



New South Wales

# **Lachlan Local Environmental Plan 1991 (Amendment No 7)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (D07/00006-2)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 775

Clause 1 Lachlan Local Environmental Plan 1991 (Amendment No 7)

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# Lachlan Local Environmental Plan 1991 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Plan

This Plan is *Lachlan Local Environmental Plan 1991 (Amendment No 7)*.

### 2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

### 3 Land to which Plan applies

This Plan applies to all land to which *Lachlan Local Environmental Plan 1991* applies and, in particular:

- (a) Schedules 1 [1]–[3] apply to all land to which that plan applies, and
- (b) Schedule 1 [4], which rezones land from Zone No 1 (a) to Zone No 1 (c), applies to land at Condobolin, Lake Cargelligo and Tottenham, as shown edged heavy black on the map marked “Lachlan Local Environmental Plan 1991 (Amendment No 7)”, and
- (c) Schedules 1 [5], [6], [9], [10] and [12] apply to all land within Zone No 1 (a), and
- (d) Schedules 1 [7] and [11] apply to all land within Zone No 1 (c), and
- (e) Schedule 1 [8] applies to all land within Zone No 2 (v), and
- (f) Schedule 1 [13] applies to land described as “Goodwill” dwelling-house, 19 Goodwill Street, Condobolin, and the Presbyterian Church Manse, 28–32 McDonnell Street, Condobolin.

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## Schedule 1      Amendment of Lachlan Local Environmental Plan 1991

**[1] Clause 2 Aims, objectives etc**

Omit “prime crop and pasture” from clause 2 (a) (i).

Insert instead “agricultural”.

**[2] Clause 5 Interpretation**

Insert in alphabetical order in clause 5 (1):

*bed and breakfast accommodation* means short-term accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests’ rooms, and
- (c) dormitory-style accommodation is not provided.

*farm stay accommodation* means short-term accommodation provided to paying guests on a working farm as a secondary business to primary production.

*Land Capability Maps* means the series of maps marked “Land Capability Maps” that indicate the primary production potential of rural land by ranking that potential from Class 1 (highest) to Class 8 (lowest).

**[3] Clause 5 (1), definition of “Prime crop and Pasture Land”**

Omit the definition.

**[4] Clause 5 (1), definition of “the map”**

Insert in appropriate order:

Lachlan Local Environmental Plan 1991 (Amendment No 7)

**[5] Clause 9 Zone objectives and development controls**

Omit “(particularly prime crop and pasture land)” from Item 1 (b) of the matter relating to Zone No 1 (a) in the Table to the clause.

**[6] Clause 9, Table, Zone No 1 (a)**

Omit “prime crop and pasture” from Item 1 (d). Insert instead “agricultural”.

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**[7] Clause 9, Table, Zone No 1 (c)**

Omit Item 1. Insert instead:

**1 Objectives of zone**

The objectives of this zone are:

- (a) to ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future, and
- (b) to minimise conflict between land uses within this zone and land uses within adjoining zones, and
- (c) to provide opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, and
- (d) to provide for development for the purpose of rural housing only where the impact on services and infrastructure is not detrimental and where the location is appropriate.

**[8] Clause 9, Table, Zone No 2 (v)**

Insert “farm stay accommodation;” after “Extractive industries;” in Item 4.

**[9] Clause 14 Subdivision for the purposes of dwellings in Zone No 1 (a)**

Omit clause 14 (1) (a). Insert instead:

- (a) an allotment will be created that comprises agricultural land shown as Class 1, 2 or 3 on the Land Capability Maps, or

**[10] Clause 15 Subdivision for other purposes in Zone No 1 (a)**

Omit clause 15 (1) (a). Insert instead:

- (a) the land does not comprise any agricultural land shown as Class 1, 2 or 3 on the Land Capability Maps or any land that is or could be used for a form of agriculture that is common in the locality of the land, and

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**[11] Clause 17**

Omit the clause. Insert instead:

**17 Subdivision for the purposes of dwellings in Zone No 1 (c)**

- (1) The Council must not consent to the subdivision of land within Zone No 1 (c) for the purposes of a dwelling unless:
- (a) the Council is satisfied that:
    - (i) the subdivision incorporates a minimum 50 metre wide buffer to any adjoining watercourse that is to be retained within a single lot fronting the watercourse, and
    - (ii) the design of the subdivision will protect biodiversity and rural amenity by retaining native vegetation, as well as providing adequate protection of life and property from the threat of bushfire, and
    - (iii) the size and design of the proposed lots to be created are acceptable in relation to land capacity, natural constraints and hazards of the land to be subdivided, and
    - (iv) the size and design of the proposed lots to be created are consistent with there being a range and mixture of lot sizes in the locality, and
    - (v) the design of each proposed lot to be created by the subdivision is adequate for the economic provision of services, and
    - (vi) each lot is physically suitable for on-site disposal of waste, and
  - (b) in relation to land shown edged heavy black and identified as “Jones Lane/Browns Lane, Condobolin” on Sheet 2 of the relevant map—each of the proposed lots to be created will have a minimum area of 2 hectares, and
  - (c) in relation to land shown edged heavy black and identified as “Tottenham: Area B” on Sheet 6 of the relevant map—each of the proposed lots to be created will have a minimum area of 8,000 square metres, and
  - (d) in relation to land shown edged heavy black and identified as “Gum Bend Road, Condobolin” on Sheet 4 of the relevant map:
    - (i) each of the lots to be created will have a minimum area of 5,000 square metres, and
    - (ii) reticulated water and sewerage is provided.

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Schedule 1 Amendment of Lachlan Local Environmental Plan 1991

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- (2) Despite subclause (1), the Council must not consent to the subdivision of any of the following land within Zone No 1 (c) for the purposes of a dwelling:
  - (a) land shown edged heavy black and identified as “Oppy Lane, Condobolin” on Sheet 1 of the relevant map,
  - (b) land shown edged heavy black and identified as “North Forbes Road, Condobolin” on Sheet 3 of the relevant map,
  - (c) land shown edged heavy black and identified as “Nilssons Lane, Lake Cargelligo” on Sheet 5 of the relevant map,
  - (d) land shown edged heavy black and identified as “Tottenham: Area A” on Sheet 6 of the relevant map.
- (3) In this clause:  
*relevant map* means the series of maps marked “Lachlan Local Environmental Plan 1991 (Amendment No 7)”.

### [12] Clause 19A

Insert after clause 19:

#### **19A Rural workers’ dwellings in Zone No 1 (a)**

- (1) The objectives of this clause are:
  - (a) to ensure adequate provision for existing agriculture or rural industries that require accommodation for permanent on-site employees on land in Zone No 1 (a), and
  - (b) to enable development for a rural worker’s dwelling if there is a need to accommodate an on-site employee due to the nature of the agriculture or rural industry or the location of the land, and
  - (c) to prevent development for a rural worker’s dwelling if the agriculture or rural industry does not have the capacity to support the rural workers’ employment.
- (2) The Council must not consent to the erection of a rural worker’s dwelling on land within Zone No 1 (a) unless the Council is satisfied that:
  - (a) the development is ancillary to an existing dwelling-house or dual occupancy on the same landholding and will be used as their principal place of residence by persons employed for the purpose of existing agriculture or existing rural industry on that land, and
  - (b) the development will not impair the use of the land for agriculture or for rural industries, and

- (c) there is a demonstrated economic capacity of the agriculture or rural industry being carried out on the land to support the on-going employment of rural workers, and
- (d) there is a demonstrated necessity to provide on-site accommodation via a rural worker's dwelling due either to the nature of the agriculture or rural industry that the worker is employed in or because of the remote or isolated location of the site.

**[13] Schedule 1 Items of the environmental heritage**

Omit item 6. Insert instead:

- 6 "Goodwill" dwelling-house, 19 Goodwill Street, Condobolin
- 6A Presbyterian Church Manse, 28-32 McDonnell Street, Condobolin.