

# Coonamble Local Environmental Plan 1997

[1997-164]



New South Wales

## Status Information

### Currency of version

Historical version for 24 April 1997 to 8 May 2008 (accessed 24 November 2024 at 7:50)

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.

### Authorisation

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File last modified 6 June 1997

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New South Wales

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# Coonamble Local Environmental Plan 1997



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Coonamble Local Environmental Plan 1997*.

### 2 Aims, objectives etc

(1) The general aims of this plan are:

- (a) to maintain and enhance the town of Coonamble as the major urban, administrative and service centre within the Coonamble local government area, and
- (b) to promote the villages of Gulargambone and Quambone as rural service centres, and
- (c) to increase employment opportunities within the Coonamble local government area through the efficient use of resources and the expansion of the tourism industry, and
- (d) to encourage the proper management, development and conservation of natural and man-made resources within the Coonamble local government area by protecting, enhancing or conserving:
  - (i) prime crop and pasture land, and
  - (ii) timber, minerals, soil, water and other natural resources, and
  - (iii) areas of significance for nature conservation, and
  - (iv) areas of high scenic or recreational value, and
  - (v) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (e) to facilitate growth and development of the Coonamble local government area in a manner which is consistent with the aims specified in paragraphs (a) to (d) and

which:

- (i) minimises the cost to the community of fragmented and isolated development of rural land, and
  - (ii) facilitates the efficient and effective delivery of amenities and services, and
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
  - (iv) facilitates farm adjustments, and
  - (v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land.
- (2) The aims and objectives of this plan in relation to the heritage of the Coonamble local government area are:
- (a) to conserve the environmental heritage of the land to which this plan applies, and
  - (b) to integrate heritage conservation into the planning and development control processes, and
  - (c) to provide for public involvement in the conservation of the Coonamble local government area's environmental heritage, and
  - (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the land to which this plan applies.

### **3 Land to which plan applies**

This plan applies to all land within the Coonamble local government area as shown on the map, with the boundaries as indicated on the map.

### **4 Relationship to other environmental planning instruments**

- (1) This plan repeals *Interim Development Order No 1—Shire of Coonamble* and such local environmental plans and other deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies.
- (2) The provisions of *Orana Regional Environmental Plan No 1—Siding Springs* prevail over the provisions of this plan to the extent of any any inconsistency.

### **5 Definitions**

- (1) In this plan:

**Aboriginal relic** means a relic as defined in the [National Parks and Wildlife Act 1974](#).

**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 changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**animal boarding or training establishment** means a place used for the commercial boarding, breeding, keeping 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 an existing road indicated on the map by heavy broken black lines.

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

**Council** means the Coonamble Shire Council.

**demolition**, in relation to a building or work, means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

**environmentally sensitive land** means land:

- (a) that is within, or within 40 metres of, the bed or bank of a river, stream, creek or watercourse listed in Schedule 1, or
- (b) that is shown horizontally hatched with black lines on the map.

**existing holding** means:

- (a) a single allotment, portion or parcel of land that was owned by one person, or held by the same persons as joint tenants or as tenants in common on 1 October 1977, or
- (b) if, on that day, an area of land consisting of two or more allotments, portions or parcels of adjoining or adjacent land was owned by the one person, or held by the same persons as joint tenants or as tenants in common, any such area of land.

**flood liable land** means land shown diagonally hatched with black lines on the map.

**heritage conservation area** means an area of heritage significance to the Coonamble local government area as shown marked “heritage conservation area” on the map.

**heritage item** means a building, work, relic, tree or place of heritage significance to the Coonamble local government area and described in Schedule 2.

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

**intensive livestock keeping establishment** means a building or place in which or on 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 farms (including crustacean or oyster farms),

but does not include a building or place used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land or for short term feeding during a declared drought or following a fire or flood.

**land degradation** means soil erosion involving the loss of productive capacity, stream turbidity and siltation, decline and loss of native vegetation or adverse changes in vegetation balance, salinisation of the soil or streams, or the deleterious effects of pesticides and fertilisers.

**landforming** means works which adjust the natural formation of land and are associated with the agricultural use of the land, but does not include tilling or ploughing.

**noxious weed** means a weed declared by an order under section 7 of the [Noxious Weeds Act 1993](#) to be a noxious weed.

**prime crop and pasture land** means land of merit for special agricultural use as confirmed by the Department of Agriculture, but does not include land which the Director-General of the Department of Agriculture 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, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area 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 the physical, cultural or intellectual welfare of persons within the community, but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) that is 50 or more years old and that relates to the use or settlement, but not Aboriginal habitation, of the Coonamble local government area.

**the map** means the series of sheets marked “*Coonamble Local Environmental Plan 1997*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of maps) marked as follows:

**tree** includes a sapling or a shrub that exceeds 3 metres in height and 2.4 metres in branch spread, but does not include any weed declared by an order under section 7 of the [Noxious Weeds Act 1993](#).

- (2) In this plan, a reference to clearing includes a reference to ringbarking, cutting down, felling, poisoning, removing or otherwise killing or destroying trees.
- (3) In this plan:
  - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (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.

## **6 Adoption of Model Provisions**

The [Environmental Planning and Assessment Model Provisions 1980](#), except for:

- (a) the definitions of **arterial road** and **map** in clause 4 (1), and
- (b) clauses 15, 29, 32, 33 and 34,

are adopted for the purposes of this plan.

## **7 Consent authority**

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



## Part 2 Zones

### 8 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 No 1 (a) (General Rural)—uncoloured and lettered “1 (a)”.

Zone No 1 (c) (Rural Small Holdings)—edged heavy black and lettered “1 (c)”.

Zone No 1 (f) (Forestry)—edged heavy black and lettered “1 (f)”.

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

Zone No 6 (a) (Open Space)—edged heavy black and lettered “6 (a)”.

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

### 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 development:
  - (a) that may be carried out without development consent, and
  - (b) that may be carried out only with development consent, and
  - (c) that is prohibited,is 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 grant consent to the carrying out of development of 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 objective of this zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
  - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and
  - (ii) soil stability by controlling and locating development in accordance with soil capability, and
  - (iii) forests of existing and potential commercial value for timber production, and
  - (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, and
  - (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, and
  - (vi) water resources for use in the public interest, and
  - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
  - (viii) places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
- (b) preventing any unjustified development of prime crop and pasture land for purposes other than agriculture, and
- (c) facilitating farm adjustments, and
- (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 rural residential development and for development for other non-agricultural purposes, in accordance with the need for that development.

## **2 Without development consent**

Development for the purpose of:

agriculture (other than landforming, animal boarding or training establishments and intensive livestock keeping establishments); forestry (other than pine plantations).

## **3 Only with development consent**

Any development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

## **Zone No 1 (c) (Rural Small Holdings)**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to promote the development of land identified as suitable for rural residential or hobby farm purposes:
  - (i) in accordance with the need for that development, and
  - (ii) in a manner which does not interfere with the efficient agricultural use of adjacent land, and
- (b) to provide a range and mixture of allotment sizes:
  - (i) to meet various individual needs, and
  - (ii) to ensure that the density of development carried out is compatible with land capability (including soil resources and soil stability), natural constraints and hazards of the land, and
- (c) to conserve trees and other natural vegetation where the conservation of the vegetation is significant to scenic amenity or natural habitat or is likely to control land degradation, and
- (d) to enable a range of light industrial and business land uses to be carried out in association with the rural residential or hobby farm use of land

where those industrial or business land uses are compatible with the environmental capability of the land and the amenity of the area.

## **2 Without development consent**

Development for the purpose of:

agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments).

## **3 Only with development consent**

Any development not included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

boarding houses; caravan parks; extractive industries; hotels; intensive livestock keeping establishments; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; offensive or hazardous industries; refreshment rooms; residential flat buildings; sawmills; shops (other than general stores not exceeding 100 square metres in gross floor area); stock and sales yards; warehouses; works for landforming or irrigation purposes.

## **Zone No 1 (f) (Forestry)**

### **1 Objectives of Zone**

The objective of this zone is to identify those areas under the management and control of the Forestry Commission pursuant to the [Forestry Act 1916](#).

### **2 Without development consent**

Development for the purpose of:

agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments); forestry; land uses authorised under the [Forestry Act 1916](#).

### **3 Only with development consent**

Nil.

#### **4 Prohibited**

Any development not included in item 2.

### **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 rural service function.

#### **2 Without development consent**

Nil.

#### **3 Only with development consent**

Any development not included in item 4.

#### **4 Prohibited**

Development for the purpose of:

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

### **Zone No 6 (a) (Open Space)**

#### **1 Objectives of Zone**

The objective of this zone is to provide land for a variety of recreational pursuits.

#### **2 Without development consent**

Development for the purpose of:

works for landscaping, gardening or bushfire hazard reduction.

#### **3 Only with development consent**

Development for the purpose of:

agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments); buildings for landscaping, gardening or bushfire reduction; drainage; utility installations (other than gas holders or generating works); racecourses; recreation areas; roads; showgrounds.

#### **4 Prohibited**

Any development not included in item 2 or 3.

### **Zone No 8 (National Parks and Nature Reserves)**

#### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to identify land managed by the National Parks and Wildlife Service, and
- (b) to preserve existing natural areas, Aboriginal sites and historic sites, while allowing compatible development.

#### **2 Without development consent**

Development authorised to be carried out by the National Parks and Wildlife Service under the [National Parks and Wildlife Act 1974](#).

#### **3 Only with development consent**

Nil.

#### **4 Prohibited**

Any development not included in item 2.

### **Part 3 Special provisions**

#### **10 General considerations for development within rural zones**

- (1) The Council must not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration the effect of the carrying out of that development on:
  - (a) the present and potential use of the land for the purpose of agriculture, and
  - (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), and
  - (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials, and
  - (d) the protection of areas 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, and

- (e) the cost of providing, extending and maintaining public amenities and services to the site of the development, and
  - (f) the future expansion of settlements in the vicinity.
- (2) As well as the matters referred to in subclause (1), the Council must take into consideration the relationship of the development to development on adjoining land or on other land in the locality, including the effects of potential aerial spray drift.

### **11 Subdivision generally**

- (1) A person must not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council must not consent to an application to subdivide land within Zone No 1 (a) or 1 (c) unless it has obtained all relevant information in relation to, and made an assessment of:
- (a) the primary purpose for which each allotment to be created by the subdivision is intended to be used, and
  - (b) whether any allotment to be carried out by the subdivision is intended to be used primarily for the purpose of agriculture, and
  - (c) whether a dwelling is intended to be or is erected on any allotment to be created by the subdivision and the approximate location of any such dwelling.

### **12 Subdivision for the purpose of agriculture in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a), but only until the second anniversary of the appointed day. The clause set out in Schedule 3 applies on and from that second anniversary instead of this clause.
- (2) Subject to this clause, land within Zone No 1 (a) must not be subdivided unless:
- (a) each separate allotment to be created by the subdivision has an area of not less than 40 hectares, and
  - (b) the ratio of depth to frontage of each allotment is satisfactory to the Council, having regard to the purpose for which it is to be used, and
  - (c) the frontage of any such allotment to a main road is not less than 400 metres.
- (3) Subject to subclause (6), an allotment of land having an area of less than 40 hectares but not less than 2 hectares may be created by a subdivision of land within Zone No 1 (a) where:
- (a) the Council is satisfied that the allotment is intended to be used for the purpose of agriculture, and

- (b) the ratio of depth to frontage of the allotment is satisfactory to the Council, having regard to the purpose for which it is to be used, and
  - (c) the frontage of the allotment to a main road is not less than 200 metres.
- (4) Subject to subclause (6), an allotment of land having an area of not less than 1000 square metres may be created by a subdivision of land within Zone No 1 (a) where the Council is satisfied that the allotment is required for the erection or use of a dwelling-house for actual occupation by:
- (a) the owner (as at 1 October 1977) of the land contained in the allotment, or
  - (b) a relative of that owner, or
  - (c) a person employed or engaged by that owner in the use for the purpose of agriculture of land of the owner adjoining or adjacent to the allotment.
- (5) Land may be subdivided within Zone No 1 (a) to create an allotment of less than 40 hectares where:
- (a) the Council is satisfied that the allotment is intended to be used for any development (other than development for the purpose of a dwelling-house) that may be carried out with development consent in Zone No 1 (a), and
  - (b) the ratio of depth to frontage of the allotment is satisfactory to the Council, having regard to the purposes for which it is to be used, and
  - (c) the frontage of the allotment to a main road is not less than 200 metres.
- (6) The maximum number of allotments referred to in subclause (3) or (4) that may be created by a subdivision of land in accordance with either of those subclauses is:
- (i) nil, where the land has an area of less than 10 hectares, or
  - (ii) one, where the land has an area of not less than 10 hectares but less than 20 hectares, or
  - (iii) two, where the land has an area of not less than 20 hectares but less than 30 hectares, or
  - (iv) three, where the land has an area of not less than 30 hectares.
- (7) For the purpose of subclause (6), **land** means the aggregation of all adjoining or adjacent land held in the same ownership as at 1 October 1977.
- (8) Where the maximum number of allotments that might have been created in accordance with subclause (6) exceeds one, nothing in that subclause prevents the creation of a number of allotments at any time subsequent to the creation of a number less than that maximum number, but only so that the aggregate number of



allotments created does not exceed that maximum number.

### **13 Subdivision for the purpose of dwellings in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a), but only until the second anniversary of the appointed day. The clause set out in Schedule 4 applies on and from that second anniversary instead of this clause.
- (2) A dwelling-house must not be erected on a parcel of land within Zone No 1 (a) unless the parcel:
  - (a) has an area of not less than 40 hectares, or
  - (b) comprises an allotment created by a subdivision in accordance with clause 12 (3) or (5) and the use of the dwelling-house will be ancillary to the principal use of the allotment, or
  - (c) comprises an allotment created by a subdivision in accordance with clause 12 (4) and the dwelling-house is intended for occupation by any of the persons specified in that subclause, or
  - (d) comprises an allotment lawfully created prior to 1 October 1977 which could have been created in accordance with the provisions of clause 12 if those provisions were in force at the time the allotment was created, or
  - (e) comprises an allotment in a subdivision to which the consent of the Council has been given prior to 14 March 1975.
- (3) Not more than one dwelling-house may be erected on a parcel of land referred to in subclause (2) (b), (c), (d) or (e).
- (4) One dwelling-house may be erected on a parcel of land referred to in subclause (2) (a) for each 40 hectares contained within the parcel, but only if any dwelling-house (**a worker's dwelling-house**) erected after the first dwelling-house has been erected will be used only to accommodate a person employed or engaged in the use of the parcel for the purpose of agriculture.
- (5) Notwithstanding the provisions of subclause (4), a worker's dwelling-house, which but for this subclause, could not lawfully be erected, may be erected with the consent of the Council.
- (6) Nothing in subclause (3) prevents the erection of a dwelling-house on a parcel of land on which another dwelling-house is erected where the use of the first-mentioned dwelling-house will not commence until the use of the second-mentioned dwelling-house has permanently ceased or it has been demolished.

#### **14 Subdivision for the purpose of dwellings in Zone No 1 (c)**

- (1) The Council must not consent to an application to subdivide land within Zone No 1 (c) so as to create an allotment that the Council is satisfied will be used primarily for the purposes of a dwelling unless the allotment has an area of 2 hectares or more.
- (2) The Council must not grant consent to the subdivision of land as referred to in subclause (1) unless it has made an assessment of:
  - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created, and
  - (b) the desirability of providing a range and mixture of allotment sizes, and
  - (c) the availability of reticulated water services or, if those services are unavailable, the capacity of the land to provide an adequate domestic water supply without adversely affecting existing surrounding and downstream water supply, and
  - (d) the capability of the land to accommodate septic disposal of household waste, and
  - (e) the standard and capacity of public roads serving the land relative to the likely volume of traffic to be generated as a consequence of the density of the subdivision, and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated, and
  - (f) the availability of other services and social services relative to the likely demand for those services and the costs of their provision, and
  - (g) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services, and
  - (h) whether any source of pollution in the locality requires larger allotments to enable separation of dwellings from that source,
  - (i) the need to maintain a semi rural character in the area, and
  - (j) the purpose for which the land is intended to be used after subdivision.

#### **15 Subdivision of land in Zone No 2 (v)**

In assessing an application for the subdivision of land in Zone No 2 (v), the Council must have regard to:

- (a) the nature and topography of the land to be subdivided in relation to the density of the allotments proposed to be created, and
- (b) the desirability of providing a range and mixture of allotment sizes, and

- (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services, and
- (d) the impact of the subdivision on the future development of the village.

**16 Dwellings in Zone No 1 (c)**

- (1) Except as provided by subclause (2), a person must not erect a dwelling-house on land within Zone No 1 (c) unless:
  - (a) the land has an area of 2 hectares or more, and
  - (b) the dwelling-house is 150 metres or more from any land within Zone No 1 (a), not being a public road.
- (2) The Council must not consent to an application to erect a dwelling-house on land within Zone No 1 (c) which has an area of less than 2 hectares where the land comprises an allotment created before the appointed day.

**17 Residential development in Zone No 2 (v)**

- (1) A person must not erect a dwelling-house, boarding house or residential flat building on land within Zone No 2 (v) without the consent of the Council.
- (2) The Council must not consent to an application to erect a dwelling-house on land within Zone No 2 (v) except on an allotment of land which was created:
  - (a) in accordance with clause 15, or
  - (b) by a subdivision carried out before the appointed day to create an allotment on which a dwelling-house could have been erected before the appointed day, provided that in the case of allotments of 4000m<sup>2</sup> or less in area in unsewered areas the Council is satisfied that an adequate area exists within the allotment for the on site disposal of wastes.

**18 Dual occupancy in Zone No 2 (v)**

A person may, with the consent of the Council, on land within Zone No 2 (v):

- (a) alter, or add to, a dwelling-house erected on an allotment so as to create 2 dwellings, or
- (b) erect 2 attached dwellings on an allotment, or
- (c) erect 2 detached dwelling-houses on an allotment, or
- (d) erect a second dwelling-house in addition to one already erected on that allotment.

## **19 Development 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 specified in Schedule 5 in the same way as those provisions apply to and in respect of designated development.

## **20 Restriction on development along or near arterial roads**

- (1) The Council must not grant consent to an application to develop 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 must not consent to the development of land within Zone No 1 (a) or 1 (c) for any purpose listed in Schedule 6 if development of the land for the purpose will require direct access to:
  - (a) an arterial road, or
  - (b) a road connecting with 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.

## **21 Environmentally sensitive land**

- (1) A person must 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 sales yards.

- (2) A person must not clear environmentally sensitive land except with the consent of Council.
- (3) The Council must not consent to an application made for the purposes of subclause (2) unless, in the opinion of the Council, the clearing of the land will be carried out in a manner which, in respect of that land and adjacent land, minimises:
  - (a) the risk of soil erosion or other land degradation, and
  - (b) the loss of scenic amenity, and
  - (c) the loss of important vegetation systems and natural wildlife habitats.

## **22 Tree preservation**

- (1) The consent of the Council is not required:
  - (a) to clear land, as may be reasonably necessary for carrying out development for the purpose of:
    - (i) a fence, being a fence of a permanent nature, or
    - (ii) an access trail, or
    - (iii) a cut line for stock movement, or
    - (iv) a fire break, or
    - (v) a road, or
    - (vi) a telephone, power, gas or water line, or
    - (vii) a drain to a dam or a bore, or
  - (b) to lop trees to provide stock feed in times of drought, if the method and extent of the lopping ensures the continued survival and health of the trees, or
  - (c) to clear the regrowth of trees which are less than 3 metres in height on any land which:
    - (i) was lawfully cleared before the appointed day, or
    - (ii) has been cleared in compliance with clause 21, or
  - (d) to prune trees for the purpose of their regeneration or ornamental shaping, or
  - (e) to remove trees which are dying or dead, or
  - (f) to burn undergrowth for the purpose of range land management.
- (2) Nothing in this clause operates so as to permit:

- (a) any clearing in a State forest, timber reserve or flora reserve under the *Forestry Act 1916*, or
- (b) clearing in contravention of section 21C of the *Soil Conservation Act 1938*, or
- (c) the clearing of native vegetation within the meaning of *State Environmental Planning Policy No 46—Protection and Management of Native Vegetation*.

### **23 Flood liable land**

- (1) A person must not erect a building or carry out a work on flood liable land except with the consent of the Council.
- (2) The Council must not consent to the erection of a building or the carrying out of a work on flood liable land or on other land known by the Council to be liable to become flooded if the Council is satisfied that the development is likely:
  - (a) to impede the flow of flood water on that land or on adjoining land, or
  - (b) to imperil the safety of persons on that land or on adjoining land in the event of those lands being inundated with flood water, or
  - (c) to aggravate the consequences of flood water flowing on that land or on adjoining land with regard to erosion, siltation and the destruction of vegetation, or
  - (d) to have an adverse effect on the water table to that land or adjoining land.
- (3) The Council must not consent to the erection of a building or the carrying out of a work on flood liable land or on other land known by the Council to be liable to become flooded unless it has taken into consideration:
  - (a) the cumulative effect of the proposed development on flood behaviour, and
  - (b) the risk of pollution to the waterways caused by the proposed development, and
  - (c) the availability of flood free access to the proposed development.

### **24 Heritage items**

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish or alter the building or work, or
  - (b) damage or move the relic, or
  - (c) excavate for the purpose of exposing the relic, or
  - (d) damage or despoil the place or tree, or

- (e) erect a building on or subdivide land on which the building, work or relic is situated or that 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 must not grant consent to a development application required by 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.

## **25 Development in the vicinity of heritage items**

The Council may not grant 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.

## **26 Heritage conservation areas**

A person must not, in respect of a heritage conservation area:

- (a) demolish or alter a building or work within the area, or
- (b) damage or move a relic within the area, or
- (c) excavate for the purpose of exposing a relic within the area, or
- (d) damage or despoil a place within the area, or
- (e) erect a building on or subdivide land within the area,

except with the consent of the Council.

## **27 Heritage advertisements and notifications**

- (1) Except as provided by this clause, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

- (a) the demolition of a heritage item, and
- (b) the demolition of a building, work, relic or place within a heritage conservation area,

in the same way as those provisions apply to and in respect of designated development.

- (2) The Council must not grant consent to an application to demolish a heritage item unless:

- (a) the Council has notified the Heritage Council of its intention to grant consent, and
  - (b) the Council has had regard to any submission about the proposal made by the Heritage Council within 28 days after the notice was sent.
- (3) This clause does not apply to the partial demolition of a heritage item or of a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the land to which this plan applies.

## **28 Access**

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

## **29 Development on land within Zone No 6 (a)**

The Council must not consent to the carrying out of development of land within Zone No 6 (a), being land owned or controlled by the Council, 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 existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

## **30 Advertising structures**

- (1) For the purposes of this plan, a person shall not use or erect an advertising structure for the purpose of displaying any advertisement, other than an advertisement:
- (a) which relates to that land or to premises situated on that land, and
  - (b) which specifies any one or more of the following particulars:
    - (i) the purpose for which that land or premises situated on that land are used,
    - (ii) particulars that identify or describe a person residing or carrying on an occupation or business on the land or the premises,
    - (iii) a description of any such occupation or business,
    - (iv) particulars of the goods or services dealt with or provided on that land or premises.
- (2) Notwithstanding subclause (1) the Council may consent to the erection, on land to which this plan applies, of an advertising structure for the purpose of displaying an



advertisement directing the travelling public to places of scientific, cultural, historical or scenic interest.

- (3) The Council must not grant consent as referred to in subclause (2) unless it is satisfied that the advertising structure will not interfere with the amenity of the locality and that the safety of the travelling public will not be endangered by the erection of that structure.
- (4) This clause does not apply to advertising structures and advertisements erected within information bays erected by or approved by the Council.

### **31 Landforming**

- (1) The Council must not consent to an application to carry out landforming of land within Zone No 1 (a) unless it has made an assessment of:
  - (a) the flood liability of the land, and
  - (b) the likely effect of flooding on adjoining or other land in the locality as a result of the development of the land, and
  - (c) the risk of soil erosion and other land degradation, and
  - (d) the loss of important vegetation systems and natural wildlife habitat.
- (2) The Council must not consent to the carrying out of landforming of land within Zone No 1 (a) unless it has considered a plan of the land to which the application relates, showing:
  - (a) the location, boundary dimensions, site area and north point, and
  - (b) existing vegetation and trees on the land, and
  - (c) existing levels and topographic details of the land, including contour lines drawn at suitable intervals, and
  - (d) the natural pattern of rainfall run-off, and
  - (e) an estimation of natural peak discharge from the land for a one in twenty, one in fifty and one in one hundred year rainfall pattern (such estimation is to be based on a method which has prior acceptance by the Council), and
  - (f) an estimation of peak discharge from the land for a one in twenty, one in fifty and one in one hundred year rainfall pattern after the completion of the development, and
  - (g) a whole farm plan indicating the proposed overall irrigation layout pattern including provisions for supply, drainage and on farm storage.

- (3) Any landforming design must be prepared so as:
- (a) to maximise the distance of stormwater travel to the discharge point from the holding, and
  - (b) to maximise time of concentration by slowing the rate of stormwater run-off, and
  - (c) to minimise the volume of overland flow per unit area, and
  - (d) to provide buffers such as retention basins and vegetated plots to increase the time of concentration, and
  - (e) to divert stormwater away from or around critical features such as steep slopes or unstable soil, and
  - (f) to provide for zero net increase in peak discharge from the holding and direct such discharge to the natural discharge point, and
  - (g) to preserve natural drainage lines through the property or make provision for adequate alternative drainage lines.

## **Schedule 1 Environmentally sensitive land**

(Clause 5 (1))

Castlereagh River  
Bungle Gully or Colless Warrambool Creek  
Urawilkie or Teridgerie or Terembone Creek  
Six Mile Creek  
Ironbark Creek  
Weetaliba or Gunyillah Creek  
Bullarora or Tourable or Merrimbah or Nebea or Murrumbah Creek  
Bucklanbah Creek  
Coonamble (Magometon) Creek  
Calga Creek  
Quanda Quanda Creek  
Frazers Creek  
Mungery Creek  
Tenandra Creek  
Bulgan Creek  
Oaky Creek  
Warringerong (Worinjerong) Creek  
Warrena Creek  
Baronne Creek  
Wilber Creek  
Galargambone Creek  
Merri Merri Creek  
Marthaguy Creek  
Macquarie River  
Nedgera Creek

Gidgenbah Watercourse  
Mowlma Creek

## Schedule 2 Heritage items

(Clause 5 (1))

Item	Property description
1 Macquarie Marshes	Approximately 148,000 ha, located 10 km south-west of Carinda and comprising generally the Marshes and areas subject to inundation between "Warwick Farm" in the north and "Yanganbul" in the south.
2 Museum (formerly Police Station)	Aberford Street, Coonamble
3 Coonamble Post Office	Castlereagh Street, Coonamble
4 Railway Station	Railway Street, Coonamble
5 Sexton's Hut at Coonamble Cemetery	Memorial Drive, Coonamble
6 Commercial Hotel	Cnr Castlereagh/Aberford Streets, Coonamble
7 Church of England Church	Cnr Aberford/Namoi Streets, Coonamble.
8 Coonamble Shire Chamber	80 Castlereagh Street, Coonamble.

## Schedule 3 Subdivision for the purpose of agriculture in Zone No 1 (a)

(Clause 12 (1))

### 12 Subdivision for the purpose of agriculture in Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a) on and from the second anniversary of the appointed day.
- (2) The Council may consent to the creation of an allotment of any size of land within Zone No 1 (a) where the Council is satisfied the proposed allotment will be used for the purpose of agriculture.
- (3) Regardless of subclause (2), the Council must not consent to the creation of an allotment that the Council is satisfied will be used for the purpose of agriculture if:
  - (a) the proposed allotment will have an area of less than 1000 hectares, and
  - (b) there is already a dwelling-house standing on an existing holding of which the proposed allotment forms only part.
- (4) Regardless of subclause (3), the Council may consent to the excision of one (but not more than one) allotment of less than 1000 hectares from an existing holding if the Council is satisfied that a dwelling standing on the proposed allotment was lawfully

erected.

## **Schedule 4 Subdivision for any other purpose in Zone No 1 (a)**

(Clause 13 (1))

### **13 Subdivision for any other purpose in Zone No 1 (a)**

- (1) This clause applies to land within Zone No 1 (a) on and from the second anniversary of the appointed day.
- (2) **Subdivision for the purpose of dwellings** If the Council is satisfied the proposed allotment will be used for the purpose of a dwelling-house, the Council may consent to the creation of:
  - (a) not more than 1 allotment from an existing holding within Zone No 1 (a) of more than 100 hectares but not more than 400 hectares, or
  - (b) not more than 2 allotments from an existing holding within Zone No 1 (a) of more than 400 hectares but not more than 1000 hectares, or
  - (c) not more than 3 allotments from an existing holding within Zone No 1 (a) of more than 1000 hectares.
- (3) Subdivision under subclause (2) is permissible only where the Council is satisfied that:
  - (a) each proposed allotment will have an area of 2 hectares or more, and
  - (b) each proposed allotment does not comprise prime crop and pasture land unless no reasonable alternative exists, and
  - (c) the creation of each proposed allotment is unlikely to adversely affect the existing and potential capability of the land and any adjacent land to produce food or fibre.
- (4) For the purpose of subclause (3), **land** means the aggregation of all adjoining or adjacent land held in the same ownership as at 1 October 1977.
- (5) **Subdivision otherwise than for the purpose of dwellings or agriculture** Where the Council is satisfied that any proposed allotment of land within Zone No 1 (a) to be created will be used for a purpose other than agriculture or a dwelling, the Council may consent to the proposed subdivision only if Council is satisfied that:
  - (a) the proposed allotment is not prime crop and pasture land, and
  - (b) the area of the proposed allotment and of each other proposed allotment is appropriate having regard to the purpose for which the Council is satisfied they will be used, and
  - (c) the purpose for which the proposed allotment will be used involves the supply of goods or services for which there is a demand in the locality, and

- (d) no other land in the locality could reasonably be used for that purpose, and
- (e) creation of the proposed allotment is justified, despite its agricultural value, by:
  - (i) the level of demand for goods or services which will be supplied from the proposed allotment, and
  - (ii) the extent to which the proposed allotment will be used to meet that demand.

## **Schedule 5 Development that must be advertised**

(Clause 19)

Development for the purpose of any of the following:

- (a) boarding houses; hotels; motels; caravan parks for permanent accommodation; residential flat buildings, or
- (b) industries (other than home industries), or
- (c) intensive livestock keeping; junk yards; liquid fuel depots; sawmills; stock and sales yards; transport terminals.

## **Schedule 6 Development that is restricted along arterial roads**

(Clause 20 (2))

Development for the purpose of any of the following:

- 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,  
sawmills,  
service stations,  
stock and sales yards,  
warehouses.