is to direct the travelling public to that building or place, and
- (c) the dimensions and overall size of the advertisement are not larger than would reasonably be required to so direct the travelling public.

### **40 Aims in relation to heritage**

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the area of the City of Griffith, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in the conservation of environmental heritage, and
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.

### **41 Protection of heritage items, heritage conservation areas and relics**

- (1) The following development may be carried out only with development consent:
- (a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
  - (b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or

- (c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or
  - (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
  - (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.
- (2) Development consent is not required by this clause if the consent authority is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.
- (3) When determining a development application required by this clause, the consent authority must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

#### **42 Notice of certain heritage development applications**

Sections 84, 85, 86, 87 (1) and 90 of the Act (which provide for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item or a building, work, relic, tree or place within a heritage conservation area (and to the use of a building or land referred to in clause 46 for a purpose which, but for that clause, would be prohibited by this plan) in the same way as those provisions apply to designated development.

#### **43 Notice to Heritage Council**

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the consent authority must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

#### **44 Development of known or potential archaeological sites**

- (1) The consent authority may grant consent to the carrying out of a development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably like to have Aboriginal heritage significance only if:
- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located

at the site prepared in accordance with any guidelines for the time being notified by the Director-General of National Parks and Wildlife, and

- (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(2) The consent authority may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:

- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
- (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

#### **45 Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

The consent authority must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

#### **46 Conservation incentives**

- (1) The consent authority may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area or the amenity of the heritage conservation area, and
  - (b) the conservation of the building depends on the granting of the consent.

(2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the consent authority may, for the purpose of determining:

- (a) the floor space ratio, and
- (b) the number of parking spaces to be provided on the site,

exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the consent authority is satisfied that the conservation of the building depends on it making the exclusion.

#### **47 Development without consent**

Nothing in this plan shall be construed as requiring development consent for:

- (a) the carrying out of works by the Department of Water Resources which are associated with the regulation and control inherent within the [Irrigation Act 1912](#), or
- (b) the use of the existing buildings of the Crown by the Crown, or
- (c) minor alterations or additions to an existing building or use of land for which consent has been granted by the Council, or
- (d) development permitted without consent by [State Environmental Planning Policy No 4—Development Without Consent](#), or
- (e) the carrying out of development of any description specified in Schedule 3, or
- (f) advertisements specified in Schedule 4.

#### **48 Classification and reclassification of public land as operational**

The public land described in Schedule 5 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#).

### **Schedule 1**

(Clause 5)

#### **Archaeological sites**

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#### **Heritage conservation areas**

- 1** Northern side of Banna Avenue between Ulong Street and Tranter Place, being Sections 8 and 9, Banna Avenue, including CWA Hall, rest and craft rooms; War Memorial Hall; Study Centre; State Bank; Memorial Gardens (between Kooyoo Street and Ulong

Streets, Section 8); Cenotaph and Court House.

- 2 Yenda Town Centre (bounded by Stanbridge Land, Stanbridge Street, Fire Station Land, the southern boundaries of lot 6, Section 7 and lot 16, Section 6, north along South and Bingar Streets to North Lane).

### **Heritage items**

Treasureway Building (old Lyceum Theatre)	lots 29 and 30 section 4, 300-304 Banna Avenue
Commonwealth Bank	part lot 16 section 4, 246-250 Banna Avenue
Victoria Hotel	lots 22, 23, 24 section 6, 384-390 Banna Avenue
Griffith High School	section 39, 82-86 Coolah Street
Sacred Heart Catholic Church	section 44, 1-9 Warrnambool Street
St Alban's Church of England	section 32, 107 Binya Street
Biocon	lot 1 DP 717234, 36 Banna Avenue
Old Producer's Offices, Weighbridge and Kiosk	lots 909, 910 DP 751709, 45-53 Banna Avenue
Cheese Factory	lot 259, DP 751709, Kendall Lane, Hanwood
Bagtown Cemetery	lot 731 DP 751709 (R52849), Pedley Road, Hanwood
Pavilion and Woodside Hall	lot 1042 DP 751709, 8-31 Griffith Showground, Murrumbidgee Avenue
Early Commission Residence	40 Mirrool Avenue, Yenda

## **Schedule 2**

(Clause 35)

### **Restricted development along arterial roads**

Abattoirs  
Bulk stores  
Caravan parks  
Vehicle repair stations  
Clubs  
Commercial premises  
Educational establishments  
Hospitals  
Hotels  
Industries (other than home or rural industries)  
Institutions  
Intensive livestock keeping establishments  
Junk yards  
Liquid fuel depots  
Mines

Motels  
Places of public assembly  
Places of public worship  
Recreation establishments  
Recreational facilities  
Restaurants  
Retail plant nurseries  
Sawmills  
Service stations  
Stock and sale yards  
Transport terminals  
Warehouses  
Wineries

### **Schedule 3**

(Clause 47 (e))

#### **Development without consent**

- 1** 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 or buildings for any purpose, but excluding:
    - (c) the construction of new railways, railway stations and bridges over roads,
    - (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,
    - (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** The carrying out by persons or 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, that is to say:
  - (a) development of any description at or below the surface of the ground or any works required to cross an irrigation facility,

- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or sub station established before the appointed day of any plant or other structures or erections required in connection with the station or sub station,
  - (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 substances, 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 sub stations, feeder-pillars or transformer housings of stone, concrete or brickwork,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in process of being acquired for that purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (f) 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, so as materially to affect their design or external appearance of buildings, or
    - (ii) the formation or alteration of any means of access to a road.
- 3** 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 their design or external appearance, or
  - (b) the formation or alteration of any means of access to a road.
- 4** The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:

- (a) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or 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** 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, alterations, 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.
- 6** 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.
- 7** 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 purposes 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.
- 8** The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening or relocation of the road.
- 9** The carrying out of any forestry work by the Forestry Commission, a school forest trust or community forest authorities empowered under relevant Acts to undertake afforestation, roading, 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*.

- 10** 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.
- 11** The carrying out or causing to be carried out by a Council engaged in flood mitigation works or by the Water Resources Ministerial Corporation 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 *Irrigation Act 1912*, the *Farm Water Supplies Act 1946*, or the *Rivers and Foreshores Improvement Act 1948*, except:
- (a) the erection of buildings, the installation or erections 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.

## Schedule 4

(Clause 47 (f))

### Advertising signs

- 1** An advertisement in the form of an internal shop window display.
- 2** Any advertisement which is not visible from a road, river, railway or park.
- 3** A commercial sign, being an advertisement, whether illuminated or not:
  - (a) which has an outline that would fit within a rectangular figure 1.2 metres in length and 0.6 metres in height, and
  - (b) which, in respect of any place or premises to which it is affixed, contains only:
    - (i) a reference to the identification or a description of the place or premises, or
    - (ii) a reference to the identification or a description of any persons residing or carrying on an occupation at the place or premises, or
    - (iii) particulars of any occupation carried on at the place or premises, and
    - (iv) such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on at the place or premises, or

- (v) particulars or notifications required or permitted to be displayed by or under any Act (including any Commonwealth Act), or
  - (vi) particulars relating to the goods, commodities or services dealt with or provided at the place or premises, or
  - (vii) a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting, or
  - (viii) particulars of any activities held or to be held at the place or premises, or
  - (ix) a reference to any affiliation with a trade, professional or other association relevant to the business conducted on the place or premises.
- 4** A temporary advertisement, being one which is displayed for a period not exceeding 2 months in total in any one year.
  - 5** A public notice in a public reserve.
  - 6** An advertising structure that will not interfere with the character of the place in which it will be erected.

## Schedule 5

(Clause 48)

### Griffith

Griffin Avenue and  
Yarrabee Street

Lot 1, DP 618184, adjacent to the main canal north of Griffith Avenue and east of Yarrabee Street, as shown edged heavy black on the map marked "*Griffith Local Environmental Plan 1994 (Amendment No 3)*".