

# Coolah Local Environmental Plan 2000

[2000-578]



New South Wales

## Status Information

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### Provisions in force

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

### Authorisation

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File last modified 9 May 2008

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New South Wales

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# Coolah Local Environmental Plan 2000



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is *Coolah Local Environmental Plan 2000*.

### 2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the local government area of Coolah 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
- (b) to establish planning controls to help facilitate growth and development of the area of Coolah in a manner which is consistent with the aim specified in paragraph (a) and which:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land, and
  - (ii) facilitates the efficient delivery of amenities and services, and
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
  - (iv) facilitates farm boundary adjustments, and

(v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and

(c) to encourage the establishment of new industries and promote development, particularly in relation to agriculture, transport and tourism, which will contribute to the economic and social growth of the area of Coolah and increase employment opportunities.

### 3 Land to which this plan applies

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

### 4 Relationship to other environmental planning instruments

This plan repeals any deemed environmental planning instrument that, immediately before the appointed day, applied to the land to which this plan applies, but only to the extent to which it applied to that land.

### 5 Interpretation

(1) In this plan:

**adjacent land** is any land which shares a boundary with the subject land and includes land which is separated from the subject land by a road, river, creek or the like.

**agriculture** means:

- (a) horticulture, or
- (b) the use of land for any purpose of husbandry, or
- (c) the keeping or breeding of livestock, poultry or bees, or
- (d) the growing of vegetables, cereals, fibre crops and the like,

but does not include intensive livestock keeping.

**ancillary building** means a building which is used for purposes ancillary but related to the purposes for which the primary building on the same land is used.

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

**appointed day** means 19 June 1998.

**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 Coolah Shire Council.

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

**environmentally sensitive land** means the following.

- (a) land within 200 metres of, and including, any river, creek, defined natural watercourse, lake, swamp, wetland, water body (whether containing water or not) or alluvium (being an alluvium being an alluvium associated with the Coolaburrugundy River),
- (b) land identified on a map held by the Council as being important for the conservation and protection of:
  - (i) native vegetation, or
  - (ii) protected threatened species, populations and ecological communities and their habitat (including corridors), or
  - (iii) aboriginal cultural heritage, or
  - (iv) flows into, through, or out of a wetland, swamp or lake.

**existing holding** means:

- (a) except as provided by paragraph (b), a single allotment, portion or parcel of land that was owned by one person, or was held by the same persons as joint tenants or as tenants in common, on the appointed day, or
- (b) if, on that day, an area of land consisting of 2 or more adjacent or adjoining allotments, portions or parcels of land was owned by one person, or held by the same persons as joint tenants or as tenants in common, any such area of land.

**heritage conservation area** means an area identified on the map as a heritage conservation area.

**heritage item** means a building, work, relic or place of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance to the area of Coolah that is listed in Schedule 1.

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

and rear or fatten (wholly or substantially) on prepared or manufactured feed, livestock at levels as recommended by the Department of Agriculture, but does not include facilities for drought or similar emergency relief.

**native vegetation** means vegetation including trees, shrubs, the understorey and native grasslands of a species which existed in the State before European settlement.

**prime crop and pasture land** means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture, or by a land capability study (which maps or studies are held in the office of the Council and copies of which are deposited in an office of the Department of Agriculture) as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which the Director-General of that Department 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 purpose of the physical, cultural or intellectual welfare of persons within the community, but does not include a racecourse or showground.

**relic** means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or after the occupation of that area by persons of European extraction, and includes Aboriginal remains.

**renovation**, in relation to a building or work, means:

- (a) the making of structural changes to the inside or outside of the building or work, or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**the map** means the sheets of the map marked *Coolah Local Environmental Plan 2000*, as amended by the maps (or specified sheets of the maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

- (2) In this plan, a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, lopping, removing or other destruction of, or injury to, a tree.
- (3) In this plan, a reference to a map is a reference to a map deposited in the office of the Council.
- (4) Notes in this plan do not form part of this plan.

## **6 Adoption of Model Provisions**

The *Environmental Planning and Assessment Model Provisions 1980*, except for:

- (a) the definition of **agriculture**, **arterial road** and **map** in clause 5 (1), and
  - (b) clauses 15, 23, 29 and 34,
- are adopted for the purposes of this plan.

## **7 Consent authority**

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

## **Part 2 Zones**

### **8 Zones indicated on the map**

For the purposes of this plan, land to which this plan applies 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 1 (a) (General Rural)—edged heavy black and lettered “1 (a)”.

Zone 1 (c) (Rural Small Holdings)—edged heavy black and lettered “1 (c)”.

Zone 1 (f) (Forestry)—edged heavy black and lettered “1 (f)”.

Zone 2 (v) (Village or Urban)—edged in heavy black and lettered “2 (v)”.

Zone 4 (a) (Industry)—edged in heavy black and lettered “4 (a)”.

Zone 8 (a) (National Parks and Reserves)—edged heavy black and lettered “8 (a)”.

### **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of Zone” appearing in the matter relating to the zone.



- (2) Except as otherwise provided by this plan, the Table to this clause sets out, for land within each zone specified in that Table:
- (a) the development that may be carried out without development consent, and
  - (b) the development that may be carried out only with development consent, and
  - (c) the development that is prohibited,
- 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 on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

**Zone 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 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 protecting Aboriginal relics and places, and
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than of agriculture,
- (c) facilitating farm boundary 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 opportunities for the establishment of intensive agricultural enterprises.

## **2 Without development consent**

Development for the purpose of:

agriculture; forests (other than pine plantations).

## **3 Only with development consent**

Any development other than development 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 of the commercial section).

## **Zone 1 (c) (Rural Small Holdings)**

### **1 Objectives of zone**

The objective of this zone is to promote development of land identified as suitable for:

- (a) rural residential or hobby farm development in localities that can be efficiently serviced in terms of access, electricity, water supply and other

essential services, and

- (b) a range of industrial, storage or intensive livestock keeping purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect land or development in the vicinity.

## **2 Without development consent**

Development for the purpose of:

agriculture.

## **3 Only with development consent**

Any development other than development included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

boarding houses; caravan parks; commercial premises; hotels; motels; motor showrooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area of the commercial section).

### **Zone 1 (f) (Forestry)**

#### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify State Forests within the meaning of the *Forestry Act 1916*, and
- (b) to preserve these existing forests within the area of Coolah by prohibiting development other than development authorised under the *Forestry Act 1916*.

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

Development for any purpose authorised under the *Forestry Act 1916*.

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

Nil.

#### **4 Prohibited**

Any development other than development included in item 2.

### **Zone 2 (v) (Village or Urban)**

#### **1 Objectives of zone**

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

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

Nil.

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

Any development not included in item 4, being, in the case of Crown Reserves and other Crown land, development consistent with the purpose and use of the Reserve or Crown land under the [Crown Lands Act 1989](#).

#### **4 Prohibited**

Development for the purpose of:

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

### **Zone 4 (a) (Industry)**

#### **1 Objectives of zone**

The objectives of the zone are:

- (a) to facilitate and promote development ranging from light industry to general industry, and to related wholesale, storage, distribution, servicing, research and administration land uses, and
- (b) to encourage the establishment of industry on land which has good road or railway access and can economically be serviced, and
- (c) to accommodate a broad range of industrial uses in appropriate locations by excluding offensive or hazardous industries, or industries that will adversely affect residential amenity, from such industrial localities as are in the vicinity of urban areas, and
- (d) to enable development that is associated with, ancillary to, or supportive

of, industry, and

- (e) to provide for appropriate forms of industrial development which will contribute to the economic and social growth of the area and increase employment opportunities in the area.

## **2 Without development consent**

Development for the purpose of:

drainage; open space.

## **3 Only with development consent**

Any development other than development included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of:

boarding houses; caravan parks; dwelling houses (other than those attached to and used in conjunction with a building erected or used with the consent of the Council); educational establishments; hospitals; hotels; institutions; intensive livestock keeping establishments; mines; motels; recreation establishments; residential flat buildings, roadside stalls; taverns; units for aged persons.

## **Zone 8 (a) (National Parks and Reserves)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land which is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of that land as provided for in the *National Parks and Wildlife Act 1974*.

### **2 Without development consent**

Any land use authorised by the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary to such a land use.

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

Nil.

## **4 Prohibited**

Any development not included in item 2.

## **Part 3 Special provisions**

### **10 Consideration of proposed development within rural zones**

- (1) The Council must, before consenting to development on land within Zone 1 (a) or 1 (c), make an assessment of the impact of the carrying out of the proposed development on:
  - (a) the present use of the land, the potential use of the land for the purpose of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and
  - (b) the future recovery, from known or prospective localities, of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials, and
  - (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), and
  - (d) the protection of localities of significance for nature conservation or of high scenic or recreational value, and places and buildings or archaeological or heritage significance, including Aboriginal relics and places, and
  - (e) the cost of providing, extending and maintaining public amenities and services to the land on which the development is proposed to be carried out.
- (2) Before granting such a consent, the Council must take into consideration:
  - (a) the likely impact of the proposed development on activities on adjacent land or other land in the locality, and
  - (b) any submissions relating to the proposed development which are received by Council, and
  - (c) any relevant information which is made available to the Council concerning soil erosion, dryland salinity and aquifer recharge areas.
- (3) Subclause (1) does not apply to any proposed development consisting of:
  - (a) an addition to a building or work that will add no more than 20% to the gross floor area of the original building,
  - (b) development ancillary to a form of development specified in the Table to clause 9 that may be carried out with or without the consent of the Council under this plan, or

- (c) the erection of a dwelling-house on an allotment of land created in accordance with clause 15.
- (4) The Council must not grant consent for development on land within Zone 1 (a) or 1 (c) unless the proposed development:
  - (a) is of a scale and intensity which is unlikely to have a detrimental impact on the local environment and rural character, and
  - (b) does not prejudice primary production within the zone.
- (5) The Council may grant consent to development on land that is located within 150 metres of a National Park or nature reserve boundary only if the National Parks and Wildlife Service has been consulted and has indicated that it is happy with the proposal or has not responded within 28 days after the date on which it was notified of the proposal.
- (6) A person must not clear native vegetation without the consent of the Council in localities where there is visual evidence of erosion or dryland salinity or any other obvious and significant land degradation.
- (7) Subclause (6) does not apply if development consent for clearing of native vegetation on the land concerned is required under the [Native Vegetation Conservation Act 1997](#).

## **11 Subdivision of land generally**

- (1) A person must not subdivide land to which this plan applies except with the consent of the Council, unless the subdivision is merely:
  - (a) to make minor boundary adjustments, and does not create any additional allotments, or
  - (b) to consolidate existing allotments, or
  - (c) to allow for road widening, or
  - (d) to allow for the closure of unformed roads and the transfer of the land concerned to the owners of adjoining properties.
- (2) The Council must not consent to a subdivision of land within the Zone 1 (a) or 1 (c) unless it has obtained all relevant information in accordance with clause 10 and has 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 created by the subdivision is intended to be used primarily for the purposes of agriculture, and

(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.

(3) A person must not subdivide land or rearrange allotment boundaries in such a way:

(a) that development of the resulting allotments in accordance with the provisions and objectives of this plan would result in a greater risk of pollution of surface or ground water resources, than would development of the existing allotment, or

(b) as to create an allotment on which it would not be possible to erect a dwelling under the provisions of this plan.

## **12 Subdivision for the purpose of agriculture in Zone 1 (a)**

(1) Land within Zone 1 (a) may be subdivided for the purpose of agriculture, but only with the consent of the Council.

(2) The Council may consent to the subdivision of land within Zone 1 (a) only if each allotment to be created by the subdivision that is to be used for the purpose of agriculture has an area of not less than:

(a) 600 hectares, if the Council is satisfied that the land's capability is suited to dryland grazing, occasional cropping or the like, or

(b) 40 hectares, if the Council is satisfied that the land is suitable for intensive agriculture in terms of soil quality, land capability, aspect, or any other relevant environmental factor, and:

(i) if the allotment is to be used for irrigated agriculture, the allotment has the benefit of a licence to extract water from either a groundwater supply or from surface water for the purpose of irrigation, or

(ii) if the allotment is to be used for intensive livestock production, the allotment has the necessary water licence to meet the requirements of that purpose.

(3) The Council may consent to the creation of an allotment for the purpose of agriculture within Zone 1 (a) only if:

(a) the creation of the allotment is consistent with the objectives of the zone, and

(b) the Council is satisfied that the land concerned is to be developed and operated as a viable agricultural operation.

(4) To satisfy itself as to the viability of the proposed operation, the Council must consider evidence of the following:

(a) the nature of the proposed agricultural use,

(b) the type and suitability of soils to accommodate the proposed agricultural use,



- (c) current and proposed net values of production to be obtained from the land concerned,
- (d) management techniques to be adopted,
- (e) methods of ensuring minimal adverse impacts on the locality,
- (f) consultation with the Department of Agriculture,
- (g) water availability,
- (h) existing investment into the proposed uses of the proposed allotments.

**Note—**

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

**13 (Repealed)**

**14 Subdivision for other purposes in Zone 1 (a)**

- (1) The Council may grant consent to a subdivision of land within Zone 1 (a) to create an allotment that, in the opinion of the Council, is intended to be used otherwise than for the purpose of agriculture or a dwelling if the Council is satisfied that:
  - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is demand in the locality, and
  - (b) no other land in the immediate locality could reasonably be used for that purpose, and
  - (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet the demand justifies the creation of the allotment despite its agricultural value, and
  - (d) none of the land the subject of the application is prime crop and pasture land, and
  - (e) 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
  - (f) the development would not require the provision of any additional services to those existing or those to be provided otherwise than by the Council or another public authority.

**15 Subdivision for the purpose of dwellings in Zone 1 (c)**

- (1) The Council must not consent to subdivision of land within Zone 1 (c) unless the area of each allotment which, in the opinion of Council, is intended to be created primarily

for the purpose of a dwelling has an area of 4,000 square metres or more.

- (2) The Council must not consent to the subdivision of land as referred to in subclause (1) unless it has taken into consideration:
- (a) the land capability (including agricultural 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) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services, and the physical suitability for on-site disposal of wastes, and
  - (d) whether each allotment has a satisfactory access and frontage to a dedicated and constructed road, and
  - (e) the location of the land in terms of economic provision and maintenance of services, including access, and
  - (f) the provision of a suitable buffer between dwellings in Zone 1 (c) and land in Zone 1 (a) or 1 (f).

#### **16 Dwellings in Zone 1 (a)**

- (1) The Council must not grant consent to the erection of a dwelling on vacant land within Zone 1 (a) unless the land comprises:
- (a) an existing holding, or
  - (b) an allotment which was created in accordance with clause 12 or 14.
- (2) In this clause, **vacant land** means land on which no dwelling is erected.

#### **16A Dwelling entitlements on existing concessional lots**

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

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

#### **17 Erection of additional dwellings**

- (1) The Council may consent to the erection of not more than one additional dwelling on land within Zone 1 (a) if:

- (a) a dwelling could be erected on the land in accordance with clause 16 if the land were vacant, and
  - (b) no additional access to a public road is required from the land, and
  - (c) separate ownership of each dwelling on the land after the erection of the additional dwelling could be achieved only by a subdivision of the land, and
  - (d) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purposes for which adjoining land is being used, and
  - (e) the land is not prime crop and pasture land, except where no reasonable alternative exists, and
  - (f) in the opinion of the Council, adequate provision is made for the supply of electricity, a water supply and effluent disposal.
- (2) The Council may consent to the erection of one additional dwelling on land within Zone 2 (v) or 1 (c) if it is satisfied that the land has sufficient dimensions and services to provide for efficient:
- (a) vehicular access and car parking, and
  - (b) effluent management,
- and the Council is satisfied that any impacts on neighbouring properties which would be caused by the development are minor.
- (3) The Council must not consent to the subdivision of land on which an additional dwelling is erected in pursuance of this clause except in accordance with this plan.
- (4) Not more than one additional dwelling-house may be erected or otherwise created pursuant to this clause on any particular land.
- (5) For the purpose of this clause, the alteration of an existing dwelling-house so as to create 2 dwellings is taken to result in the erection of one additional dwelling-house.

## **18 Replacing existing houses**

The Council may consent to the erection of a house to replace an existing house which is to be demolished.

## **19 Designated development in Zone 1 (a)**

Despite any other provisions of this plan, designated development may be carried out on land within Zone 1 (a) only with the consent of Council.

## **20 Subdivision of land in Zone 2 (v)**

The Council must not consent to subdivision of land within Zone 2 (v) to create an

allotment which, in the opinion of the Council, is intended to be used for the purpose of a dwelling-house unless the allotment will have an area of:

- (a) 550 square metres or more if it is located in a village area where a sewage treatment plant is operated by the Council, or
- (b) 1,000 square metres or more if it is located in a village area where no sewage treatment plant is operated by the Council and where it can be shown by a site study that the proposed allotment will be reasonably capable of disposing of waste liquid effluent without nuisance or any likely pollution of surface or subsurface water.

## **21 Applications that must be advertised**

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act as in force on 30 June 1998 (being sections that provided for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to and in respect of development specified in Schedule 2 in the same way as those provisions applied to and in respect of designated development.

## **22 Development along arterial roads**

- (1) The Council must not consent to development on land which has frontage to an arterial road, unless:
  - (a) access to that land is provided by a road other than the arterial road, wherever practicable, or
  - (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, or
    - (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 any development listed in Schedule 3 on land within Zone 1 (a) or 1 (c) if the site on which the development is to be carried out will have direct access to:
  - (a) an arterial road, or
  - (b) a road connecting to an arterial road, and 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.

### **23 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) The Council must not consent to any development on environmentally sensitive land unless, in the opinion of the Council, any destruction of trees on 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 the Council has considered whether any loss of vegetation to be caused by the proposed development will result in irreparable damage to the vegetation system in the locality and so threaten the habitat of native fauna.

### **24 Consultation with National Parks and Wildlife**

- (1) The Council must not grant consent to development of land which adjoins land within Zone 8 (a) or has the potential to impact on land within that Zone or has a high likelihood of containing Aboriginal sites, unless it has first referred the application to the Director-General of National Parks and Wildlife.
- (2) If an application has been referred to the Director-General of National Parks and Wildlife pursuant to subclause (1), the Council must not determine the application until:
  - (a) it has received and considered advice with respect to the application from that Director-General, or
  - (b) the Council has been notified that that Director-General does not wish to submit any advice with respect to the application, or
  - (c) 28 working days have elapsed after the date on which the application was referred to that Director-General.

## **25 Flood-prone land**

A person must not erect a building or carry out work for any purpose on land which was affected by the highest known flood, except with the consent of the Council.

## **26 Land subject to bushfire hazards**

The Council must not grant consent to the subdivision of land or the erection of a building on land which, in the opinion of the Council, is subject to bushfire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of the Council:

- (a) adequate provision is made for access for fire-fighting vehicles, and
- (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire-fighting purposes, and
- (d) the site complies with the Council's Building Works in Bushfire Prone Areas Policy.

## **27 Development near Zone 2 (v)**

A person may, with the consent of the Council, carry out development on land within 20 metres of the boundary of Zone 2 (v) if the development may be carried out in that zone.

## **28 Aims in relation to environmental heritage**

The aims of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the area of Coolah, and
- (b) to integrate heritage conservation into the planning and development control processes, and
- (c) to provide for public involvement in the conservation of environmental heritage, and
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings.

## **29 Protection of heritage items, heritage conservation areas and relics**

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

of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care which does not adversely affect its heritage significance, or

- (d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
- (e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

(2) Development consent is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.

(3) When determining a development application required by this clause, the Council must take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

### **30 Notice of certain heritage development applications**

Sections 84, 85, 86, 87 (1) and 90 of the Act as in force on 30 June 1998 (being sections which provided for the giving of notice, and for the making and consideration of submissions, about proposed development) apply to the demolishing, defacing or damaging of a heritage item or a building work, relic, tree or place within a heritage conservation area (and to the use of a building or land referred to in clause 34 for a purpose which, but for that clause, would be prohibited by this plan) in the same way as those provisions applied to designated development.

### **31 Notice to the Heritage Council**

Before granting development consent to the demolishing, defacing or damaging of a heritage item, the Council must notify the Heritage Council of its intention to do so and take into consideration any comments received from the Heritage Council within 28 days after the notice is sent.

### **32 Development of known or potential archaeological sites**

(1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the *National Parks and Wildlife Act 1974*) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, being an assessment prepared in accordance with any guidelines for

the time being notified to it by the Director-General of National Parks and Wildlife, and

- (b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary consent or permission under the *National Parks and Wildlife Act 1974* has been granted.

(2) The Council may consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage significance or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:

- (a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site, being an assessment prepared in accordance with any guidelines for the time being notified to it by the Heritage Council, and
- (b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent, and
- (c) it is satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

### **33 Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

- (1) The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.
- (2) If proposed development (or a proposed activity) will destroy, damage or deface an Aboriginal relic (within the meaning of the *National Parks and Wildlife Act 1974*) the Council may grant consent to its being carried out only if:
  - (a) the proponent has sought a consent from the Director-General of the National Parks and Wildlife under section 90 of the *National Parks and Wildlife Act 1974* and the Council is satisfied that this consent has been granted, and
  - (b) the Council has considered an adequate assessment of how the proposed development or activity would affect the significance and conservation of the site and is satisfied that there are not suitable alternatives or alterations that would avoid destruction or disturbance of the site, and that the significance of the proposed development or activity is greater than the significance of the site.



### 34 Conservation incentives

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or of the land on which the building is erected, even though the use would otherwise be prohibited by this plan, if it is satisfied that:
  - (a) the proposed use would not adversely affect the heritage significance of the item or heritage conservation area, and
  - (b) the conservation of the building depends on the granting of the consent.
- (2) When considering an application for consent to erect a building on land on which a heritage item is located or on land within a heritage conservation area, the Council may, for the purpose of determining:
  - (a) the floor space ratio, and
  - (b) the number of parking spaces to be provided on the site,exclude the floor space of the building from its calculation of the floor space of the buildings erected on the land, but only if the Council is satisfied that the conservation of the building depends on its making the exclusion.
- (3) In this clause, **floor space ratio** means the ratio of the total gross floor area of all buildings on a site to the area of the site.

### 35 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.

### 36 Advertising structures

- (1) A person must not use or erect an advertising structure on land to which this plan applies without the consent of the Council.
- (2) On land to which this plan applies, a person must 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 one or more of the following particulars:
    - (i) the purpose for which the land or premises is or are used,
    - (ii) the identification of a person residing or carrying on an occupation or business on the land or premises,

- (iii) a description of an occupation or business referred to in subparagraph (ii),
  - (iv) particulars of the goods or services dealt with or provided on the land or premises.
- (3) Despite subclause (2), on land to which this plan applies, the Council may grant consent to a person to erect an advertising structure for the purpose of displaying an advertisement directing the travelling public to:
- (a) any nearby places of scientific, cultural, historic or scenic interest, and
  - (b) areas nearby set aside for development purposes, and
  - (c) any nearby trade or business within the area of Coolah.
- (4) The Council must not grant consent as referred to in subclause (2) or (3) unless it is satisfied that the advertising structure will not interfere with the amenity of the area and that the safety of the travelling public will not be endangered by the erection of that structure.
- (5) Subclauses (2) and (3), do not apply to advertising structures and advertisements sited within information bays and erected by or approved by the Council.

## Schedule 1 Heritage items

(Clause 5)

### National Estate Listings (Land)

Code	Description	Location
000444	Weetalibah Nature Reserve	Land shown "8 a" on the map, being Lot 10 in the Parish of Carlisle.
014275	Narangarie Quarry geological site	Previously used quarry site 1.5 kilometres along Narangarie Road from highway situated on north side of road on part of portion 120 in the Parish of Narangarie.

### Built Listings

Description	Location	Reason
Old corrugated iron storshed	Lot 9 of Section 2 Bandulla Street, Mendooran to the rear of shop	Original painted advertisement on wall of shed.
Mendooran Hardware Shop	Lot 11 of Section 2 DP 83194 Bandulla Street, Mendooran	Original painted advertisement on wall of shop.

### Heritage Register Listings

<b>Description</b>	<b>Location</b>	<b>Reason</b>
Dunedoo Railway Station and Yard group of buildings	Situated beside rail line to the North of Bolaro Street, Dunedoo	Regional history.
Coolah Post Office	Lot 2 of Section 2 number 45 Binnia Street DP 775806	Regional history and architectural merit.
St. Andrews Anglican Church	Part portions 3 & 4 DP 223749 number 15/17 Binnia Street, Coolah	Regional history and architectural merit.
Coolah Valley Hotel	Lot 35 DP 745858 number 28/30 Binnia Street, Coolah	Regional history and architectural merit.
Black Stump Cemetery	Part of Lot 1 within the Parish of Queensborough situated on the banks of the Black Stump Creek and located 368m on a bearing 231 (true from the site of the original Black Stump	Regional history as specified Ref: GR265072.
Coolah General Cemetery	Four unnumbered portions situated on the western side of Walker Street	Regional history as specified Ref: GR266063.
Dunedoo Court House	Lot 1 of Section 9 number 22/24 Digilah Street, Dunedoo	Regional history and architectural merit.
Birriwa Private Cemetery	Birriwa Station	Regional history as specified Ref: GR347479.
Cobbora General Cemetery	Cobbora	Regional history as specified Ref: GR135504.
Denison Town Cemetery	Intersection Coolah Road and TR55	Regional history as specified Ref: GR352530.
Leadville Cemetery	South of Leadville	Regional history as specified Ref: 389533.
Turee Private Cemetery	Turee Station	Regional history as specified Ref: GR662619 & GR666628.
Merrygoen Cemetery	Glenshea property	Regional history.
Old Coolah Police Station	Lot 3 Village of Coolah	Regional history and architectural merit.
Old Cobborah Court House	Portion 106, Section 11 Village of Cobborah	Regional history and architectural merit.
Old Cobborah School House	Portion 43, Section 18 Village of Cobborah	Regional history and architectural merit.

## **Schedule 2 Development which must be advertised**

(Clause 21)

- 1 The demolition of a building or work that is a heritage item, or is within a heritage conservation area, not being a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the area of Coolah.
- 2 Development for the purpose of: boarding houses; dual occupancy dwellings; hotels/motels; housing for aged or disabled persons; residential flat buildings.
- 3 Development for the purpose of: junkyards; liquid fuel depots; sawmills; commercial stock and sales yards; brothels; bulky goods sales rooms; camp or caravan sites; clubs; community centres; convenience service stations; correctional centres; cultural centres; depots; educational facilities; entertainment facilities; hazardous industries; hospitals; hotels; industries; intensive livestock keeping establishments; light industries; material recycling depots; motels; offensive industries; passenger transport terminals; places of assembly; places of worship; road transport terminals; service stations; transport depots; vehicle repair stations; warehouses or distribution centres.

## **Schedule 3 Restricted access development**

(Clause 22)

Development for the purpose of:

Hospitals

Industries (other than home or rural)

Institutions

Junk yards

Liquid fuel depots

Mines

Recreation establishments

Sawmills

Stock and sales yards

Transport terminals

Warehouses