

# Narrabri Local Environmental Plan 1992

[1992-674]



New South Wales

## Status Information

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### Provisions in force

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### Authorisation

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File last modified 15 December 2008

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New South Wales

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# Narrabri Local Environmental Plan 1992



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Narrabri Local Environmental Plan 1992*.

### 2 Aims, objectives etc

General aims

(1) The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Narrabri by protecting, enhancing or conserving:
  - (i) timber, mineral, soil, water and other natural resources,
  - (ii) areas of ecological significance,
  - (iii) areas of high scenic or recreational value, and
  - (iv) the environmental heritage of the Shire of Narrabri, and
- (b) to replace the existing planning controls for the town of Wee Waa and the rural areas of the Shire with a single local environmental plan to help facilitate growth and development of the Shire in a manner which is consistent with the aims specified in paragraph (a) and which:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land,
  - (ii) facilitates the efficient and effective delivery of amenities and services,
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand,
  - (iv) facilitates farm adjustments, and

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

#### Heritage aims and objectives

- (2) The aims and objectives of this plan with respect to heritage are:
  - (a) to conserve the environmental heritage of the land to which this plan applies, and
  - (b) to integrate heritage conservation into the planning and development control processes, and
  - (c) to provide for public involvement in the matters relating to the conservation of the Shire's environmental heritage, and
  - (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the land to which this plan applies.

### 3 Land to which plan applies

- (1) This plan applies to land within the Shire of Narrabri as shown on the map, with the boundaries as indicated on the map.
- (2) This plan does not apply to the land to which the following environmental planning instruments apply:
  - (a) *Narrabri Local Environmental Plan No 2*,
  - (b) *Narrabri Local Environmental Plan No 5 (Township of Boggabri)*.

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Interim Development Order No 1—Shire of Namoi*,
- (b) the *Town of Wee Waa Planning Scheme Ordinance*, and
- (c) such other local environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, but only to the extent to which they so applied.

### 5 Definitions

- (1) In this plan:

***alter***, in relation to a heritage item or to a building or work within a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but not changes that maintain the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

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

**appointed day** means the day on which this plan takes effect.

**arterial road** means an existing road specified in Schedule 1 and indicated on the map by a broken black centreline.

**caravan park** means land used for the accommodation of caravans or other movable dwellings within the meaning of section 289E of the [Local Government Act 1919](#).

**Council** means the Council of the Shire of Narrabri.

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

**existing holding** means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was at 7 January 1966, or
- (b) if, as at 7 January 1966, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were as at that date.

**heritage item** means a building, work, relic, tree or place of heritage significance to the Shire of Narrabri described in Schedule 2.

**heritage conservation area** means an area of heritage significance to the Shire of Narrabri, being the lands shown on the map and marked “Heritage Conservation Area”.

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

**intensive livestock keeping establishment** means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots,
- (b) piggeries,
- (c) poultry farms, and
- (d) fish farming (including crustaceans and oysters), but does not include an animal boarding or training establishment.

**piggery** means a place where pigs are kept.

**prime crop and pasture land** means land identified, as prime crop and pasture land on a map prepared by or on behalf of the Director-General of the Department of Agriculture, deposited in the office of the Council and copies of which are deposited in an office of the Department of Agriculture.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) a public authority, or
  - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) of Narrabri Shire which is 50 or more years old.

**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.

**rural levees** means any mounding of earth or other material used to protect rural land and the Council's road network from inundation by water.

**the map** means the sheets comprising the map marked "*Narrabri Local Environmental Plan 1992*", as amended by the maps (or, if sheets of maps are

specified, by the specified sheets of the maps) marked as follows:

*Narrabri Local Environmental Plan 1992 (Amendment No 1)*

*Narrabri Local Environmental Plan 1992 (Amendment No 2)*

*Narrabri Local Environmental Plan 1992 (Amendment No 5)*

*Narrabri Local Environmental Plan 1992 (Amendment No 7)*

*Narrabri Local Environmental Plan 1992 (Amendment No 9)*

**tree** includes a sapling and a shrub.

- (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 or injuring of a tree.
- (3) In this plan, a reference to a map is a reference to a map deposited in the office of the Council.

## **6 Adoption of model provisions**

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

- (a) the definitions of **arterial road** and **map** in clause 4 (1), and
- (b) clause 34,

are adopted for the purposes of this plan.

## **7 Consent authority**

The Council shall be 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 shall be within a zone specified hereunder if the land is shown on the map in the manner specified hereunder in relation to that zone:

- Zone No 1 (a) (General Rural)—coloured light brown with heavy black edging and lettered “1 (a)”.
- Zone No 1 (c) (Rural Small Holdings)—coloured light brown with heavy black edging and lettered “1 (c)”.
- Zone No 2 (a) (Residential)—coloured light scarlet with heavy black edging and lettered “2 (a)”.



- Zone No 2 (c) (Residential Enterprises)—coloured light scarlet with red edging and lettered “2 (c)”.
- Zone No 2 (v) (Village)—edge heavy black and lettered “V”.
- Zone No 3 (Business)—coloured light blue.
- Zone No 4 (Industrial)—coloured purple.
- Zone No 5 (a)—(Special Uses—Public Purposes)—coloured yellow with heavy black edging and lettered “5 (a)”.
- Zone No 5 (b)—(Special Uses—Railways)—coloured blue-purple with heavy black edging and lettered “5 (b)”.
- Zone No 5 (c)—(Special Uses—Levee)—coloured yellow with heavy black edging and lettered “5 (c)”.
- Zone No 6—(Existing Open Space)—coloured dark green.

## **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 purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

## **Zone No 1 (a) (General Rural)**

### **1 Objectives of Zone**

The objectives of this zone are 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,

- (ii) soil stability by controlling and locating development in accordance with soil capability,
  - (iii) forests of existing and potential commercial value for timber production,
  - (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,
  - (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,
  - (vi) water resources for use in the public interest,
  - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and
  - (viii) places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places,
- (b) preventing the unjustified development of agricultural land for purposes other than agriculture,
  - (c) preventing residential development of prime crop and pasture land, except where it is ancillary to agriculture or another use permissible in the zone,
  - (d) facilitating farm adjustments,
  - (e) ensuring that any allotment created for an intensive agricultural pursuit is potentially capable of sustaining a range of such purposes or other agricultural purposes,
  - (f) 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**

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments); forestry (other than ancillary dwellings and pine

plantations); rural levees.

**3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

**4 Prohibited**

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

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

**1 Objectives of Zone**

The objective of this zone is to promote development of land identified as suitable for rural residential or hobby farm development.

**2 Without development consent**

Agriculture (other than pig keeping, poultry farming, intensive livestock keeping establishments, commercial horse stables or commercial dog breeding or kennelling); forestry.

**3 Only with development consent**

Drainage; dwelling-houses; home industries; roads; utility installations (other than gas holders or generating works).

**4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

**Zone No 2 (a) (Residential)**

**1 Objectives of Zone**

The objectives of this zone are:

- (a) to provide for residential development, together with associated non-residential development which serves the incidental needs of the local residents or which is incidental to the residential use of the land, and
- (b) to set aside areas within the zone for a variety of low and medium density housing types, as well as an area in which only single detached dwelling-houses and dual occupancy dwellings are permitted.

## **2 Without development consent**

Dwelling-houses.

## **3 Only with development consent**

Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Abattoirs; advertising structures; bulk stores; camping grounds; car repair stations; caravan parks; cemeteries; clubs registered under the *Registered Clubs Act 1976*; commercial premises; crematoria; educational establishments (except museums); extractive industries; funeral parlours; galleries and academies; general stores having a gross floor area greater than 100 square metres; generating works; helipads; heliports; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; offensive or hazardous industries; piggeries or any other intensive keeping of animals; places of assembly; public buildings; recreation establishments; recreation facilities; refreshment rooms; retail markets; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; stock homes; taverns; timber yards; transport terminals; warehouses; waste disposal; wholesale markets.

### **Zone No 2 (c) (Residential Enterprise)**

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

The objectives of this zone are:

- (a) to provide sites for small scale commercial light industrial and surface enterprises which may require ancillary on-site dwellings for the residence of an owner or manager,
- (b) to provide an area for the use of contractors' storage areas with or without residential components, and
- (c) to allow the use of the land for dwelling-houses not associated with business activities.

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

Dwelling-houses.

### **3 With development consent**

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Generating works; hospitals; industries (other than those referred to in Schedule 3); institutions; junk yards; liquid fuel depots; mines; roadside stalls; sawmills; shops (other than those referred to in Schedule 4); stock and sale yards; transport terminals.

## **Zone No 2 (v) (Village)**

### **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**

Dwelling-houses.

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

Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Extractive industries; intensive livestock keeping establishments; mines; offensive or hazardous industries; piggeries.

## **Zone No 3 (Business)**

### **1 Objectives of Zone**

The objective of this zone is to encourage and provide for retail, commercial, and professional services, together with other associated, supporting or ancillary development.

### **2 Without development consent**

Nil.

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

Any purpose other than a purpose included in item 4.

#### **4 Prohibited**

Abattoirs; bulk stores; dwelling-houses and residential flat buildings (other than those used in conjunction with commercial premises); extractive industries; generating works; industries (other than home industries and light industries); institutions; junk yards; liquid fuel depots; mines; piggeries; poultry farming or any other intensive keeping of animals; road transport terminals; sawmills; stock and sale yards; timber yards; waste disposal.

### **Zone No 4 (Industrial)**

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

The objectives of this zone are:

- (a) to provide for industrial development, with the exception of extractive industries,
- (b) to ensure that industrial development is located and undertaken in an environmentally appropriate manner,
- (c) to provide for retailing of goods manufactured or processed on the same site as the development, and
- (d) to set aside different areas within the zone for general industries and light industries.

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

Nil.

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

Any purpose other than a purpose included in item 4.

#### **4 Prohibited**

Airline terminals; boarding houses; camping grounds; caravan parks; dwelling-houses and residential flat buildings (other than those used in conjunction with, and situated on the same land as, an industry); extractive industries; hospitals; hotels; institutions; mines; motels; offensive and hazardous industries; places of assembly; recreation establishments; recreation facilities; roadside stalls; rural workers' dwellings; shops (other than conjoint shops having a gross floor area not greater than 100 square metres); taverns; tourist facilities; units for aged persons; veterinary

hospitals; veterinary surgeons' establishments.

### **Zone No 5 (a) (Special Uses—Public Purposes)**

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

The objective of this zone is to provide for public purposes and facilities on publicly owned land.

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

Nil.

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

The particular purpose indicated by black lettering on the map.

#### **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 5 (b) (Special Uses—Railways)**

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

The objectives of this zone are to recognise railway land and to provide for railway services and associated facilities.

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

Railways.

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

Any purpose other than a purpose included in item 2.

#### **4 Prohibited**

Nil.

### **Zone No 5 (c) (Special Uses—Levee)**

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

The objective of this zone is to set aside an area of land within which is located the flood levee bank for the town of Wee Waa.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Levee banks and ancillary flood control and drainage structures.

## **4 Prohibited**

Any purpose other than a purpose included in item 3.

### **Zone No 6 Existing Open Space**

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

The objective of this zone is to recognise existing publicly owned land which is set aside principally for recreational purposes.

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

Works for the purposes of landscaping, gardening and bushfire hazard reduction.

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

Buildings for the purposes of landscaping, gardening or bushfire hazard reduction; clubs; racecourses; recreation areas; recreation facilities.

#### **4 Prohibited**

Any purpose other than a purpose included in item 2 or 3.

### **Part 3 Special provisions**

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

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:
  - (a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of that land for sustained agricultural production,
  - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),



- (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
  - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,
  - (e) the cost of providing, extending and maintaining public amenities and services to the land, and
  - (f) future expansion of settlements in the locality.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land and on other land in the locality, including the effects of potential aerial spray drift.
- (3) Subclause (1) does not apply to development, being:
- (a) an addition to a building or work,
  - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or
  - (c) the erection of a dwelling-house on an allotment of land the Council is satisfied was created in accordance with this plan for the purpose of a dwelling.

#### **10A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan 1/2000* as adopted by the Council on the 16 August 2000 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan 1/2000* as adopted by the Council on the 16 August 2000 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan 1/2000* as adopted by the Council on 16 August 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan 1/2000* adopted by the Council, as in force when the certificate is issued.

### **11 Subdivision of land generally**

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

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

- (1) The Council may consent to the creation of an allotment of any area within Zone No 1 (a) if the Council is satisfied it is intended to be used for the purpose of agriculture.
- (2) The Council shall not consent to the creation of an allotment within Zone No 1 (a) that the Council is satisfied is intended to be used for the purpose of agriculture if the allotment has an area of less than 100 hectares and there is a dwelling on the allotment.
- (3) Notwithstanding subclause (2), the Council may consent to the creation of one, but not more than one, allotment that the Council is satisfied is intended to be used for the purpose of agriculture from an existing holding on which a dwelling stands if that dwelling was lawfully erected on that land on or before the appointed day.

### **13 Subdivision for the purpose of dwelling-houses in Zone No 1 (a)**

The Council shall not consent to the creation of an allotment that the Council is satisfied is intended to be used for the purpose of a dwelling-house on land within Zone No 1 (a) unless the allotment has an area of not less than 100 hectares.

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

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision is, in the opinion of the Council, intended to be used primarily for purposes other than agriculture or a dwelling unless, in the opinion of the Council, the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) prevents the Council from granting consent to an application

to subdivide land within Zone No 1 (a) to create an allotment that, in the opinion of the Council, is intended to be used for a purpose other than 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 a demand in the locality,
- (b) no other land in the locality could reasonably be used for the 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 that demand justifies the creation of the allotment notwithstanding its agricultural value.

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

- (1) The Council shall not grant consent to the subdivision of land within Zone No 1 (c) so as to create an allotment having an area of not less than 2 hectares unless it has taken into consideration:
  - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created,
  - (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 its physical suitability for on-site disposal of wastes.
- (2) The Council may consent to the subdivision of land within Zone No 1 (c) so as to create a hatchet-shaped allotment having an area of not less than 2 hectares excluding the access corridor of the allotment.
- (3) The Council, in granting consent to an application for the subdivision of land within Zone No 1 (c), may:
  - (a) impose a condition that each allotment of land created by the subdivision has direct access to a road approved by the Council,
  - (b) where the Council is satisfied that suitable arrangements have been made—permit access to a properly constructed, drained and sealed road which is approved by the Council, or
  - (c) if the circumstances of the case so warrant—permit access to a road other than an approved sealed road.
- (4) Each allotment of land created by a subdivision within Zone No 1 (c) shall be provided

with a properly constructed pipe culvert providing access between the road and the allotment.

- (5) One, but not more than one, dwelling-house may, with the consent of the Council, be erected on an allotment of land within Zone No 1 (c).
- (6) A dwelling-house shall not be erected on an allotment of land within Zone No 1 (c) unless the allotment has access to a properly constructed and dedicated public road.

## **16 Residential development**

- (1) In this clause, a reference to the area of an allotment does not, in the case of a hatchet-shaped allotment, include a reference to the area of the access corridor of the allotment.
- (2) A person shall not carry out development for the purpose of a dwelling-house on an allotment of land within Zone No 2 (a), 2 (c) or 2 (v) unless:
  - (a) in the case of a hatchet-shaped allotment—the area of the allotment is not less than 600 square metres, or
  - (b) in the case of any other allotment—the area of the allotment is not less than 550 square metres.
- (3) A person shall not carry out development for the purpose of a residential flat building on an allotment of land within Zone No 2 (a), 2 (c), or 2 (v) unless the allotment has an area of not less than 740 square metres.

## **17 Dwellings in Zone No 1 (a)**

- (1) The Council shall not consent to the erection of a dwelling on vacant land within Zone No 1 (a) unless:
  - (a) the land has an area of 100 hectares or more, or
  - (b) the land comprises:
    - (i) an existing holding,
    - (ii) an allotment that was, in the opinion of the Council, created in accordance with this plan for a purpose other than agriculture and the dwelling is ancillary and subsidiary to the use of that land for the purpose for which the allotment was created, or
    - (iii) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling could have been erected immediately before the appointed day.
- (2) Notwithstanding subclause (1), the Council may consent to the erection of a dwelling

on an allotment of land used:

- (a) for the purpose of intensive agriculture, or
- (b) for purposes ancillary to intensive agriculture, provided that such dwelling is to be occupied by a person employed on the land and who is necessary for the conduct of the intensive agriculture.

#### **17A Restriction on residential development near certain effluent storage facilities**

The Council must not consent to the erection of a dwelling or habitable floor space on land within 400 metres of the following parcels of land:

Lot 21, DP 850010, Parish of Galathera, County of Jamison, on which is situated the Effluent Re-use Irrigation Farm,

Lots 1 and 2, DP 261297, Parish of Narrabri, County of Nandewar, on which is situated the Narrabri Sewage Treatment Works.

#### **18 Erection of additional dwellings in Zone 1 (a)**

- (1) The Council may consent to the erection of an additional dwelling on an allotment of land within Zone No 1 (a) (or the alteration of an existing dwelling to create 2 dwellings) where:
  - (a) a dwelling could be erected on the land in accordance with clause 17,
  - (b) no additional access to a public road is required from the land,
  - (c) separate ownership of the land on which the additional dwelling is located would require the lodgement of, and approval by the Council of, a separate subdivision application, and
  - (d) in the opinion of the Council, the dwelling to be erected or created on the land is necessary for the purpose for which the land is being used.
- (2) The Council shall 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.

#### **19 Development which must be advertised**

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to an in respect of development for the purposes specified in Schedule 5 in the same way as those provisions apply to and in respect of designated development.

#### **20 Development along arterial roads**

- (1) The Council shall not consent to an application to develop land which has frontage to an arterial road unless:

- (a) access to that land is provided by a road other than the arterial road, wherever practicable, and
- (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
  - (i) the design of the access to the proposed development,
  - (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

- (2) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) for any purpose listed in Schedule 6 if the development of the land for the purpose will have direct access to an arterial road.

## **21 Height of buildings**

A person shall not, without the consent of the Council, erect a building containing more than 2 storeys above ground level.

## **22 Development of flood liable land**

- (1) This clause applies to land subject to inundation by floodwaters with an average recurrence interval of 1:100 years.
- (2) In this clause, **landfilling** means the depositing of soil or like material to a depth of more than 225 mm above natural ground level.
- (3) A person shall not erect a building or carry out a work for any purpose on flood liable land except with the consent of the Council.
- (4) In considering an application for development consent in respect of land to which this clause applies, the Council shall take into account the following matters:
  - (a) the floor height of any building comprised in the proposed development in relation to known flood levels,
  - (b) landfilling,
  - (c) drainage,
  - (d) flood proofing measures,
  - (e) access.

## **23 Land subject to bushfire hazards**

The Council shall not grant consent to the subdivision of land or to the erection of a

building on land which is, in the opinion of Council, 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 of fire fighting vehicles,
- (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.

#### **24 Roads, drainage, recreation areas and parking**

- (1) Except as provided by clauses 25 and 26, nothing in this plan shall prevent a public authority from carrying out development without consent on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction or parking.
- (2) The reference in subclause (1) to carrying out of development for the purposes of roads includes a reference to the winning of extractive material within the road reserve by a public authority for the purpose of road construction.

#### **25 Heritage items**

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish or alter the building or work,
  - (b) damage or move the relic or excavate for the purpose of exposing or removing the relic,
  - (c) damage or despoil the place or tree,
  - (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
  - (e) damage any tree on land which the building, work or relic is situated or on the land which comprises the place,except with the consent of the Council.
- (2) The Council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

**Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

## **26 Heritage conservation areas**

- (1) A person shall not, in respect of a heritage conservation area:
  - (a) demolish or alter a building or work within the area,
  - (b) damage or move a relic, or excavate for the purpose of exposing or removing a relic, within the area,
  - (c) damage or despoil a place within the area, or
  - (d) erect a building on or subdivide land within the area,except with the consent of the Council.
- (2) The Council shall not grant consent to an application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

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

The Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

## **28 Heritage advertisements and notifications**

- (1) Except as provided by subclause (2):
  - (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
    - (i) the demolition of a building or work that is a heritage item, and
    - (ii) the demolition of a building or work within a heritage conservation area,in the same way as those provisions apply to and in respect of designated development, and
  - (b) (Repealed)
- (2) Subclause (1) does not apply to the partial demolition of a heritage item or a building or work within a heritage conservation area if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the Shire of Narrabri.

## **29 Conservation incentives**

- (1) Nothing in this plan prevents the Council from granting consent to an application:



- (a) to allow the use, for any purpose, of a building that is a heritage item or the land on which the building is erected, or
- (b) to allow the use, for any purpose, of a building within a heritage conservation area or the land on which the building is erected,

if it is satisfied that:

(c) the proposed use would have little or no adverse effect on the amenity of the area, and

(d) the conservation of the building depends on the Council granting consent.

(2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the Council may:

(a) for the purpose of determining the floor space ratio, and

(b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the heritage item, but only if the Council is satisfied that the conservation of the building depends on the Council granting consent.

### **30 Access**

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

### **31 Community use of school facilities and sites**

(1) This clause applies to any land on which development for the purposes of schools, colleges or other educational establishments may be carried out.

(2) Notwithstanding any other provision of this plan, the Council may consent to:

(a) the community use of the facilities and sites of schools, colleges or other educational establishments,

(b) the commercial operation of those facilities and sites, and

(c) the carrying out of development for community purposes on land used for the purposes of schools, colleges or other educational establishments, whether or not the development is ancillary to any such purpose.

### **32 Development in Zone No 6**

The Council shall not consent to the carrying out of development on land within Zone No 6, being land owned or controlled by the Council, unless consideration has been given to:

- (a) the need for the proposed development on that land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

### **33 Services**

- (1) A person shall not carry out development on land (other than land within Zone No 1 (a), 1 (c), or 2 (v)) unless and until arrangements satisfactory to the Council have been made for connection to a water supply, drainage and sewerage system.
- (2) A person shall not erect a dwelling-house on land within Zone No 1 (a), 1 (c), or 2 (v), or erect a residential flat building on land within Zone No 2 (v), unless and until arrangements satisfactory to the Council have been made for the provision of a water supply and facilities for the removal or disposal of sewage and drainage from that land, or unless and until arrangements satisfactory to the Council have been made for the installation of a water supply system and a septic tank for sewage disposal on the land.
- (3) The Council shall not consent to the subdivision of land (other than land within Zone No 1 (a), 1 (c) and 2 (v)) unless arrangements satisfactory to the Council have been made for the connection of each allotment to be created by the subdivision to a water supply, sewerage and drainage system.

### **34 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 7 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

## **Schedule 1 Arterial roads**

(Clause 5 (1))

State Highway—Coonabarabran—Narrabri-Moree  
Main Road No 72—Gunnedah—West Narrabri  
Main Road No 127—Narrabri—Pilliga  
Main Road No 133—Narrabri—Bingara  
Main Road No 329—Baradine—Pilliga—Burren Junction  
Main Road No 343—Wee Waa—Burren Junction  
Main Road 357—Boggabri—Manilla  
Main Road 383—Pilliga—Coonamble

## Schedule 2 Heritage items

(Clause 5 (1))

- 1 Bullawa Creek Area—approximately 50 ha, located 18 km north-east of Narrabri, and defined as the area enclosed by straight lines between the following map grid points:

8837-‘Narrabri’, 842449, 84904555, 851453, 844446 and start.

- 2 Court House, Lots 11, 12 & 13, Section 4, Rose Street Wee Waa.
- 3 “Wild Willows”, Pors 35, 65 etc. Parish of Gurleigh.
- 4 Nandewar Hotel, Lot 1, DP 102722, Railway Parade, Bellata.
- 5 A B Meppem & Co, Pt Lot 3, Section 1, Railway Parade, Bellata.
- 6 Post Office, Pt Lot 3, Section 1, Railway Parade, Bellata.
- 7 Oldhams Smallgoods, Lots 11 & 12 (pt Lot 4, Section 1), & Lot 1, DP 574841, Railway Parade, Bellata.
- 8 Police Station, Lots 5 & Pt 4, Section 1, Railway Parade, Bellata.
- 9 L S Rowe Stock and Station Agents, Lot 3 (Resub Pt Lot 1, Section 1), Railway Parade, Woolabrar.
- 10 “Dobiken” Homestead, Pors 12, 28/32, 35 etc. Parish of Bibil, Collarenebri Road.
- 11 Cemetery, Woolabrar.
- 12 Drildool Private Cemetery, off Bugilbone Road, Wee Waa map grid reference 8637/906488.
- 13 Old Cubbaroo Private Cemetery, Wee Waa map grid reference 8736/232487.
- 14 “Weeta Waa” Lot 1, DP 593232 & Pt Pors 38, 3 & 9, Parish of Merah North.

## Schedule 3 Industries

(Clause 9)

Aerated waters and cordial manufacture  
Boot and shoe repairing  
Bread, cake and pastry manufacture  
Builder’s yard  
Cabinet making  
Carrier’s establishment  
Car repair station  
Car trimming  
Cycle repairing  
Dressmaking  
Electrician’s workshop  
Fuel merchant’s establishment  
Joinery workshop

Laundry  
Lawn mower repairing  
Milk distributing depot  
Painter's workshop  
Plant nursery  
Plumber's workshop  
Printer (jobbing)  
Radio and television mechanic's workshop  
Rubber vulcanising and tyre retreading  
Signwriter's workshop  
Tailoring  
Timber yard  
Toy making  
Undertaker's establishment  
Upholstering  
Veterinary surgeon's establishment  
Any home industry not specified above

#### **Schedule 4 Shops**

(Clause 9)

Butcher's shop  
Chemist's shop  
Confectionary shop and milk bar  
Greengrocer's shop  
Grocer's shop  
General store  
Hairdressing salon  
Hardware store  
Newsagency  
Produce store  
Refreshment room  
Smallgoods and sandwich shop  
Tobacconist shop

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

(Clause 19)

- 1 Boarding houses; hotels/motels; residential flat buildings.
- 2 Industries, other than rural industries, in Zone No 1 (a) or 2 (v).
- 3 Intensive livestock keeping establishments; junk yards; liquid fuel depots; saw-mills; stock and sales yards; commercial bulk storage and distribution of hazardous chemicals.

## **Schedule 6 Indirect access development**

(Clause 20)

Bulk stores  
Caravan parks  
Car repair stations  
Clubs  
Commercial premises  
Educational establishments  
Hospitals  
Hotels  
Industries (other than home or rural industries)  
Institutions  
Junk yards  
Liquid fuel depots  
Mines  
Motels  
Places of public assembly  
Places of public worship  
Recreation establishments  
Recreation facilities  
Refreshment rooms  
Retail plant nurseries  
Roadside stalls  
Saw mills  
Service stations  
Stock and sales yards  
Transport terminals  
Warehouses

## **Schedule 7 Development for certain additional purposes**

(Clause 34)

### **State Emergency Services, Wee Waa**

Part of Reserve No 47670 for Public Recreation (known as Ludowici Park)—State Emergency Services building, subject to the building being so designed, constructed and maintained as to blend in with the environment of the park.

### **Bus depot, travel centre etc, Wee Waa**

Lots 1, 2 and 3, DP 598248, Rose Street, Wee Waa—a bus depot, travel centre and associated development, subject to there being no direct vehicular access to Main Road No 127.

### **Residential development—Airport Road, Narrabri**

Lot 2, DP 619257, Parish of Narrabri, County of Nandewar—subdivision into 2 allotments and the erection of a dwelling on any vacant allotment so created, but only if the development application for consent for the dwelling is lodged prior to the second anniversary of the date on which *Narrabri Local*

*Environmental Plan 1992 (Amendment No 4)* was published in the Gazette.

**Rural Residential Development—Yarrie Lake Road via Narrabri**

Lot 11 DP 757086 Parish of Boral County of White—subdivision into 2 allotments only, with one allotment being no greater than 15 hectares in area, and the erection of a single dwelling house (in accordance with the conditions of consent) on any vacant allotment so created within 2 years from the date of registration of the subdivision.