



New South Wales

Coolamon Local Environmental Plan 1995 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q00/00087/PC Pt1)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure and
Planning (Planning Administration)

Coolamon Local Environmental Plan 1995 (Amendment No 2)

1 Name of plan

This plan is *Coolamon Local Environmental Plan 1995 (Amendment No 2)*.

2 Aims of plan

This plan aims to amend *Coolamon Local Environmental Plan 1995*, in relation to the land referred to in clauses 12, 13 and 17 of that plan, to amend the land areas in Zone No 1 (a) (the General Rural zone) and to introduce updated provisions for environmental heritage for Coolamon.

This plan also remedies a patent error in the description of the land to which the 1995 plan applies.

3 Land to which plan applies

This plan applies to land in Zone No 1 (a) (General Rural) and land on which an existing or new heritage item is situated or that is an existing or new heritage conservation area. New heritage items and heritage conservation areas are shown in black on the map marked “Coolamon Local Environmental Plan 1995 (Amendment No 2)” deposited in the office of the Coolamon Shire Council.

4 Amendment of Coolamon Local Environmental Plan 1995

Coolamon Local Environmental Plan 1995 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 2 Aims, objectives etc

Omit clause 2 (a) (v). Insert instead:

- (v) the environmental heritage of the Coolamon local government area, and

[2] Clause 3 Land to which this plan applies

Omit “area within Coolamon Shire Council as shown on the map,”.

Insert instead “land within the local government area of Coolamon”.

[3] Clause 5 Definitions

Insert at the end of the definition of *the map* in clause 5 (1):

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[4] Clause 5 (1)

Omit the definitions of *conservation plan*, *demolition*, *heritage conservation area*, *heritage item*, *heritage significance*, *maintenance* and *relic*.

[5] Clause 5 (1)

Insert the following in alphabetical order:

archaeological site means the site of one or more relics.

conservation management plan means a document, prepared in accordance with the requirements of the NSW Heritage Office, that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

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

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heritage conservation area means an area of land that is shown on the map as a heritage conservation area and includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 1.

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

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

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

potential archaeological site means a site:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of archaeological significance, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the Coolamon local government area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the Coolamon local government area.

[6] Clause 9 Zone objectives and development control table

Omit item 1 (a) (viii) from the matter relating to Zone No 1 (a) in the Table.

Insert instead:

- (viii) the environmental heritage of the Coolamon local government area,

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[7] Clause 12 Subdivision for the purposes of agriculture in Zone No 1 (a)

Omit “100 hectares” from clause 12 (2). Insert instead “200 hectares”.

[8] Clause 13 Subdivision for the purposes of dwelling-houses in Zone No 1 (a)

Omit “100 hectares” from clause 13 (b). Insert instead “200 hectares”.

[9] Clause 17 Dwellings in Zone No 1 (a)—vacant land

Omit “100 hectares” from clause 17 (1) (a). Insert instead “200 hectares”.

[10] Clauses 22–28

Omit the clauses. Insert instead:

22 Heritage aims and objectives

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the Coolamon local government area, and
- (b) to conserve the existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout the Coolamon local government area retain their heritage significance.

23 Protection of heritage items and heritage conservation areas

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

- (c) altering a heritage item by making structural changes to its interior,
 - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (e) moving the whole or a part of a heritage item,
 - (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
- (a) in the opinion of the consent authority:
 - (i) the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
 - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
 - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

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- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant a consent under this clause until it has considered a conservation management plan if it considers the development proposed should be assessed with regard to such a plan.
- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
 - (a) for development that would affect a heritage item:
 - (i) the heritage significance of the item as part of the environmental heritage of the Coolamon local government area, and
 - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
 - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
 - (b) for development that would be carried out in a heritage conservation area:
 - (i) the heritage significance of the heritage conservation area and the contribution that any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
 - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and

- (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
- (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
- (v) whether any landscape or horticultural features would be affected by the proposed development, and
- (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and
- (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
- (viii) the issues raised by any submissions received in relation to the proposed development in response to the notification or advertising of the application.

24 Development in the vicinity of heritage items

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing it, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have an adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.

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- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

25 Advertised development for heritage items

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, relic, tree or place in a conservation area,
- (b) the carrying out of development allowed by clause 29.

26 Notice of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

27 Development affecting places or sites of known or potential Aboriginal heritage significance

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) and the Director-

General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.

28 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance

- (1) Before granting consent for development that will be carried out on an archaeological site of a relic or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:
 - (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
 - (b) notify the Heritage Council of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.
- (2) This clause does not apply if the proposed development:
 - (a) does not involve the disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
 - (b) is integrated development.

29 Conservation incentives

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of the consent, and
- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and

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- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

30 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
 - (a) the pitch and form of the roof (if any),
 - (b) the style, size, proportion and position of the openings for windows or doors (if any),
 - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

31 Access

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

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Schedule 1

[11] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Heritage items

(Clause 5 (1))

Description	Address	Lot and DP
Ardlethan		
Old Bank of New South Wales	28 Ariaah Street	Lot 20 Section 1 DP 758028
Catholic Presbytery	Cnr Mithul and Park Streets	Lot 1 DP 1003673
London Hotel	12 Mirrool Street	Lot 1 Section 3 DP 5822, Part Lots 2-3 Section 3 DP 5822
Beckom		
Beckom Hotel	Cnr Ariaah and Deakin Streets	Lot 1 DP 110570
Coolamon		
Old Coolamon Hospital	58 Cowabbie Street	Lot 1 Section 25 DP 758277, Lot 4 DP 337903
Coolamon Hotel	Cnr Wade and Cowabbie Streets	Lot 1 DP 626087, Lot 10 Section 21 DP 758277
Coolamon Shire Hall	51-55 Cowabbie Street	Lots 9 and 10 Section 26 DP 758277
Cowabbie Street Park	Cowabbie Street	Part of Road Reserve, Cowabbie Street, Coolamon (between Loughnan and Mann Streets)
Old General Store (Up-To-Date Store)	127-129 Cowabbie Street	Lot 6 Section 9 DP 758277

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Description	Address	Lot and DP
St Michael's Roman Catholic Church	Methul Street	Lot 6 Section 20 DP 758277
Coolamon RSL	Loughnan Street	Lot 2 DP 224841
Coolamon Railway Station	Wade Street	Railway land adjacent to Lot 1 DP 807823
Bank of New South Wales	130 Cowabbie Street	Part Lot 1 Section 15 DP 758277
Vacant	126-128 Cowabbie Street	Lot 11 DP 827368
CWA Rooms	124 Cowabbie Street	Part Lot 2 Section 15 DP 758277
CBC Bank	120 Cowabbie Street	Part Lot 2 Section 15 DP 758277
Old Curtis Building	116 Cowabbie Street	Lot A DP 101285
Commins Hendriks	116 Cowabbie Street	Lot B DP 101285, Part Lot C DP 101285
Treats and Treasures	114 Cowabbie Street	Lot 1 DP 900302
Vacant	110 Cowabbie Street	Lot 1 DP 515681
Ganmain Gear	108 Cowabbie Street	Lot 1 DP 313108
Twomey Patterson Accountants	106 Cowabbie Street	Lot 3 DP 662499
Vacant	104 Cowabbie Street	Lot 1 DP 592016
Hairdresser	102 Cowabbie Street	Lot 2 DP 592016
Craft Shop	100B Cowabbie Street	Lot A DP 374859
Craft Shop	98 Cowabbie Street	Lot 1 DP 717272
School of Arts	96 Cowabbie Street	Part Lot 4 Section 15 DP 758277
Royal Tavern	90 Cowabbie Street	Lot 5 Section 15 DP 758277

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Description	Address	Lot and DP
Old Wool Store	125 Cowabbie Street	Lot B DP 332315
Old Wool Store	123 Cowabbie Street	Lot A DP 332315
Vacant, Real Est., Vacant	117-121 Cowabbie Street	Lot 10 DP 662482
Bakery, Newsagent, Vacant Block	115 Cowabbie Street	Lot 91 DP 790341
Cobbers Cafe	109 Cowabbie Street	Lot 92 DP 790341
Butcher	107 Cowabbie Street	Lot 1 DP 236175
Coolamon Confectionery	105 Cowabbie Street	Lot 2 DP 236175
Pharmacy	103 Cowabbie Street	Lot 3 DP 236175
Fruit and Veg	101 Cowabbie Street	Lot 1 DP 908058
Hardware	97 Cowabbie Street	Part Lot 8 Section 16 DP 758277
Coolamon Ag. Centre	95 Cowabbie Street	Lot 1 DP 929994
Vacant	93 Cowabbie Street	Lot 10 DP 866258
Wagga District Real Estate	91 Cowabbie Street	Lot 11 DP 866258
Supermarket	87 Cowabbie Street	Lot 1 DP 983895
Craft Shop	85 Cowabbie Street	Lot A DP 330492
Nursery	83 Cowabbie Street	Lot B DP 330492
Vacant	81 Cowabbie Street	Lot 6 DP 662480
Vacant Block	79 Cowabbie Street	Lot 1 DP 176660
Ganmain		
Royal Hotel	27 Waterview Street	Lot 14 Section 11 DP 758428
Ganmain Hotel	Cnr Lake and Ford Streets	Lot 1 DP 217741

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Description	Address	Lot and DP
Presentation Convent	43 Langham Street	Lot 8 Section 19 DP 758428
St Brendans Catholic Church	43 Langham Street	Lot 9 Section 19 DP 758428
St Brendans Catholic Presbytery	43 Langham Street	Lot 10 Section 19 DP 758428
St Brendans Infants and Primary School	Langham Street	Lots 1–5, 10–14 Section 20 DP 758428
Uniting Church	51–53 Langham Street	Lot 6 Section 19 DP 758428
Old Red Cross Building	Ford Street	Lot A DP 365239
Coolamon Shire Council (vacant)	Ford Street	Lot B DP 365239
Garage	Ford Street	Lot 1 DP 302890, Lot 1 DP 356889, Lot 16 DP 662665
Senior Citizens Rooms	Ford Street	Lot 1 DP 20220
	77–79 Ford Street	Lot 2 DP 20220
	Ford Street	Lot 3 DP 20220
	85 Ford Street	Lot 4 DP 20220
	Ford Street	Lot 5 DP 20220
	91 Ford Street	Lot 13 Section 35 DP 758428
Post Office	Ford Street	Lot 1 DP 91841
Newsagent	Ford Street	Lot 1 DP 184488, Lot B DP 317457, Lot 1 DP 331395, Lot 11 DP 667723
Sweeneys	Ford Street	Lot 1 DP 319339, Lot 1 DP 324463

Description	Address	Lot and DP
Bakery	105 Ford Street	Lot A DP 317457, Lot 1-2 DP 726592
Old Bank of New South Wales	Ford Street	Part Lots 9 and 10 Section 35 DP 758428
Ganmain Hall	Ford Street	Lot 2 DP 217741
Rural Transaction Centre	Ford Street	Lot 7 DP 3786
Solicitors	Ford Street	Part Lot 8 DP 3786
Kellys	Ford Street	Part Lot 8 DP 3786
Ganmain Literary Society	80 Ford Street	Lot 9 DP 3786
Kellys	Ford Street	Lot 1 DP 539212
Kellys	Ford Street	Lot 2 DP 539212
Meakers Store	Waterview Street	Lot 13 Section 11 DP 758428
Residence	46 Waterview Street	Lot 3 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 DP 229322
Old Butchery	38 Waterview Street	Lot 1 DP 229322
Vacant	26-28 Langham Street	Lot 3 Section 11 DP 758428
Matong		
Farmers Home Hotel	Cnr Matong and Deepwater Streets	Lots 4 and 5 Section 6 DP 758657

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Description	Address	Lot and DP
Marrar		
Dundee Motors	1-3 York Street	Lots 1 and 2 Section 3 DP 758650
Vacant	5 York Street	Lot 2 DP 614164
Marrar Ag Centre	7 York Street	Lot 1 Section 3 DP 614164
Lalic Automotive	9 York Street	Lot 2 DP 112691
Marrar Hotel	11-13 York Street	Lot 1 DP 112691, Lot 1 DP 186712

BY AUTHORITY