

Barraba Local Environmental Plan 1990 (1991 EPI 2)

[1991-2]



New South Wales

Status Information

Currency of version

Repealed version for 15 December 2008 to 29 August 2013 (accessed 29 November 2024 at 12:55)

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

Provisions in force

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

Notes—

- **Repeal**

The plan was repealed by cl 1.8 (1) of the [Gwydir Local Environmental Plan 2013 \(507\)](#) (LW 30.8.2013) with effect from 30.8.2013.

Authorisation

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

File last modified 30 August 2013

Barraba Local Environmental Plan 1990 (1991 EPI 2)



New South Wales

Contents

Part 1 Preliminary	4
1 Name of plan	4
2 Aims, objectives etc.....	4
3 Land to which plan applies	4
4 Relationship to other environmental planning instruments	5
5 Definitions	5
6 Adoption of Model Provisions	7
7 Consent authority	7
Part 2 Zones	7
8 Zones indicated on the map	7
9 Zone objectives and development control table.....	8
Part 3 Special provisions	10
10 Development within Zone No 1 (a) generally	10
11 Subdivision of land generally.....	11
12 (Repealed)	12
13 Subdivision for the purposes of agriculture in Zone No 1 (a).....	12
14 Subdivision for intensive agricultural pursuits.....	12
15 Subdivision for other purposes in Zone No 1 (a)	13
16 Residential use of land within Zone No 1 (a)	14
17 Subdivision of land in Zone No 2 (v).....	15
18 Dwellings on vacant land.....	15

18A Dwelling entitlements on existing concessional lots	15
19 Rural workers' dwellings	15
20 Dual occupancy	16
21 Development for the purposes of tourist development	17
22 Applications that must be advertised	17
23 Development along arterial roads	18
24 Flood liable land	18
25 Land subject to bushfire hazards.....	19
26 Advertisements	19
27 Heritage items	20
28 Development in the vicinity of heritage items.....	20
29 Heritage advertisements	20
Access	21
Schedule 1 Heritage items	21
Schedule 2 Development which must be advertised	21
Schedule 3 Development along arterial roads.....	21

Barraba Local Environmental Plan 1990 (1991 EPI 2)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Barraba Local Environmental Plan 1990*.

2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Barraba by protecting and conserving:
 - (i) prime crop and pasture land,
 - (ii) timber, minerals, soil, water and other natural resources,
 - (iii) localities of ecological significance, and
 - (iv) localities of high scenic or recreational value,
- (b) to conserve the environmental heritage of the Shire of Barraba, and
- (c) to replace the planning controls that existed immediately before this plan commenced with a single local environmental plan to help facilitate the growth and development of the Shire of Barraba in accordance with paragraphs (a) and (b) in a manner which:
 - (i) encourages efficient and effective delivery of services and provision of facilities, and
 - (ii) encourages a range of living environments and economic opportunities in accordance with the demand for those environments and opportunities.

3 Land to which plan applies

This plan applies to all land within the Shire of Barraba as shown bounded by a firm black line on the map.

4 Relationship to other environmental planning instruments

This plan repeals *Interim Development Order No 1—Shire of Barraba*.

5 Definitions

(1) In this plan:

alteration, in relation to a heritage item, means:

- (a) the making of structural changes to the outside of the heritage item, and
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item,

but does not include the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

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

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

arterial road means:

- (a) an existing road indicated on the map by heavy broken black lines, and
- (b) existing classified Main Roads Nos 63, 132 and 360.

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

Council means the Council of the Shire of Barraba.

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

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances, but does not include any metal or mineral.

flood liable land means:

- (a) land within the Barraba Village affected by the flood of 14/15 January 1964 and cross hatched diagonally with black lines on the map, and
- (b) land located within the flood plains of creeks and rivers in the Shire of Barraba.

heritage item means a building, work, relic, tree or place of heritage significance to the Shire of Barraba and listed in Schedule 1.

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

intensive agricultural pursuits means commercial horticulture, intensive livestock keeping and similar or like activities.

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

- (a) feed lots,
- (b) piggeries,
- (c) poultry farms, and
- (d) fish farms (including farms cultivating crustaceans),

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

prime crop and pasture land means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and Fisheries, deposited in an office of that Department and a copy of which is deposited in the office of the Council, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land so identified as Class 3 land contiguous to Class 4 land or land which that Director-General has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

recreation area means:

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

relic means any deposit, object or material evidence, relating to the settlement (including aboriginal habitation) of the area of the Shire Barraba which is 50 or more years old.

the map means the map consisting of a set of two sheets marked “*Shire of Barraba Local Environmental Plan 1990*” and numbered as Sheet 1 and Sheet 2.

tree includes a sapling and a shrub but does not include any plant declared to be a noxious plant under Part 22 of the [Local Government Act 1919](#).

tourist facilities means an establishment providing for holiday accommodation, time-share accommodation or recreation and may include a camping ground, caravan park, holiday cabins, hotel, motel, playground, recreation facilities, refreshment room, shop primarily intended to serve the needs of permanent and temporary residents, visitors or tourists, water sport facilities or a club used in conjunction with any such activities.

vacant land means land devoid of dwellings.

(2) In this plan:

- (a) a reference to a map is a reference to a map deposited in the office of the Council,
- (b) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

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

6 Adoption of Model Provisions

- (1) The [Environmental Planning and Assessment Model Provisions 1980](#), except for:
 - (a) the definitions of **arterial road**, **extractive material**, **map** and **tourist facilities** in clause 4, and
 - (b) clauses 15, 29 and 34,are adopted for the purposes of this plan.

7 Consent authority

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

Part 2 Zones

8 Zones indicated on the map

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

Zone No 1 (a) (General Rural)—edged heavy black and lettered “1 (a)”.

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

Zone No 8 (a) (National Parks and Wildlife Reserves)—edged heavy black and lettered “8 (a)”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent,
 - (b) development may be carried out only with development consent, and
 - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council shall not consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (General Rural)

1 Objectives of zone

The objectives of this zone are to promote the proper management and the utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential,
 - (ii) soil stability by controlling and locating development in accordance with soil capability,
 - (iii) forests of existing and potential commercial value for timber production,

- (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
 - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,
 - (vi) water resources for use in the public interest, and
 - (vii) localities of significance for nature conservation, including localities with rare plants, wetlands and significant natural wildlife habitat,
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,
- (c) facilitating farm adjustments,
- (d) minimising the cost to the community of:
- (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services, and
- (e) providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development.

2 Without development consent

Agriculture (other than ancillary dwellings, intensive livestock keeping establishments and animal boarding, breeding or training establishments); bushfire hazard reduction; forestry (other than ancillary dwellings and pine plantations).

3 Only with development consent

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

4 Prohibited

Boarding-houses; motor showrooms; residential flat buildings; shops (other than general stores not exceeding 200 square metres in gross floor area).

Zone No 2 (v) (Village or Urban)

1 Objectives of zone

The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function.

2 Without development consent

Dwelling-houses (other than those on flood liable land).

3 Only with development consent

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

4 Prohibited

Animal boarding, breeding or training establishments; extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries.

Zone No 8 (a) (National Parks and Nature Reserve Zone)

1 Objectives of zone

The objective of this zone is to identify land included in national parks, nature reserves, aboriginal areas and state recreational areas and to permit such development of the land as is considered appropriate by the Director of the National Parks and Wildlife Service or the Council.

2 Without development consent

Any purpose authorised by or under the [National Parks and Wildlife Act 1974](#) or any purpose ancillary or incidental to such purpose.

3 Only with development consent

Nil.

4 Prohibited development

Any purpose other than a purpose included in item 2.

Part 3 Special provisions

10 Development within Zone No 1 (a) generally

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) unless it has taken into consideration, if relevant, the effect of

the carrying out of that development on:

- (a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production,
 - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
 - (c) the future extraction of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - (d) the protection of localities of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public amenities and services to the development, and
 - (f) future expansion of settlements in the locality.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of development to development on adjoining land or on other land in the locality.
- (3) Subclause (1) does not apply to development consisting of:
- (a) an addition to a building or work,
 - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or
 - (c) the erection of a dwelling-house on an allotment of land created pursuant to consent granted in accordance with this plan the application for which stated that the allotment was intended to be used for the purpose of a dwelling.

11 Subdivision of land generally

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council shall not consent to an application to subdivide land within Zone No 1 (a) unless the application for development consent:
 - (a) states, in relation to each allotment created by the subdivision, the primary purpose for which that allotment is intended to be used,
 - (b) identifies any allotment which is intended to be used primarily for the purposes of

agriculture,

- (c) identifies any allotment which is intended to be used primarily for the purposes of a dwelling,
- (d) identifies any allotment on which it is intended to erect a dwelling and states whether or not the dwelling is the primary purpose for which the allotment is being created, and
- (e) shows the approximate location of any dwelling erected on the land at the date of application.

12 (Repealed)

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

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if the development application states that any allotment to be created by the subdivision is to be used primarily for the purpose of agriculture (other than intensive agricultural pursuits) unless:
 - (a) each such allotment in the subdivision has:
 - (i) an area of 200 hectare or more, and
 - (ii) if the allotment has frontage to an arterial road, a frontage to that road of 400 metres or more, and
 - (b) in the opinion of the Council, each allotment created for that purpose is capable of sustaining a form of agriculture common in the locality.

Note—

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

14 Subdivision for intensive agricultural pursuits

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if the development application states that any allotment to be created by the subdivision is to be used primarily for the purposes of intensive agricultural pursuits unless:
 - (a) the allotment is stated as being intended to be used for the purpose of specialised or intensive agriculture, which may take the form of intensive horticulture or animal husbandry, and is of a size capable of being used for that purpose,
 - (b) creation of the allotment will not adversely affect the agricultural viability or potential of any allotment not stated as being intended to be so used and that allotment is capable of economically supporting an agricultural use of a type

common in the locality,

- (c) the applicant satisfies the Council that the proposed use is economically viable having regard to the size, layout and purposes intended,
 - (d) an adequate water supply (together with any necessary irrigation licence) is available or can be made available and the supply is of suitable capacity for the proposed purpose,
 - (e) the soil, topography, drainage and other physical characteristics of the land are suitable for the purposes proposed,
 - (f) adequate all-weather vehicular access is available or can be made available to the land, and is of suitable standard and capacity, and
 - (g) the proposed use will not adversely affect the amenity of the locality of the proposed allotment.
- (2) The Council may require supporting evidence, including expert agronomist advice, to demonstrate the economic viability of the proposed use.
 - (3) The Council may refer an application to subdivide land within Zone No 1 (a) that is the subject of a development application referred to in subclause (1) to an expert body, with a request for advice to be received by the Council within 40 days of the Council's request, or such longer period as the Council may allow.
 - (4) For the purposes of this clause, the area of each allotment to be created will be determined on merit and based upon the advices, if any, received under subclauses (2) and (3).

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

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if the development application states that any allotment to be created by the subdivision is to be used primarily for purposes other than agriculture or a dwelling, unless in the opinion of the Council:
 - (a) the land does not comprise any prime crop and pasture land or any land that is or could be used for a form of agriculture common in the locality, and
 - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) shall prevent the Council from consenting to an application to subdivide land to create an allotment the application states is to be used for a purpose other than agriculture or a dwelling where in the opinion of the Council:
 - (a) the purpose for which the allotment is to be used involves the supply of goods or

services for which there is a demand in the locality,

- (b) no other land in the locality could reasonably be used for that purpose, and
- (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.

16 Residential use of land within Zone No 1 (a)

- (1) This clause applies to all land within Zone No 1 (a) except prime crop and pasture land.
- (2) The Council may consent to an application to subdivide land to which this clause applies and to erect a dwelling on each allotment created by the subdivision only if each allotment has an area of not less than 2 hectares and the Council is satisfied that the land is to be used primarily for residential purposes.
- (3) The Council shall not consent to an application to subdivide land as referred to in subclause (2) unless it is satisfied that:
 - (a) the land is within reasonable proximity of Barraba,
 - (b) the land has reasonable all-weather access to the township of Barraba,
 - (c) the land is not subject to significant environmental hazards, such as flooding, bush fire, land slip, subsidence or any other environmental risk, and
 - (d) the dwelling to be erected on the land:
 - (i) has an adequate potable water supply and a bulk water supply for fire fighting and additional domestic uses, and
 - (ii) has adequate provision for the on-site disposal of effluent without detriment to the environment.
- (4) The Council may consent to the erection of a dwelling on an existing allotment provided the allotment meets the criteria contained in this clause.
- (5) The Council shall not consent, in any calendar year, to the erection of more than 20 dwellings on land to which this clause applies.
- (6) For the purposes of this clause, **existing allotment** means an allotment created by a subdivision in respect of which the consent of the Council was granted before the appointed day.

17 Subdivision of land in Zone No 2 (v)

A person shall not subdivide land within Zone No 2 (v) to create an allotment the development application states is intended to be used for the purposes of a dwelling-house unless the allotment has an area of at least 550 square metres where sewerage is available and 1,000 square metres where sewerage is unavailable.

18 Dwellings on vacant land

- (1) The Council shall not consent to the erection of a dwelling on vacant land within Zone No 1 (a) unless the land:
 - (a) has a site area of 200 hectares or more,
 - (b) comprises an allotment created in accordance with clause 15 and the use of that dwelling will be ancillary to a purpose for which the allotment could have been created in accordance with that clause, or
 - (c) comprises an allotment created in accordance with clause 16.
- (2) Notwithstanding subclause (1), a person may erect a dwelling on vacant land which comprises an allotment created by a subdivision the development application for consent to which stated was intended to be used for the purposes of a dwelling and in respect of which the consent of the Council was granted before the appointed day.

18A Dwelling entitlements on existing concessional lots

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

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

19 Rural workers' dwellings

- (1) A person may, with the consent of the Council, erect additional dwellings on land which is within Zone No 1 (a) and is not vacant if:
 - (a) the additional dwellings are required for the accommodation of workers engaged in agricultural or pastoral work on the land the subject of the development application,
 - (b) the additional dwellings are clustered in a location where they will not impair the suitability of the land for agriculture,
 - (c) any other rural workers' dwellings on the land are being used by persons

substantially engaged in agricultural employment on that land, and

(d) the rural workers are employed by the owner of the land.

(2) The Council shall not consent to an application pursuant to this clause unless it is satisfied that the needs of existing agriculture genuinely require that rural workers reside on the land.

20 Dual occupancy

(1) This clause applies to all land to which this plan applies on which a dwelling-house may be erected.

(2) A person may, with the consent of the Council, build, alter or add to a dwelling-house so as to create two dwellings, whether or not the dwellings are proposed to be included in separate buildings.

(3) The Council shall not give its consent to a development application pursuant to this clause unless:

(a) no additional access to a public road is required,

(b) separate ownership of the proposed dwelling can be achieved only by a subdivision of land,

(c) it is satisfied that one of the dwellings is intended to be used by the owner of the land,

(d) it is satisfied that the dwelling to be erected on the land will not interfere with the purpose for which the land is to be used,

(e) where the land is within Zone No 1 (a):

(i) the land is not prime crop and pasture land, and

(ii) it is satisfied that proper arrangements have been made for the provision of a water supply and for the disposal of sewerage and stormwater from the land, and

(f) where the land is within Zone No 2 (v):

(i) the area of the allotment on which the additional dwelling-house is to be erected exceeds 550 square metres where sewerage is available,

(ii) the area of the allotment on which the additional dwelling-house is to be erected exceeds 1,000 square metres where sewerage is unavailable,

(iii) the proportion of the allotment to be occupied by the building is less than 35%,

- (iv) the Council is satisfied that satisfactory arrangements have been made for the provision of a water supply and for the disposal of sewerage and stormwater from the land, and
 - (v) the building to be erected will be no more than two storeys in height.
- (4) The provisions of this plan relating to residential flat buildings shall not apply to a dwelling-house erected, altered or added to in accordance with this clause.

21 Development for the purposes of tourist development

- (1) The Council may consent to the subdivision of land the development application states is intended to be used for the purposes of tourist facilities or the erection of tourist facilities only after it has made an assessment of the matters referred to in subclause (2).
- (2) Where an application is made for consent to the carrying out of development for the purposes of tourist facilities, the Council may consent to the carrying out of that development only if:
 - (a) the Council is satisfied that the dwelling to be erected will be available for use as tourist facilities,
 - (b) the form of the development, including the number, scale and bulk of the buildings and their relationship with each other, is compatible with the character of the locality,
 - (c) where the development is to be carried out within Zone No 1 (a), the development is not located on prime crop and pasture land,
 - (d) the land is within reasonable proximity of a range of services and facilities,
 - (e) the land has reasonable all-weather access to Barraba,
 - (f) the land is not subject to significant environmental hazards such as flooding, bush fire, land slip, subsidence or other environmental risk,
 - (g) there is an adequate potable water supply and bulk water supply for fire fighting and tourist purposes, and
 - (h) there is adequate provision for the on site disposal of sewerage.

22 Applications that must be advertised

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purposes specified in Schedule 2 in the same way as those provisions apply to and in respect of designated development.

23 Development along arterial roads

- (1) The Council shall not consent to the carrying out of 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,
 - (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 the development of land within Zone No 1 (a) for any purpose listed in Schedule 3 if the development of the land for the purpose will have direct access to:
 - (a) an arterial road, or
 - (b) a road connecting with a classified main road where access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main road.

24 Flood liable land

- (1) A person shall not carry out development for any purpose on flood liable land except with the consent of the Council.
- (2) The Council shall not consent to an application to carry out development for any purpose 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 on land in its immediate vicinity,
 - (b) to impede the safety of persons on that land or on land in the immediate vicinity being land inundated with flood waters, or
 - (c) to exacerbate the consequences of floodwaters flowing on that land (or on land in its immediate vicinity) with regard to erosion and siltation.
- (3) The Council shall not consent to the erection of a dwelling on flood liable land unless:
 - (a) where the land is within Zone No 1 (a):
 - (i) it is satisfied that the floor level of the living accommodation is above the level

of the highest known flood in the vicinity within the last 200 years, and

(ii) it is satisfied that adequate measures have been or will be taken to offset the likely effects of flooding on any development or dwelling, and

(b) where the land is within Zone No 2 (v):

(i) it is satisfied that the level of the living accommodation of the dwelling is a minimum of 300mm above the level of the flood of 14/15 January 1964, and

(ii) it is satisfied that adequate measures have been or will be taken to offset the likely effects of flooding on any development or dwelling.

(4) The Council may refuse to consent to an application to erect a dwelling on flood liable land unless the applicant supplies a detailed report from an appropriate consulting engineer in support of the application.

(5) Nothing in this clause shall limit or restrict the authority of the Council to consent to the carrying out of water control measures.

25 Land subject to bushfire hazards

(1) This clause refers to land within Zone No 1 (a) and to land within Zone No 8 (a).

(2) The Council shall not consent to an application to subdivide or to erect a building on land which is subject to bushfire hazards by reason of the vegetation on, the topography of, or natural access to, the land, nor shall the Council consent to an application to subdivide or to erect a building on adjacent land unless, in the opinion of the Council:

(a) adequate provision is made for access for fire fighting vehicles,

(b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones, and

(c) adequate water supplies are available for fire fighting purposes.

26 Advertisements

(1) A person shall not erect an advertising structure on land within Zone No 1 (a) except as provided by this clause.

(2) The Council may consent to the erection, on land within Zone No 1 (a), of an advertising structure which relates to the purpose for which the land is used.

(3) Nothing in this clause shall operate to prohibit the erection by the Council, or any other person with the consent of the Council, of structures on land with Zone No 1 (a) for the purpose of directing the travelling public to tourist areas or the display on such structures of private advertisements of tourist facilities.

27 Heritage items

- (1) A person shall not, in respect of a building work, relic or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic,
 - (c) excavate for the purposes of exposing the relic,
 - (d) damage or despoil the place or tree,
 - (e) erect a building on or subdivide land on which the building, work or relic is situated or which comprises the place, or
 - (f) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,except with the consent of the Council.
- (2) The Council shall not consent to a development application pursuant to subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

Note—

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

28 Development in the vicinity of heritage items

The Council shall not consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

29 Heritage advertisements

- (1) Except as provided by subclause (2), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the demolition of a building or work that is a heritage item in the same way as those provisions apply to and in respect of designated development.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item if, in the opinion of the Council, the partial demolition will not adversely affect the heritage significance of the heritage item in relation to the environmental heritage of the Shire of Barraba.

Access

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

Schedule 1 Heritage items

(Clause 5)

- 1 Capel Family Private Cemetery on Piedmont Station, 15km north of Barraba.
- 2 Cobbadah Isolated Graves, Cobbadah Creek (adjacent to western bank), 1km north of Cobbadah.
- 3 Oaky Creek Rail Bridge, Barraba Branch Railway, 14km north north west of Upper Manilla.
- 4 Tarpoly Creek Railway Bridge, 20.25km south of Barraba.
- 5 North West Printing Service, 100 Queen Street, Barraba.
- 6 St. Laurence's Church Additions, 52 Fitzroy Street, Barraba.
- 7 St. John's Church, 60 Fitzroy Street, Barraba.
- 8 Great War Memorial, Queen Street, Barraba.
- 9 The business section of Queen Street described as follows:
 - in Section 5, Lot 6
 - in Section 9, Lots 1, 1A, 2, 3, 9 and Part Lots 1B and 1C
 - in Section 10, Lot 5 and Part of Lot 17.

Schedule 2 Development which must be advertised

(Clause 22)

- 1 Boarding-houses; hotels/motels; residential flat buildings; tourist facilities.
- 2 Industries.
- 3 Animal boarding, breeding or training establishments; intensive livestock keeping establishments; junk yards; liquid fuel depots; saw mills; stock and sale yards.

Schedule 3 Development along arterial roads

(Clause 23 (2))

Bulk stores
Caravan parks
Car repair stations
Clubs
Commercial premises
Educational establishments

Hospitals
Hotels
Industries (other than home or rural industries)
Institutions
Junk yards
Liquid fuel depots
Mines
Motels
Places of public assembly
Places of public worship
Recreation establishments
Recreation facilities
Refreshment rooms
Retail plant nurseries
Roadside stalls
Saw mills
Service stations
Stock and sale yards
Transport terminals
Warehouses