

Central Darling Local Environmental Plan 2004

[2004-479]



New South Wales

Status Information

Currency of version

Historical version for 7 December 2007 to 14 December 2008 (accessed 18 July 2024 at 20:25)

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

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 7 December 2007

Central Darling Local Environmental Plan 2004



New South Wales

Contents

Part 1 Preliminary	4
1 Name of plan	4
2 Aims of plan.....	4
3 Definitions	5
4 Land to which plan applies	13
5 Amendment of Western Division Regional Environmental Plan No 1—Extractive Industries	13
6 Adoption of Model Provisions	13
7 Consent authority	13
Part 2 Zones	13
8 Zones indicated on the map.....	13
9 Zone objectives and Development Control Table.....	14
10 Certain development not restricted or prohibited by this plan	19
Part 3 Special provisions	20
11 General considerations for development in Zone No 1 (a)	20
12 Subdivision of land generally.....	20
13 Subdivision for the purpose of agriculture in Zone No 1 (a)	21
14 Subdivision for other purposes in Zone No 1 (a)	22
15 Subdivision for the purpose of dwellings in Zone No 1 (c).....	22
16 Subdivision for the purpose of dwellings in Zone No 2 (t)	23
17 Dwellings in Zone No 1 (a)	23
18 Dwellings in Zone No 1 (c).....	24
19 Erection of additional dwellings in Zones Nos 1 (a) and 1 (c)	24

20	Erection of replacement dwellings in Zones Nos 1 (a) and 1 (c).....	25
21	Dual occupancy in Zone No 2 (t)	25
22	Solid waste facilities on land Zoned 1 (a)	26
23	Development applications that must be advertised	26
24	Development along arterial roads	27
25	Environmentally sensitive land.....	27
26	Ecologically sustainable development.....	28
27	Flood liable land	28
28	Land subject to bushfire hazards.....	28
29	Objectives in relation to heritage	29
30	Protection of heritage items	29
31	Notice of demolition to the NSW Heritage Office.....	31
32	Development affecting places or sites of known or potential Aboriginal heritage significance	31
33	Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance	32
34	Development in the vicinity of a heritage item	32
35	Conservation Incentives	33
36	Stormwater drainage.....	33
37	Roads, drainage, recreation areas and parking	33
38	General stores	34
39	Temporary use of land	34
40	Ongoing projects	34
	Schedule 1 Heritage items	35
	Schedule 2 Archaeological and potential archaeological sites	36
	Schedule 3 Matters to be considered by the consent authority when determining a development application	36
	Schedule 4 Development that must be advertised	38

Central Darling Local Environmental Plan 2004



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is *Central Darling Local Environmental Plan 2004*.

2 Aims of plan

The aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and other resources within the local government area of Central Darling by protecting, enhancing and conserving the following:
 - (i) agricultural land,
 - (ii) timber, minerals, soil, water and other natural resources,
 - (iii) places and areas of significance for nature conservation, including habitat of threatened species, populations and ecological communities and areas of native vegetation,
 - (iv) features and places of high scenic or recreational value,
 - (v) places and buildings of archaeological, cultural or heritage significance, including Aboriginal relics and places,
 - (vi) waterways and associated wetlands for habitat, refuge, breeding sites, recreation, cultural and scenic values, and
- (b) to improve the attractiveness and civic image of the local government area of Central Darling and its townships and villages by:
 - (i) improving the appearance of and facilities in open space areas, and
 - (ii) improving the streetscape throughout the townships, villages and entrances, and
 - (iii) to encourage the relocation of inappropriate industrial activities away from residential areas, and

- (c) to facilitate growth and development of the local government area of Central Darling in a manner that is consistent with the aims specified in paragraph (a) and that:
 - (i) minimises the cost to the community of fragmented and isolated development of 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 redevelopment, and
 - (v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and
 - (vi) encourages a mix of land use types where such uses are compatible, and
 - (vii) provides for orderly development of tourist activity, and
- (d) to provide flexible planning controls to assist the Council in its administration of planning, and
- (e) to provide suitably zoned land so as:
 - (i) to increase employment opportunities through the efficient management of resources including the expansion of the tourist industry, and
 - (ii) to provide opportunities for industrial development, employment, and economic and enterprise growth, and
 - (iii) to provide for minor expansion of township areas to meet future urban growth needs, and
 - (iv) to minimise conflict due to inappropriate land uses adjoining each another, and
- (f) to facilitate a reasonable standard of development, and
- (g) to encourage a built environment and amenity that is attractive to visitors, residents and investors, and that retains the special character of each of the townships to which this plan applies, and
- (h) to promote development of the townships of Menindee (and environs including Copi Hollow and Sunset Strip), Ivanhoe (including Railtown), Wilcannia, and White Cliffs and the village of Tilpa as rural service communities.

3 Definitions

- (1) In this plan:

agriculture means the use of land for:

- (a) the cultivation of crops, including cereals, fruit, vegetables and flowers, or
- (b) the keeping or breeding of livestock, poultry or bees,

but does not include the use of land for irrigated agriculture or for an intensive livestock keeping establishment.

animal boarding and training establishment includes a dog boarding and training establishment.

animal chiller means a commercial freezer or coolroom for the purpose of storing wildlife that has been slaughtered for use in pet food or for human consumption.

appointed day means the day on which this plan was exhibited, being 14 August 2002.

archaeological site means a site that is specified in Part 1 of Schedule 2 as an archaeological site.

basic utility services includes sewerage, drainage, water, gas and electricity services.

bed and breakfast means a dwelling that:

- (a) provides for the temporary accommodation of guests for commercial purposes, and
- (b) offers at least breakfast for guests, and
- (c) does not contain facilities in rooms for the preparation of meals by guests, and
- (d) is not used for long term accommodation of any persons other than those, and the family of those, who operate and manage the facility and who would normally reside in the dwelling.

boarding house means a building or place:

- (a) where accommodation, meals and laundry facilities in return for payment may be or are provided to the resident, and
- (b) that is not licensed to sell liquor within the meaning of the [Liquor Act 1982](#), and
- (c) that is not a bed and breakfast.

brothel means premises habitually used for the purpose of prostitution, whether or not by only one prostitute.

bulk store means a building or place used for the bulk storage of goods, where the

goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

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

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

commercial premises means a building or place used as an office or for a business or commercial purposes, but (in the zoning table) does not include a building or place elsewhere specifically defined in this clause.

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.

Council means the Council of the local government area of Central Darling.

demolish, in relation to a heritage item or to a building, work, relic archaeological site, tree or place within a heritage conservation area, means to damage, deface, destroy, pull down or remove the heritage item, or the building, work, relic archaeological site, tree or place, in whole or in part.

dog boarding and training establishment means a building or place at which more than 2 dogs are kept for fee or reward or more than 2 dogs are kept for training, racing or coursing, but does not include:

- (a) a building or place at which dogs are kept to be used for farming purposes on land that is used for agriculture, or
- (b) a Council pound.

dwelling means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

extractive industry means:

- (a) the winning of extractive materials, not being coal, petroleum or any mineral within the meaning of the [Mining Act 1992](#), or
- (b) an industry or undertaking (not being a mine) which depends for its operations on winning extractive material from the land on which the industry or undertaking is carried out.

extractive material means sand, gravel, clay, soil, rock, stone or similar substance.

farm building means a hay shed, stockyard, machinery shed, storage shed, pump house, shearing shed, outbuilding, utility installation or the like used in association with the agricultural use of the land.

flood liable land means land inundated by the 1% flood event or by the highest known flood level determined by using the geomorphology method.

floodplain means flood liable land.

general store means a shop used for the sale by retail of general merchandise and which may include the facilities of a post office.

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) 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, or
- (b) a place specified in an inventory of heritage items available at the office of the Council and described in the inventory as a place of Aboriginal heritage significance and the site of which is described in Schedule 2.

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

home business means a business undertaken by the permanent residents of a dwelling, where no more than three others are also employed.

home occupation means an occupation carried on in a dwelling by the permanent residents of the dwelling that does not involve:

- (a) anything that involves the production or assembly of dangerous goods (such as explosives) within the meaning of the [Dangerous Goods Act 1975](#), or
- (b) the employment of persons other than those residents, or
- (c) interference with the amenity of the neighbourhood by reason of emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, oil or grit, or otherwise, or

- (d) the display of goods, whether in a window or otherwise, or
- (e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (f) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

horse stables means a building or place used for the purpose of receiving, maintaining, boarding or keeping horses.

industry means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking-up or adapting of any goods or any articles or part of any goods or any articles, for trade, sale or gain as an activity ancillary to any business.

intensive livestock keeping establishment means a building or place where livestock are held for the purposes of nurturing by a feeding method other than natural grazing and includes the following:

- (a) feedlots, other than feedlots operated during periods of declared drought, or at times of other natural disasters such as fire or flood,
- (b) piggeries,
- (c) poultry farms,
- (d) places used for fish farming (including the farming of crustaceans and oysters),

but does not include the following:

- (e) an animal boarding or training establishment,
- (f) a building or place used for the keeping of livestock intended solely for personal consumption or enjoyment by the owner or occupier of the building or place,
- (g) a building or place used for short-term feeding.

irrigated agriculture means the use of a site for cultivation by irrigation for fruit farming and vegetable farming and includes plant propagation, plant breeding, ornamental floriculture, viticulture, landscape horticulture and turf farming.

junk yard means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap metals or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of their parts.

land fill site means land on which, as the principal use of the land, materials such as

earth, soil, excavated earth material, demolition material or non-putrescible matter are placed as filling.

light industry means an industry, not being an offensive or hazardous industry in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity or the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, oil, or otherwise but does not include an extractive industry.

liquid fuel depot means a depot or place used for the bulk storage for the wholesale distribution of petrol, oil, petroleum or other flammable liquid or gas.

low impact opal mining means underground mining on a 50 by 50 metre mineral claim, within the White Cliffs Mineral Claims District (constituted under section 173 the [Mining Act 1992](#)), carried out in accordance with the conditions outlined in appendices 1, 2 and 3 of the *White Cliffs Mineral Claims District Management Plan* dated October 1992. Low impact opal mining does not include open cut mining.

Note—

The White Cliffs Mineral Claims District is shown as map 1 in the *White Cliffs Mineral Claims District Management Plan*.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal or mineral by any method and any place on which any produce of the mine is stacked, stored, crushed or otherwise treated, but does not include extractive industry.

multiple occupancy means multiple dwellings on the same allotment with shared facilities and resources under a scheme for collective management of the allotment. The dwellings are not held under strata title or any other form of separate land title, in a manner that involves separate legal rights to parts of the land through other means such as agreements, dealings, company shares, trusts or time-sharing arrangements.

native vegetation means vegetation that is indigenous to the State, including trees, shrubs, understorey and native grasslands.

pine plantations means private forestry involving the establishment of pine plantations of more than 5 hectares in area in respect of any one property.

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 may 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 groves), or

- (b) a natural Aboriginal sacred site or other sacred feature (it may include 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 Part 2 of Schedule 2 as a potential archaeological site, 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.

relic means:

- (a) any deposit, object or material evidence (that may consist of human remains) relating to the use or settlement of the local government area of Central Darling by Aboriginal persons (whether before or after its occupation by non-Aboriginal persons), or
- (b) any deposit, object or material evidence (that may consist of human remains) relating to the use or settlement of the local government area of Central Darling by other persons, but only if it is more than 50 years old and is a fixture or is wholly or partly within the ground.

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

roadside stall means a place or temporary structure that is capable of being erected or dismantled within 24 hours and that is used for selling by retail agricultural produce or hand-crafted goods from the property of which the place forms part or on which the structure is located.

service station means a building or place used for the fuelling of vehicles involving the sale by retail of petrol, oil or other petroleum products, whether or not the building or place is also used for one or more of the following:

- (a) the hiring of vehicles,
- (b) the retail selling, or the installing, of spare parts and accessories for vehicles,
- (c) the repairing or servicing of vehicles (not involving body building, panel beating or spray painting),
- (d) the retail selling or hiring of small consumer goods.

shop means a building or place used for the purpose of selling, exposing or offering for sale, goods, merchandise or materials, but (in the zoning table) does not include a building or place elsewhere defined in this clause, a building or place used for a purpose elsewhere specifically defined in this clause.

stock and sale yard means a building or place used for the purpose of offering animals for sale and includes a public cattle market.

the Act means the *Environmental Planning and Assessment Act 1979*.

the map means the map marked “*Central Darling Local Environmental Plan 2004*”, as amended by the maps (or the specified sheets of maps) marked as follows:

tourist accommodation means a building or buildings used for the temporary accommodation of tourists, visitors and travellers, which may have facilities for the convenience of patrons.

tourist facility means an establishment providing for holiday accommodation or recreation and may include a boatshed, boat handling facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any tourist activities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

tree includes a live sapling or a shrub of a perennial plant species with a single or multi-stem configuration that has a growth height greater than 1.2 metres, but does not include any plant declared by or under an Act to be a noxious weed throughout the whole of the State or the local government area of Central Darling.

vehicle body repair workshop means a building or place used for the repair of vehicles, involving body painting, panel beating or spray painting.

warehouse means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

waste disposal facility means a place set aside for the disposal or treatment of domestic and commercial waste including putrescible or contaminated matter, but it does not include a land fill site.

zoning table means the Table to clause 9.

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose, and
- (b) a reference to a map is a reference to a map deposited in the office of the Council and available for inspection during office hours.

4 Land to which plan applies

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

5 Amendment of [Western Division Regional Environmental Plan No 1—Extractive Industries](#)

[Western Division Regional Environmental Plan No 1—Extractive Industries](#) is amended by inserting "[Central Darling Local Environmental Plan 2004](#)" in alphabetical order in Schedule 1.

6 Adoption of Model Provisions

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

- (a) the definitions of terms defined in clause 3 of this plan, and
- (b) clause 7 of Schedule 1,

are adopted for the purposes of this plan.

(2) For the purpose of this plan, the [Environmental Planning and Assessment Model Provisions 1980](#) are to be read as if Schedule 1 included the following:

- (a) The carrying out of works or other development by or on behalf of a public authority for the purposes of the provision or development or maintenance of recreational areas, recreation facilities, landscaping or gardening.
- (b) The carrying out of works by or on behalf of the NSW Rural Fire Service for the purposes of bushfire hazard reduction.

7 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

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 the zone:

Zone No 1 (a) (Rural Zone)—edged heavy black and lettered "1 (a)"

Zone No 1 (c) (Rural Small Holdings Zone)—edged heavy black and lettered "1 (c)"

Zone No 2 (t) (Township Zone)—edged heavy black and lettered "2 (t)"

Zone No 8 (a) (National Parks Zone)—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 development (if any) that:
 - (a) may be carried out without development consent, and
 - (b) may be carried out only with development consent, and
 - (c) 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 consent authority must not grant consent to the carrying out of development on land to which this plan applies unless the consent authority is of the opinion that the carrying out of the development is consistent with the objectives of the zone in which the development is proposed to be carried out.

Development Control Table

Zone No 1 (a) (Rural Zone)

1 Objectives of zone

The objective of the zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner that sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil and land 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 native vegetation on environmentally sensitive land where the conservation of the vegetation is significant to scenic amenity, recreation and protected and threatened species, populations or ecological communities or their habitats (including corridors) 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, threatened and protected plant species, populations or communities (including native grasslands), wetlands and significant wildlife habitats and corridors, and
 - (viii) heritage items and items of archaeological significance, and
- (b) fostering development of land for purposes other than agriculture to allow for income diversification, provided that any such development does not conflict with agriculture and does not place a burden on the community (such as through infrastructure requirements) without recompense, 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.

2 Without development consent

Development for the purpose of:

agriculture (other than irrigated agriculture); farm buildings; forestry (other than pine plantations); low impact opal mining.

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).

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

1 Objectives of zone

The objectives of the zone are:

- (a) to promote 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 that does not unduly interfere with the efficient and effective agricultural and irrigated agricultural use of adjacent land or the extraction of valuable deposits of minerals, and
 - (iii) in a manner that does not result in undue inefficiency in the provision of services and facilities, 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 native vegetation where the conservation of the vegetation is significant to retain 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 the land where those industrial or business uses are compatible with the environmental capability of the land and the amenity of the area, and
- (e) to allow for light industrial and service uses that are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use.

2 Without development consent

Development for the purpose of:

agriculture (other than irrigated agriculture).

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

boarding houses; extractive industries; hotels; institutions; intensive livestock keeping establishments; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; residential flat buildings; shops (other than general stores); waste depots.

Zone No 2 (t) (Township Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to promote development in existing township areas that is compatible with their rural service function, and
- (b) to preserve the general residential character and amenity of township areas, and
- (c) to allow for non-residential uses that are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use, and
- (d) to facilitate the provision of a range of residential accommodation appropriate to the diverse needs of the community, and
- (e) to facilitate the relocation of animal chillers, industrial and transport-related activities to more appropriate zones, and
- (f) to encourage tourist-related activities to establish in appropriate locations, and
- (g) to conserve and protect heritage items and the natural environment, and
- (h) to provide a full range of personal, commercial, cultural and social services to the community in appropriate locations, while protecting the

character and amenity of township areas, and

- (i) to allow for commercial and retail uses or service and retail uses that are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on public utility services beyond the level reasonably required for other service, commercial and retail uses, and
- (j) to provide an attractive, compact, safe and convenient shopping and commercial precinct, and
- (k) to encourage a commercial environment that is attractive to tourists and visitors, and
- (l) to prevent activities or industries that, by reason of noise, odour or other impact, detract from the amenity of the area, and
- (m) to allow for light industrial and service uses that are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use, and
- (n) to facilitate the provision of a range of employment opportunities appropriate to the diverse needs of the community.

2 Without development consent

Development for the purpose of:

home occupations.

3 Only with development consent

Any development not included in item 2 or 4.

4 Prohibited

Development for the purpose of:

extractive industries; horse stables; intensive livestock keeping establishments; mines; offensive and hazardous industries; waste depots.

Zone No 8 (a) (National Park Zone)

1 Objectives of zone

The objectives of this zone are:

- (a) to promote the proper management and utilisation of resources by protecting, enhancing and conserving:
 - (i) national parks, wildlife and nature reserve land in a manner that sustains its efficient and effective potential and use of those lands under the *National Parks and Wildlife Act 1974*, and
 - (ii) soil stability by controlling and locating development in accordance with soil and land capability, and
 - (iii) forests of existing and potential value for conservation purposes, and
 - (iv) trees and other native vegetation on environmentally sensitive areas where the conservation of vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation, and
 - (v) water resources for use in the public interest, and
 - (vi) areas of significance for nature conservation including areas with rare plants, wetlands and significant habitat, and
 - (vii) items of heritage and archaeological significance, and
- (b) to allow a full range of activities and facilities associated with leisure, sports and recreation.

2 Without development consent

Any development authorised by or under the *National Parks and Wildlife Act 1974*.

3 Only with development consent

Nil.

4 Prohibited

Any development not included in item 2.

10 Certain development not restricted or prohibited by this plan

Nothing in this plan prohibits, restricts or requires development consent for or allows the consent authority to prohibit or restrict, the use of existing buildings of the Crown by the

Crown or the carrying out of any development under clause 35 of the *Environmental Planning and Assessment Model Provisions 1980*.

Part 3 Special provisions

11 General considerations for development in Zone No 1 (a)

- (1) The consent authority must not consent to the carrying out of development in Zone No 1 (a) unless it has taken into consideration, if relevant, the impact of carrying out that development on:
 - (a) the present and potential use of the land for the purpose of agriculture or irrigated agriculture,
 - (b) the present and potential use of the land for the purpose of mining,
 - (c) 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),
 - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value,
 - (e) the protection of places and buildings of heritage significance, including Aboriginal relics and places,
 - (f) the cost of providing, extending and maintaining public amenities and services to the site of the proposed development,
 - (g) any future expansion of settlement in the locality,
 - (h) the present and potential use of the land for the purpose of tourism,
 - (i) the availability, cost and practicability of constructed road access to the site of the proposed development, and
 - (j) the potential for flooding of the land.
- (2) Before granting consent to the carrying out of development in Zone No 1 (a), the consent authority must take into consideration the relationship of the proposed development to adjoining land and development or landuse in the locality.

12 Subdivision of land generally

- (1) Land to which this plan applies must not be subdivided without the consent of the consent authority.
- (2) The consent authority must not consent to a subdivision of land within Zone No 1 (a) or 1 (c) unless it has obtained all of the relevant information in relation to, and made

an assessment of the following:

- (a) the primary purpose for which each allotment to be created by the subdivision is intended to be used,
 - (b) whether any allotment to be created by the subdivision is intended to be used primarily for the purpose of agriculture or irrigated agriculture,
 - (c) whether a dwelling is intended to be erected on any allotment to be created by the subdivision and the approximate location of any such dwelling,
 - (d) the availability of constructed road access within a dedicated road reserve to all allotments to be created by the subdivision.
- (3) The consent authority must not consent to the subdivision of land if the consent authority is of the opinion that:
- (a) the intended use of the land will require basic utility services, and
 - (b) the land will not be adequately provided with such services.

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

- (1) This clause applies to land within Zone No 1 (a).
- (2) The consent authority may consent to the creation of an allotment of any size that has no dwelling if the consent authority is satisfied that the allotment is intended to be used for the purpose of agriculture or irrigated agriculture.
- (3) Consent must not be granted to the creation of an allotment that has no dwelling unless the consent authority has considered the following:
 - (a) whether basic utility services to the proposed allotment can be provided economically if the consent authority considers such services to be necessary,
 - (b) whether an adequate water supply is available to the proposed allotment,
 - (c) whether adverse on-site and off-site impacts on the environment and any other sector of the community have been minimised,
 - (d) whether the proposed use is financially viable and ecologically sustainable.
- (4) Consent may be granted to the creation of an allotment that has a dwelling if the consent authority is satisfied that:
 - (a) the proposed allotment is intended to be used for the purpose of agriculture or irrigated agriculture, and
 - (b) the proposed allotment will have an area of not less than 2000 hectares (in the case of agricultural use) or 20 hectares (in the case of irrigated agricultural use).

- (5) Consent must not be granted to the creation of an allotment that has a dwelling unless the consent authority has considered the following:
- (a) the effect on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for other agricultural or irrigated agricultural purposes,
 - (b) the effect of a proposed use on adjoining existing development,
 - (c) the effect of the proposed use on the natural environment including water resources.

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

- (1) The consent authority must not consent to an application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision will, in the opinion of the consent authority, be used primarily for a purpose other than agriculture, irrigated agriculture or a dwelling unless, in the opinion of the consent authority, the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created and the layout of each lot.
- (2) Nothing in subclause (1) prevents the consent authority from granting consent to an application to subdivide land that will, in the opinion of the consent authority, be used for a purpose other than agriculture, irrigated agriculture or a dwelling, if the consent authority is satisfied that:
- (a) the purpose for which the allotment is proposed to be used involves the supply of goods or services for which there is a demand in the locality, including tourism related services, and
 - (b) no other land in the locality could reasonably be used for the purpose, and
 - (c) the level of demand for the goods and services that 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 proposed allotment despite its agricultural or irrigated agricultural value, and
 - (d) sufficient area is available on the allotment for the proper treatment and disposal of liquid effluent wastes in accordance with any standard published by Standards Australia that the consent authority considers relevant.

15 Subdivision for the purpose of dwellings in Zone No 1 (c)

- (1) The consent authority must not consent to an application to subdivide land within Zone No 1 (c) unless the area of each allotment intended, in the opinion of the consent authority, to be created for the purpose of a dwelling-house has an area of 1 hectare or more.

- (2) The consent authority must not grant consent to any such subdivision of land unless it has taken into consideration the following:
- (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 and layout of the proposed allotments to be created,
 - (b) the desirability of providing a range and mixture of allotment sizes,
 - (c) whether sufficient area is available on the allotment for the proper treatment and disposal of septic and liquid effluent wastes to the satisfaction of the consent authority and in accordance with any standard published by Standards Australia that the consent authority considers relevant,
 - (d) the availability or feasibility of a constructed road access to a dedicated road reserve,
 - (e) the availability of water supply,
 - (f) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of other basic utility services.

16 Subdivision for the purpose of dwellings in Zone No 2 (t)

- (1) The consent authority must not consent to an application to subdivide land within Zone No 2 (t) unless each allotment that the consent authority is satisfied will be used for the purpose of a dwelling-house has an area of:
- (a) at least 450 square metres, where reticulated sewerage is available, or
 - (b) at least 1,000 square metres (or such lesser area as, in the opinion of the consent authority, can contain a dwelling and sufficient open space area to enable proper treatment and disposal of liquid wastes in a waste treatment system), where reticulated sewerage is not available.
- (2) The consent authority must not consent to an application to subdivide land within Zone No 2 (t) unless each allotment to be created by the subdivision will be provided with constructed road access to a dedicated road reserve, and the consent authority has considered:
- (a) whether an adequate water supply is available to each allotment, and
 - (b) whether other basic utility services can be provided to each allotment economically.

17 Dwellings in Zone No 1 (a)

- (1) The consent authority must not consent to the erection of a dwelling on land within Zone No 1 (a) unless:

(a) the land has an area of:

- (i) 20 hectares or more, where the consent authority is satisfied that the land is, and will continue to be, used for irrigated agriculture, or
- (ii) 2,000 hectares or more, where the consent authority is satisfied that the land is, and will continue to be, used for agriculture, or

(b) the land comprises:

- (i) an allotment created in accordance with this plan for a purpose other than agriculture or irrigated agriculture, or
- (ii) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling-house could have been lawfully erected immediately before the appointed day, or
- (iii) an existing holding.

(2) In this clause:

existing holding means:

- (a) except as provided by paragraph (b), the area of a holding, lot, lease, portion or parcel of land as it was at the appointed day,
- (b) if, as at the appointed day, a person owned or leased two or more adjoining holding, lots, leases, portions, or parcels of land, the combined area of those lots, leases, portions or parcels as they were at the appointed day.

18 Dwellings in Zone No 1 (c)

A person must not erect a dwelling on land within Zone No 1 (c) unless:

- (a) the land has an area of 1 hectare or more, and
- (b) the dwelling-house is 25 metres or more from any land within Zone No 1 (a), and
- (c) each allotment is provided with a safe and practicable constructed road to a dedicated road reserve, and
 - (i) an adequate water supply is available to each allotment, and
 - (ii) other basic utility services can be provided to each allotment economically.

19 Erection of additional dwellings in Zones Nos 1 (a) and 1 (c)

- (1) The consent authority may consent to the erection of 1 additional dwelling on land within Zone No 1 (a) or 1 (c) (or to the alteration of an existing dwelling on the land to create 2 dwellings) if:

- (a) the additional dwelling is a rural worker's dwelling or is a dwelling to be occupied by a relative of the owner of the land, and
 - (b) no additional access to a public road is required from the land, and
 - (c) in the opinion of the consent authority, the dwelling will not interfere with the purpose for which the land is being used, and
 - (d) adequate provision is made for effluent disposal.
- (2) The consent authority must not consent to the subdivision of the land on which an additional dwelling is erected in pursuance of this clause except in accordance with this plan.
- (3) In this clause:

rural workers' dwelling means a dwelling located on land on which another dwelling is or is intended to be erected and which is used as the principal place of residence by persons employed for the purpose of agriculture, aquaculture or a rural industry on that land.

20 Erection of replacement dwellings in Zones Nos 1 (a) and 1 (c)

The consent authority may consent to the erection of a dwelling-house on land within Zone No 1 (a) or 1 (c) on which another dwelling-house is erected where the dwelling-house to be erected is intended to replace the original dwelling-house, but only if the consent authority is satisfied that the replacement dwelling-house will not be used as a dwelling until the original dwelling-house is demolished or its occupation has permanently ceased.

21 Dual occupancy in Zone No 2 (t)

- (1) Subject to this clause, the consent authority may consent to:
- (a) the erection of 2 dwellings on a parcel of land within Zone No 2 (t) on which no dwelling exists, or
 - (b) the erection of 1 additional dwelling on a parcel of land within Zone No 2 (t) on which a single dwelling exists, or
 - (c) the alteration of an existing dwelling to create 2 dwellings on a parcel of land within Zone No 2 (t) on which a single dwelling exists.
- (2) The consent authority must not grant such consent unless:
- (a) where the dwellings are to be connected to the reticulated sewerage system—the land has an area greater than:
 - (i) 450 square metres, where the dwellings are proposed to be attached, or

- (ii) 650 square metres, where the dwellings are proposed to be detached, and
- (b) where domestic liquid effluent is to be disposed of on site—the consent authority is satisfied that liquid effluent can be disposed of on site in an environmentally acceptable and sustainable manner, and
- (c) the dwellings are provided with constructed access to a dedicated road reserve.

22 Solid waste facilities on land Zoned 1 (a)

- (1) A solid waste facility may be constructed on land within Zone No 1 (a) without consent if the facility:
 - (a) is on the same allotment as a dwelling and the allotment has an area of not less than 40 hectares, and
 - (b) is not to receive any other waste than that generated on the allotment on which it is located, and
 - (c) is not placed in an environmentally sensitive area, and
 - (d) is more than 200 metres from the dwelling, and
 - (e) is more than 500 metres from each public road and each boundary and more than 200 metres from each waterway, if any, and
 - (f) is to be constructed with a purpose built hole that will prevent the entry of surface water, and
 - (g) is to receive less than 3 tonnes of waste per year, and
 - (h) is not to be used for contaminated or hazardous waste,
 - (i) is not on flood liable land.

- (2) In this clause:

solid waste facility means a self-contained waste disposal site for putrescible waste from rural dwellings.

23 Development applications that must be advertised

The following development is identified as advertised development for the purposes of the Act:

- (a) the demolition of a heritage item,
- (b) the carrying out of development of the kind specified in Schedule 4,
- (c) the carrying out of any development allowed by clause 35.

24 Development along arterial roads

- (1) The consent authority must not consent to carrying out of development on land that has frontage to an arterial road, unless, in the opinion of the consent authority, the safety and efficiency of the arterial road will not be adversely effected by:
 - (a) the design of the access to the proposed development, or
 - (b) the emission of smoke or dust from the proposed development, or
 - (c) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) In this clause:

arterial road means an arterial road indicated on the map or a classified road within the meaning of the [Roads Act 1993](#).

25 Environmentally sensitive land

- (1) The objectives of this clause are:
 - (a) to reduce soil erosion and other land degradation, and
 - (b) to reduce the loss of scenic amenity, and
 - (c) to reduce the loss of important vegetation systems or wildlife habitats.
- (2) The consent authority must not consent to carrying out of development on environmentally sensitive land unless it is satisfied that:
 - (a) the development is consistent with the objectives of this clause, and
 - (b) effective measures have been incorporated into the proposed development to minimise the impact on the land.
- (3) Before granting consent to carrying out of development on environmentally sensitive land, the consent authority must consider the impact of the development on the following:
 - (a) the scientific and natural significance of the land,
 - (b) the loss of important vegetation systems, natural wildlife habitats and corridors, including threatened species, populations or ecological communities,
 - (c) the risk of soil erosion or other land degradation,
 - (d) the loss of scenic amenity.
- (4) In this clause:

environmentally sensitive land means:

- (a) land within 50 metres, in a horizontal line, of the top of the bank of the Darling River,
- (b) land within 50 metres, in a horizontal line, of the top of the bank of the Paroo River,
- (c) land that, in the opinion of the Council, is important for the conservation and protection of native vegetation, or protected and threatened species, population and ecological communities and their habitats (including corridors).

26 Ecologically sustainable development

Before granting consent to carrying out of development, the consent authority must consider the principles of ecologically sustainable development and other matters set out in Schedule 3 in relation to land, air, water resources, biodiversity, waste and noise in so far as they are relevant to the proposed development.

27 Flood liable land

- (1) Despite any other provision of this plan, a person must not erect a building on flood liable land except with the consent of the consent authority.
- (2) The aims of this plan in relation to flood liable land are to ensure that:
 - (a) the floor level of those parts of a building used for human habitation are constructed at least 500 millimetres above the 1% flood event or the highest known flood level using the geomorphology method, and
 - (b) buildings are designed to withstand the impact of flooding.
- (3) Before granting consent to carrying out of development on land on a floodplain, the consent authority must consider the following:
 - (a) the potential for interference with natural periodic flooding of the floodplain,
 - (b) the distribution of flood waters across the floodplain,
 - (c) the potential for pollution in the event of a flood,
 - (d) the impact and cumulative impact of the development of flood flows.

28 Land subject to bushfire hazards

- (1) In considering whether to grant consent to carrying out of development on land that, in the opinion of the consent authority, is likely to be affected by bushfire, the consent authority must take into account whether:
 - (a) the development is likely to have a significant adverse effect on the

implementation of any strategies for bushfire control and fuel management adopted by the Council, and

- (b) a significant threat to the lives of residents, visitors or emergency services personnel may be created or increased as a result of the development or the access arrangements to and from the development, and
- (c) the increased demand for emergency services during bushfire events created by the development would lead to a significant decrease in the ability of emergency services personnel to effectively control major bushfires, and
- (d) the measures adopted to avoid or mitigate the threat from bushfire, including siting of the development, design of structures and materials used, clearing of vegetation, fuel free and fuel reduced areas and landscaping and fire control aids such as roads and water supplies, are inadequate for the locality or would result in unacceptable environmental impacts.

(2) In considering the matters referred to in subclause (1), the consent authority must have regard to and, as much as possible, be satisfied that, the provisions of *Planning for Bush Fire Protection* have been met.

(3) In this clause:

Planning for Bush Fire Protection means the document titled *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

29 Objectives in relation to heritage

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the local government area of Central Darling, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items, and
- (c) to conserve archaeological sites and places of Aboriginal heritage significance, and
- (d) to allow for the protection of places that have the potential to have heritage significance but are not identified as heritage items.

30 Protection of heritage items

(1) The following development may be carried out only with development consent:

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item by making structural or non-structural changes to the

detail, fabric, finish or appearance of its exterior,

- (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 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 land on which a heritage item is located.

(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 the heritage item, and
- (ii) the proposed development would not adversely affect the significance of the heritage item, 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, or
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

(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 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 such a consent 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) the heritage significance of the item as part of the environmental heritage of Central Darling, and
 - (b) 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
 - (c) the measures proposed to conserve the heritage significance of the item and its setting, and
 - (d) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
 - (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

- (7) In this clause:

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.

31 Notice of demolition to the NSW Heritage Office

Before granting development consent to demolish a heritage item identified in Schedule 1, the consent authority must notify the NSW Heritage Office of its intention to do so and take into consideration any comments received in response within 28 days after the notice is sent.

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

Before granting consent to the carrying out of development that is likely to have an impact on a place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage 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 the Department of Environment and Conservation of its intention to do so and take into consideration any comments received in response within 28 days after the

relevant notice is sent.

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

- (1) Before granting consent to the carrying out of development that will be carried out on an archaeological site 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 NSW Heritage Office 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 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.

34 Development in the vicinity of a heritage item

- (1) Before granting consent to the carrying out of 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.
- (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, or
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.
- (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 building or works and details of any modification that would reduce the impact of the proposed development

on the heritage significance of the heritage item.

35 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 be prohibited by this plan, if the consent authority is satisfied that:

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

36 Stormwater drainage

- (1) The carrying out of a work that will result in the disposal of stormwater, waste water or treated effluent into any river, stream or underlying aquifer is not permitted without the consent of the consent authority.
- (2) The consent authority may consent to the carrying out of a work that will result in the disposal of stormwater into any river, stream or underlying aquifer only if the water will be subjected to measures that are satisfactory to the consent authority to minimise the adverse affects of the stormwater on the river, stream or underlying aquifer.
- (3) Drainage of wetlands, cowals, swamps or bogs is not permitted without the consent of the consent authority.

37 Roads, drainage, recreation areas and parking

- (1) Nothing in this plan prohibits the Council from, or requires the Council to obtain its own consent to the carrying out of development on land within any zone for the purposes of roads, utility undertakings, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, amenities buildings or parking, on land that is not Crown land.
- (2) A person may, with the consent of the consent authority (except in the case of landscaping and gardening, that may be carried out without consent), carry out development referred to in subclause (1) on land within any zone.

(3) In this clause:

utility undertaking means any undertaking carried out by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) water quality control facilities.

38 General stores

- (1) The consent authority must not consent to carrying out of development for the purpose of a general store if the store:
 - (a) will sell petroleum products and is less than 10 kilometres from a service station, or
 - (b) has an area devoted to retail that exceeds 75 square metres, or
 - (c) is located within 400 metres of an existing general store.

39 Temporary use of land

Despite any other provision of this plan, the consent authority may grant consent to the carrying out of development on land for any purpose (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

40 Ongoing projects

- (1) Development that is certified in writing by the Director-General as being part of the following ongoing projects does not require consent:
 - (a) Wilcannia weir,
 - (b) Darling annabranh piping,
 - (c) any other public infrastructure project that has been commenced before the appointed day and that is certified in writing by the Director-General as a project to which this clause applies.
- (2) Nothing in this clause affects any requirement that a person may have under Part 5 of the Act.

Schedule 1 Heritage items

(Clauses 3 (1))

Locality	Address	Building/site/area
Wilcannia	Barrier Highway	Centre Lift bridge over the Darling River
Wilcannia	64 Reid Street	(Old) Queens Head Hotel
Wilcannia	44 Reid Street	Knox and Downs Store
Wilcannia	80-82 Woore Street	St James Anglican Church
Wilcannia	66-68 Reid Street	Courthouse
Wilcannia	70-72 Reid Street	Maximum Security Prison and Police Station
Wilcannia	74-76 Reid Street	Police Residence
Wilcannia	48 Reid Street	Old Newsagency
Wilcannia	50 Reid Street	Butcher Shop
Wilcannia	45 Reid Street	Post Office residence
Wilcannia	21 Reid Street	Shire Office Complex
Menindee	Kinchega National Park	Kinchega Woolshed including steam traction engine and locomotive boiler
Wilcannia	Adjacent to bridge	Old Wharf and winch
Wilcannia	77-79 Hood Street	Old Wilcannia Central School
Wilcannia	46 Reid Street	Club Hotel
Wilcannia	8-10 Myers Street	Two sandstone houses
Wilcannia	30 Reid Street	Old sandstone shop
Wilcannia	37 Reid Street	Museum/Wilcannia Athenaeum
Wilcannia	71 Reid Street	Rich and Co Warehouse
Wilcannia	Baker Park	Memorial: World War I
Wilcannia	52-54 Woore Street	Old Roman Catholic convent
Menindee	Yartla Street	Maiden's Hotel
Ivanhoe	Hillston—Ivanhoe Road	Boondara Homestead
Wilcannia	1-7 Ross Street	Hospital
Wilcannia	25-29 Ross Street	Golf Club
White Cliffs		St Mary's Church
White Cliffs	Glen Hope Station	"Clancy's" or "Frenchman's" Hut

Wilcannia	Old Wilcannia water tower
Menindee	Old Wharf

Schedule 2 Archaeological and potential archaeological sites

(Clause 3 (1))

Part 1 Archaeological sites

The following sites have been identified as archaeological sites:

Any site recorded on the Aboriginal Heritage Information Management System maintained by the Department of Environment and Conservation.

Part 2 Potential archaeological sites

The following sites have been identified as potential archaeological sites:

- (a) Any site under consideration for recording on the Aboriginal Heritage Information Management System maintained by the Department of Environment and Conservation.
- (b) Any sites or landscape features identified by a local Aboriginal Lands Council and notified in writing to the Council.

Schedule 3 Matters to be considered by the consent authority when determining a development application

(Clause 26)

The principles of ecological sustainable development are as follows:

- (a) The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (b) Inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (c) Conservation of biological diversity and ecological integrity.
- (d) Improved evaluation and pricing of environmental resources.

In assessing proposals for the carrying out of development on land, specific regard must be given to each of the environmental management objectives of this plan. In ensuring each objective is met, the consent authority must consider the best information available to the consent authority at the time, which may include any relevant management plans or policies adopted by the Council, as well as the following specific considerations:

- (a) in relation to **soil erosion**—whether the proposed development (either through its setting-up or operation) involves clearing land or other disturbances to the land, the likelihood of soil erosion or

other disturbance to the land, and the likelihood of soil erosion or other instability, given any measures taken by the developer to reduce that potential for development to cause contamination,

- (b) in relation to **salinity**—whether there is potential for the development to cause or worsen any outbreaks of salinity,
- (c) in relation to **contamination**—whether there is potential for the land to be contaminated, given the known history of the land or nearby land which may be potentially contaminated and the potential for the proposed use to cause contamination,
- (d) in relation to **waterways**—whether there is potential for degradation of water quality or quantity, whether any removal of water from the river or from groundwater sources associated with the proposed development will adversely affect water quality and whether licences have been applied for or obtained,
- (e) in relation to **aquifers**—whether the land is vulnerable to groundwater contamination and the potential of the development to affect water levels or quality in the aquifer,
- (f) in relation to **stormwater quality**—whether there is potential for degradation of the quality of stormwater discharges, given any stormwater quality control measures proposed by the developer,
- (g) in relation to **significant vegetation and wildlife habitats**—whether there is a conservation plan and, if so, its contents, and the effect of the development on threatened species, the provision and quality of habitats for indigenous and migratory species of wildlife, and whether there is potential for the proposed development to affect the growth of native plant communities,
- (h) in relation to **wetlands**—whether there is potential for the development to alter the quality or quantity of water flowing into, within or out of a wetland or the level, frequency or duration of wetland inundation,
- (i) in relation to **bushfire**—whether there is potential bushfire hazard by reason of the vegetation on the land and the nature of the development,
- (j) in relation to **waste**—the content of the Council’s proposals to dispose of solid and liquid waste,
- (k) in relation to **noise pollution**—whether there is potential for the development to degrade the environment in terms of noise generation (either through its setting-up or operation),
- (l) in relation to **air pollution**—whether there is potential for the development to degrade the air quality of the environment (either through its setting-up or operation),
- (m) in relation to **environmental heritage and scenic quality**—whether or not the proposed form and siting of buildings, the colours used, building materials or landscaping are appropriate having regard to the rural character of the immediate environment, and whether extensive, prominent or significant areas of vegetation will be cleared, and whether the surface or groundwater characteristics of the site will be affected,
- (n) in relation to **recreation and tourism**—whether the development is compatible with surrounding recreational land uses, and whether the proposed development will cause a deterioration of the

area as a recreational resource,

- (o) in relation to **agriculture**—whether there exists the potential availability of alternative land of lower agricultural quality for the proposed development, whether the proposed development enhances the economic viability of the land, and whether the proposed development is in accordance with the land capability of the site.

Schedule 4 Development that must be advertised

(Clause 23)

Development that must be advertised

- 1 Development for the purpose of conserving, protecting or restoring a heritage item that in the opinion of the Council warrants public comment.
- 2 Development for the purpose of hotels and motels.
- 3 Development for the purpose of transport terminals, junk yards, liquid fuel depots, saw mills, stock and sale yards.
- 4 Development for the purpose of brothels.
- 5 Development for the purpose of multiple occupancies on land within Zone No 1 (a) or 1 (c).