

Narrabri Local Environmental Plan No 2 (1986 EPI 19)

[1986-19]



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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New South Wales

Contents

Part 1 Preliminary	4
1 Name of plan	4
2 Land to which plan applies	4
3 Repeal of previous environmental planning instruments.....	4
4 Aims, objectives etc.....	4
5 Definitions	6
6 Model Provisions	8
7 Consent authority	8
Part 2 General restrictions on development of land	9
8 Zones indicated on the map.....	9
9 Zone objectives and development control table.....	10
Part 3 Special provisions	20
Division 1 Development generally	20
10 Development of flood prone land	20
10A What is exempt and complying development?.....	21
11 Height of buildings	21
12 Suspension of certain laws	21
13 Control of development on major road frontage.....	22
14 Prohibited development on main or arterial roads	22
15 Community use of school sites etc	22

16 Development by the Crown, a Government Department etc.....	23
16A Development of certain land zoned Special Uses “A”	23
Division 2 Subdivision	24
17 Subdivision of land	24
18 Subdivision of land within Zone No 1 (a)	24
18A Subdivision for the purpose of dwellings in Zone No 1 (u)	24
Division 3 Services	25
19 Provision of water supply, sewerage and drainage.....	25
20 Provision for improvement of amenities and services	26
Division 4 Dwellings	26
21 Dwelling-houses in Zone No 1 (a).....	26
22 Residential development	26
23 Dual occupancy	27
Division 5 Heritage conservation	28
24 Items of the environmental heritage	28
25 Conservation incentive relating to heritage items.....	29
26 (Repealed)	29
27 Advertising of heritage applications	29
28 Development in the vicinity of an item of the environmental heritage	30
Division 6 Special provisions relating to development of specified land	30
29 Development on Portion 139, Yarrie Lake Road	30
30 Use of certain land—Wee Waa Road, Narrabri	30
31 Use of certain land for a caravan park	30
32 Development for certain additional purposes.....	31
Schedule 1	31
Schedule 2	31
Schedule 3 Development for certain additional purposes	32

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New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Narrabri Local Environmental Plan No 2*.

2 Land to which plan applies

This plan applies to all land within the former Municipality of Narrabri, as constituted immediately before 1 January 1981, and as shown on the map.

3 Repeal of previous environmental planning instruments

(1) This plan repeals:

- (a) *Interim Development Order No 1—Municipality of Narrabri*, and
- (b) *Interim Development Order No 1—Shire of Namoi* to the extent to which that Order applies to the land to which this plan applies.

(2) *Interim Development Order No 1—Shire of Namoi* is amended by inserting after clause 1 the following clause:

1A Application of order

This order does not apply to the land to which the following environmental planning instruments apply:

Narrabri Local Environmental Plan No 2:

4 Aims, objectives etc

(1) The aim of this plan is:

- (a) to provide a high quality living environment for the residents of Narrabri, reflecting the needs and aspirations of present and future residents and the physical

capacity of the land,

- (b) to plan for realistic future growth of Narrabri in the provision of zoned land areas,
- (c) to protect the town through appropriate development control provisions in respect of flood-prone lands, thereby reducing the risk to life and damage to property as a result of flooding,
- (d) to maintain Narrabri's role as a service centre to surrounding rural areas and as a supplier of the needs of its townspeople,
- (e) to guide Council in land use decisions,
- (f) to provide a clear indication to property owners and developers on the future pattern of land use,
- (g) to give Council the statutory power to control land use, and
- (h) to facilitate the application of appropriate development controls (to encourage and enable orderly and attractive urban development), control plans and relevant codes.

(2) The objectives of this plan are as follows:

- (a) to ensure that natural constraints on development are recognised and to minimise incompatible development,
- (b) to exploit any features of the natural environment that are conducive to particular forms of land use, such as highly productive soils being appropriate for agricultural use, undulating land offering potential for residential use in an attractive setting, stable soils being suitable for construction, elevated land offering possibilities for reducing flood danger, and for other purposes,
- (c) to encourage aesthetically pleasing development that harmonises with the natural and neighbouring man-made environments, incorporating diversity in style and designed at an appropriate human scale,
- (d) to conserve cultural, historical, archaeological and scenic features of the Narrabri environment for continued enjoyment of residents and visitors to Narrabri,
- (e) to provide the opportunity for accommodating a range of recreation activities appropriate to the scale of the community and the needs of differing community groups,
- (f) to ensure the provision of adequate open space within the town as a contrast to the built environment and as a recreational facility,
- (g) to provide areas of land for residential, commercial, industrial and other land uses,

to meet anticipated demands based on predicted population and economic growth of the town of Narrabri,

- (h) to recognise realistic economic constraints in terms of land budgets, development standards and phasing,
 - (i) to design for the economic phasing of new areas with respect to existing utilities and services and constructed roads,
 - (j) to ensure good access from all areas, in particular residential areas, to all necessary facilities and resources within the town and its surrounding area,
 - (k) to provide for efficient, safe and appropriately routed traffic flows through the town,
 - (l) to incorporate design for safe and convenient slow-movement (pedestrian/cycle) traffic flow through the town,
 - (m) to reduce the severity of flooding in Narrabri through reduction of obstruction to floodways, after consultation by the Council with the Water Resources Commission, and appropriate low intensity land use zoning in flood prone areas,
 - (n) to allow expansion of existing community facilities, in particular health and education facilities, and establishment of new facilities to answer changing community needs, within the provisions of this plan,
 - (o) to cater, particularly in terms of existence and location of facilities and transport links to them, for groups within the community with special needs.
- (3) The zoning of land which the plan effects is designed to serve the following purposes:
- (a) firstly, it is intended to relate to existing uses, whereby in all but the most severely affected flood-labile areas of the town existing uses can be maintained under the provisions of the proposed zones,
 - (b) secondly, it is intended to provide long-term guidance and opportunity for change to achieve an improved pattern of land use in the town and to provide the zonings required for town growth because Narrabri has outgrown the stage where the limited guidance and control provided by the former Village Zoning was sufficient and the more specific zonings effected by this plan provide the structure which is necessary.

5 Definitions

In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

appointed day means the day upon which this plan takes effect.

caravan park means land used for the accommodation of caravans or other moveable dwellings within the meaning of section 288A of the *Local Government Act 1919*.

community facility means a building or place owned or controlled by a public authority or a body of persons incorporated under the *Associations Incorporation Act 1984* associated for the purpose of providing for the physical, social, cultural, economic or intellectual development or welfare of the local community.

Council means the Council of the Shire of Narrabri.

feed lot means a building or place in which or on which cattle, sheep, poultry or any other livestock are held for the purpose of nurturing either wholly or partly by a feeding method other than natural grazing, but does not include a piggery or stock home.

item of the environmental heritage mean a building, work, relic or place described in Schedule 1.

open space means all land held in public ownership for present or intended future use as parks, gardens, sportsgrounds and other active recreation areas as well as playgrounds, bushland reserves and vantage points.

piggery means a place where pigs are kept.

residential building means a residential flat building, a boarding-house, a lodging house or a hostel but does not include a motel.

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

stock home means a building or place where animals are bred, trained or accommodated and nurtured for gain or reward except in relation to the use of land for the purpose of agriculture.

the map means the map marked “*Narrabri Local Environmental Plan No 2*” deposited in the office of the Council, as amended by the maps so deposited and marked as follows:

Editorial note—

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

Narrabri Local Environmental Plan No 6

Narrabri Local Environmental Plan No 10

Narrabri Local Environmental Plan No 13

Narrabri Local Environmental Plan No 14

Narrabri Local Environmental Plan No 21

Narrabri Local Environmental Plan No 24

Narrabri Local Environmental Plan No 25

Narrabri Local Environmental Plan No 26

Narrabri Local Environmental Plan No 29

Narrabri Local Environmental Plan No 30

Narrabri Local Environmental Plan No 32

Narrabri Local Environmental Plan No 36

Narrabri Local Environmental Plan No 37

Narrabri Local Environmental Plan No 38

Narrabri Local Environmental Plan No 39

Local Environmental Plan No 40

Narrabri Local Environmental Plan No 41

Narrabri Local Environmental Plan No 42

Narrabri Local Environmental Plan No 43

Narrabri Local Environmental Plan No 46

Narrabri Local Environmental Plan No 48

Narrabri Local Environmental Plan No 49

Narrabri Local Environmental Plan No 50

Narrabri Local Environmental Plan No 51

6 Model Provisions

The [Environmental Planning and Assessment Model Provisions 1980](#), except the definition of **map** in clause 4 (1) and clauses 6, 7, 15, 26, 30 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 General restrictions on development of land

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 Zone)—coloured light brown, edged black and lettered “1 (a)”.

Zone No 1 (d) (Rural (Floodway) Zone)—coloured light brown, edged dark red and lettered “1 (d)”.

Zone No 1 (u) (Rural/Urban Zone)—coloured light brown with red edging and lettered “1 (u)”.

Zone No 2 (a) (Residential “A” Zone)—coloured light scarlet.

Zone No 2 (b) (Residential “B” Zone)—coloured light scarlet, edged red and lettered “2 (b)”.

Zone No 2 (c) (Residential “C” Zone)—coloured scarlet, edged red and lettered “2 (c)”.

Zone No 2 (d) (Residential “D” Zone)—coloured light scarlet, edged red and lettered “2 (d)”

Zone No 3 (a) (General Business Zone)—coloured light blue, edged black and lettered “3 (a)”.

Zone No 3 (b) (Neighbourhood Business Zone)—coloured medium blue.

Zone No 4 (a) (General Industrial Zone)—coloured purple.

Zone No 4 (b) (Light Industrial Zone)—coloured purple, edged red and lettered “4 (b)”.

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow, edged red and lettered “5 (a)”.

Zone No 5 (b) (Special Uses “B” Zone)—coloured blue purple, edged black and lettered “5 (b)”.

Zone No 6 (a) (Open Space (Existing Recreation) Zone)—coloured dark green, edged black and lettered “6 (a)”.

Zone No 6 (b) (Private Recreation Zone)—coloured dark green, edged yellow and lettered “6 (b)”.

Zone No 7 (a) (Environmental Protection (Wetlands) Zone)—coloured orange, edged

black and lettered “7 (a)”

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the 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 heading “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 shall 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 No 1 (a) (General Rural Zone)

1 Objectives of zone

The objective is to encourage agriculture and agriculture related land uses. No restrictions have been placed on agricultural enterprise except for the intensive keeping of animals which requires the Council’s consent. Most land uses are allowable in the zone with Council consent. Consistent with the objective for the zone, it is intended that the Council should control speculation in non-agricultural purposes through the consent provisions required for most land uses.

2 Without development consent

Agriculture (except feed lots, piggeries, poultry farming, stock homes or any other intensive keeping of animals); drainage; forestry; outbuildings or any building for a purpose incidental to the use of land for agriculture; stock and sale yards.

3 Only with development consent

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

4 Prohibited

Abattoirs; bulk stores; car repair stations; commercial premises; generating works; industries other than home industries; junk yards, residential buildings; road transport terminals; service stations; shops; warehouses.

Zone No 1 (d) (Rural (Floodway) Zone)

1 Objectives of zone

The objective is to establish a series of obstacle-free floodways, these floodways being a vital component of the flood mitigation programme for the Town of Narrabri. Permissible land uses within the zone are those which can be carried out without obstructing the floodway or resulting in extensive damage in times of flood.

2 Without development consent

Nil.

3 Only with development consent

Agriculture (except feed lots, piggeries, poultry farming, stock homes and any other intensive keeping of animals); drainage; extractive industries; open space; public utility undertakings; roads.

4 Prohibited

Any purpose other than a purpose included in item 3.

Zone No 1 (u) (Rural/Urban Zone)

1 Objectives of zone

The objective is to promote development of land identified as suitable for rural/urban 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 “A” Zone)

1 Objectives of zone

The objective is to provide residential areas free of residential flat buildings but available for the establishment of uses compatible with low density residential development. Small shops to service the convenience needs of residents are considered to be compatible with the objective of this zone and are permissible with the Council’s consent.

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, galleries and academies; extractive industries; funeral parlours; generating works; helipads; heliports; holiday cabins; hotels; industries other than home industries; institutions; junk yards; liquid fuel depots; offensive or hazardous industries; mines; motels; motor showrooms; piggeries or any other intensive keeping of animals; places of assembly; public buildings; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings other than housing for aged or disabled persons; retail markets; retail plant nurseries; roadside stalls; sawmills; service stations; stock and sale yards shops (other than general stores having a gross floor area not greater than 100 square metres); stock homes; taverns; timber yards; transport terminals; warehouses; waste disposal; wholesale markets.

Zone No 2 (b) (Residential “B” Zone)

1 Objectives of zone

The objective is to provide residential areas close to the town’s commercial areas, having a mixture of detached dwellings and residential flat buildings to provide a higher residential density than that within the Residential “A” Zone. Shops and other retail outlets are prohibited within the Residential “B” Zone to prevent the intrusion of these uses which should be confined to the nearby commercial area. Other purposes which are prohibited are considered incompatible with the objective of the zone.

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, galleries and academies; extractive industries; funeral parlours; 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; poultry farms and other intensive keeping of animals; places of assembly; public buildings, recreation facilities; refreshment rooms; retail markets; retail plant nurseries; roadside stalls; rural industries; rural workers’ dwellings; sawmills; shops; stock and sale yards; stock homes; taverns; timber yards; transport terminals (other than terminals used for the purpose of garaging not more than one bus); veterinary hospital; veterinary surgeons’ establishments; warehouses; waste disposal; wholesale markets.

Zone No 2 (c) (Residential “C” Zone)

1 Objectives of zone

The objective is to provide the opportunity for a mixture of detached dwellings and residential flat buildings in some areas which are at a

considerable distance from the zoned commercial area. Small shops to service convenience needs of the population are considered to be compatible with the objective of the zone and are permissible with the Council's consent. The purposes which are prohibited are considered incompatible with the objective of the zone.

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, galleries and academies; extractive industries; funeral parlours; 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 and 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 other than general stores having a gross floor area not greater than 100 square metres; stock and sale yards; taverns; timber yards; transport terminals (other than for the purpose of garaging not more than one bus); warehouses.

Zone No 2 (d) (Residential "D" Zone)

1 Objectives of zone

The objective is to provide residential areas close to the town centre which in addition to detached dwellings and residential flat buildings may contain motels. Shops and other retail outlets are prohibited within the Residential "D" Zone to prevent the intrusion of these uses which should be confined to the nearby commercial area. Other purposes which are prohibited are considered incompatible with the objective of the zone.

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; 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, galleries and academies; extractive industries; funeral parlours; generating works; helipads; heliports; holiday cabins; hotels; industries other than home industries; institutions; junk yards; light industries; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; piggeries; poultry farms; public buildings, recreation establishments; recreation facilities; refreshment rooms other than where associated with service stations; retail markets; retail plant nurseries; roadside stalls; rural industries; rural workers' dwellings; sawmills; shops; stock and sale yards; taverns; timber yards; transport terminals (other than terminals used for the purpose of garaging not more than one bus); veterinary hospitals; veterinary surgeons' establishments; warehouses; waste disposal; wholesale markets.

Zone No 3 (a) (General Business Zone)

1 Objectives of zone

The objective is to provide the opportunity for retail, commercial and service functions within the town centre of Narrabri. Consistent with the objective of the zone, a wide range of purposes are permissible with the Council's consent. Those purposes which are prohibited are considered incompatible with the objective of the zone.

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 and other intensive keeping of animals; road transport terminals; sawmills; stock and sale yards; timber yards; waste disposal.

Zone No 3 (b) (Neighbourhood Business Zone)

1 Objectives of zone

The objective is to provide for consolidation of small neighbourhood commercial centres in areas which are separated by considerable distance from the town centre. Shops within the neighbourhood business zone are limited to 1 000 square metres gross floors area. A wide range of purposes is permissible with Council consent. Purposes which are prohibited are considered to be in conflict with the objective of the zone.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Abattoirs; airline terminals; bus depots; car repair stations; clubs registered under the [Registered Clubs Act 1976](#); generating works; helipads; heliports; hospitals; industries other than home industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; piggeries, poultry farms and other intensive keeping of animals; road transport terminals; sawmills; shops or commercial premises in a building having a gross floor area exceeding 1 000 square metres; stock and sale yards; timber yards; warehouses; waste disposal.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objective is to provide land for industrial purposes with the exception of extractive industries. The location of offensive or hazardous industries

requires the Council's consent. Their location should be dependent on more detailed study of particular environmental factors whenever the need arises. Retailing is limited to small shops and to those retail purposes which market goods manufactured or processed on the same site. Purposes which are prohibited are considered to be in conflict with the objective of the zone.

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; 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 4 (b) (Light Industrial Zone)

1 Objectives of zone

The objective is to provide land for light industries in locations which, because of their proximity to residential areas, are unsuitable for industry in general, and to provide the opportunity for areas with a high standard of industrial building design and a pleasant work environment. In accordance with this objective, offensive or hazardous industries and extractive industries are prohibited purposes.

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; child care centres; clubs; community halls; dwelling-houses and residential buildings other than those used in conjunction with an industry and situated on the same land as an industry; hospitals; hotels; industries other than light industries; institutions; junk yards; mines; motels; places of assembly; places of public worship; professional consulting rooms; recreation establishments; recreation facilities other than indoor 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; waste disposal.

Zone No 5 (a) (Special Uses "A" Zone)

1 Objectives of zone

The objective is to make provision for the purposes of a variety of special uses identified on the map such as churches, hospitals, schools, etc, and to make provision for any purposes ordinarily incidental or subsidiary to those uses. These purposes may be carried out subject to such conditions as may be imposed under section 91 of the Act.

2 Without development consent

Nil.

3 Only with development consent

The particular purpose indicated by red lettering on the map.

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 5 (b) (Special Uses "B" Zone)

1 Objectives of zone

The objective is to provide for any railway purpose, purposes ordinarily incidental or subsidiary to a railway purpose, a community facility, or public utility undertakings.

2 Without development consent

Railways; public utility undertakings.

3 Only with development consent

Community facilities; land uses (other than railways or public utility undertakings) authorised by the *Transport Administration Act 1988*.

4 Prohibited

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

Zone No 6 (a) (Open Space (Existing Recreation) Zone)

1 Objectives of zone

The objective is to provide land for public recreation purposes. The zone covers land already in public ownership for public recreation purposes, including land in the care of the Council or trustees.

2 Without development consent

Nil.

3 Only with development consent

Agriculture; any purpose authorised by Division 2 or 3 of Part 13 of the *Local Government Act 1919*; clubs; drainage; forestry; public facilities; racecourses; recreation facilities; refreshment rooms; roads; showgrounds; sportsgrounds; tourist facilities; utility installations (other than gas holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 6 (b) (Private Recreation Zone)

1 Objectives of zone

The objective is to provide land for private recreation purposes, including clubs and commercial premises associated with the prime recreation purpose. The zone covers both existing and private recreation areas including areas containing recreational areas with leases on Crown land.

2 Without development consent

Nil.

3 Only with development consent

Bowling greens, golf courses, racecourses, showgrounds, sportsgrounds and training tracks (including clubs, commercial premises and industries in connection therewith and dwelling-houses and residential buildings required for use or occupation by persons employed in connection therewith); drainage; private recreation establishments; recreation facilities; refreshment rooms; utility installations (other than has holders or generating works).

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 7 (a) (Environmental Protection (Wetlands) Zone)

1 Objectives of zone

The objective is to protect wetland areas as a habitat for wildlife. The zone only affects one lagoon area in the town of Narrabri. This lagoon has been identified by the National Parks and Wildlife Service as a habitat for birdlife.

2 Without development consent

Nil.

3 Only with development consent

Agriculture (other than dog breeding or dog boarding establishments, lot feeding of livestock, poultry farming or goat farming); drainage.

4 Prohibited

Any purpose other than a purpose included in Item 3.

Part 3 Special provisions

Division 1 Development generally

10 Development of flood prone land

- (1) This clause applies to land to be inundated by floodwaters with an average recurrence interval of 1:100 years.

- (2) In this clause, **land-filling** means the depositing of soil or like material to a depth of more than 225 millimetres above natural ground surface level.
- (3) In considering an application for development consent in respect of land to which this clause applies the Council shall take into account the following additional matters:
 - (a) floor height of any building comprised in the proposed development in relation to known flood levels,
 - (b) land filling,
 - (c) drainage,
 - (d) flood proofing measures,
 - (e) access.

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 16th 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 16th August 2000 is **exempt 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 the 16th 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 Height of buildings

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

12 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force when the development is carried out) or in accordance with a consent granted under the Act:

- (a) section 314 (1) (c) of, and Schedule 7 to, the *Local Government Act 1919*, and
- (b) any covenant, agreement or instrument imposing restrictions as to the erection or use of buildings on land (other than land within Zone No 2 (a), 2 (b) or 2 (c) for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, shall not apply to any such development.

(2) Pursuant to section 28 of the Act, before the making of this plan:

- (a) the Governor approved of subclause (1), and
- (b) the Minister for the time being administering the provisions of the *Local Government Act 1919* referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (1) in so far as that subclause relates to those provisions.

13 Control of development on major road frontage

- (1) This clause applies to land within Zone No 1 (a).
- (2) A hotel, motel or caravan park shall not be erected on an allotment of land to which this clause applies unless the allotment has an area of not less than 4 hectares and a major road frontage of not less than 200 metres.
- (3) A building shall not be erected on an allotment of land to which this clause applies if the distance between the proposed building and the nearest alignment of a main or arterial road or of a road connecting with a main or arterial road would be less than:
 - (a) where the building is erected for the purpose of a hotel, motel or caravan park—46 metres, or
 - (b) where the building is erected for any other purpose—18 metres.

14 Prohibited development on main or arterial roads

Development shall not be carried out on land which is within Zone No 1 (a) and within 400 metres of a main or arterial road for the purpose of liquid fuel depots, offensive or hazardous industries, roadside stores, sawmills, timber yards, utility installations or waste disposal, or for the purpose of access from development for such a purpose to a main or arterial road.

15 Community use of school sites etc

Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of:

- (a) the community use of the facilities and sites of schools, colleges and other

educational establishments,

- (b) the commercial operation of those facilities and sites, and
- (c) 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 purposes.

16 Development by the Crown, a Government Department etc

The consent authority in respect of an application to carry out development by the Crown, a Government Department, a statutory authority, a public utility undertaking or the Totalizator Agency Board:

- (a) shall not refuse to grant its consent to the application, and
 - (b) shall not attach any conditions to its consent,
- except with the approval of the public authority involved or the Minister.

16A Development of certain land zoned Special Uses "A"

(1) In this clause, **recreation area** means:

- (a) a children's playground,
- (b) an area for sporting activities or sporting facilities,
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, or
- (d) an area used by a body of persons associated for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or a showground.

(2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development for the purposes of a recreation area on land:

- (a) within Zone No 5 (a), and
- (b) on which development may be carried out for the particular purpose of aquatic recreation (as indicated on the map).

(3) Before consenting to development on any land referred to in subclause (2), the Council is to consider:

- (a) the need for the development on that land,
- (b) the impact of the proposed development on the existing or likely future use of the

land,

- (c) the need to retain the land for its existing or likely future use, and
- (d) the effect of the proposed development on the capacity of the land to act as a floodway.

Division 2 Subdivision

17 Subdivision of land

A person shall not subdivide land without the consent of the Council.

18 Subdivision of land within Zone No 1 (a)

The Council shall not grant consent to the subdivision of land within Zone No 1 (a) unless the area of each allotments to be created by the subdivision will be not less than 40 hectares.

18A Subdivision for the purpose of dwellings in Zone No 1 (u)

- (1) If an allotment is partly within Zone No 1 (u) and the rest of the allotment is within Zone No 1 (d), the whole of the allotment is taken to be within Zone No 1 (u) for the purposes of sub-clauses (2) and (3).
- (2) The Council may consent to the subdivision of land within Zone No 1 (u) only if each allotment created will have an area of not less than 1.2 hectares (excluding any land to be used for community purposes) and only where 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.
- (3) The Council may consent to the subdivision of land within Zone No 1 (u) so as to create a hatchet-shaped allotment only if the allotment will have an area of not less than 1.2 hectares excluding the access corridor of the allotment.
- (4) The Council, in granting consent to the subdivision of land within Zone No 1 (u), may impose a condition that requires each allotment of land created by the subdivision:
 - (a) to have direct vehicular access to a road approved by the Council,
 - (b) where the Council is satisfied that suitable arrangements have been made—to have vehicular access to a properly constructed, drained and sealed road which is

of a standard that is adequate to be approved by the Council, or

- (c) if the Council is satisfied the circumstances of the case so warrant—to have vehicular access to a road other than an approved sealed road.
- (5) Consent must not be granted to a subdivision creating an allotment of land within Zone No 1 (u) unless the Council is satisfied the allotment will be provided with a properly constructed pipe culvert providing vehicular access between the road and the allotment.
- (6) 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 (u).
- (7) A dwelling-house shall not be erected on an allotment of land within Zone No 1 (u) unless the allotment has access to a properly constructed and dedicated public road.
- (8) Despite any other provision of this plan, the land known as the “Riverbend Estate”, Narrabri, being all that land in DP 1032295 as is shown hatched and lettered “1 (u)” on the map marked “*Narrabri Local Environmental Plan No 45*” deposited in the office of the Council, may be subdivided so as to create an allotment that is not less than 6,000 square metres.

Division 3 Services

19 Provision of water supply, sewerage and drainage

- (1) A person shall not erect a dwelling-house on land (except land within Zone No 1 (a) or 1 (d)) unless and until arrangements satisfactory to the Council have been made for connection to a water supply, drainage and sewerage system, or unless and until arrangements satisfactory to the Council have been made for connection to a water supply and drainage system and a septic tank for sewage disposal on the land.
- (2) A person shall not erect a residential flat building on land unless and until arrangements satisfactory to the Council have been made for connection to a water supply, sewerage and drainage system.
- (3) A person shall not erect a dwelling-house on land within Zone No 1 (a) 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.
- (4) The Council shall not consent to the subdivision of land (other than land within Zone No 1 (a)) 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.

20 Provision for improvement of amenities and services

As a consequence of the carrying out of development in accordance with this plan (as in force at the time the development is carried out), this plan identifies a likely increased demand for the public amenities and public services as specified in Schedule 2 and stipulates that dedication or a contribution under section 94 (1) of the Act may be required as a condition of any consent to that development.

Division 4 Dwellings

21 Dwelling-houses in Zone No 1 (a)

- (1) A person shall not erect a dwelling-house on an allotment of land within Zone No 1 (a) unless the allotment has an area of not less than 40 hectares.
- (2) Notwithstanding subclause (1), the Council may grant consent to the erection of a dwelling-house on an allotment of land within Zone No 1 (a) which has an area of less than 40 hectares but not less than 4 hectares if the Shire Clerk certifies that the allotment is an existing parcel and the Council is satisfied:
 - (a) that the dwelling-house will have adequate vehicular access,
 - (b) that the erection of a dwelling-house will not create or increase the effect of ribbon development along any main road, and
 - (c) that adequate public utility services will be available on the land.
- (3) Nothing in this clause affects the requirements of clause 13 as to the setback of buildings from roads.
- (4) The Council shall:
 - (a) enter particulars of all decisions on applications for consent as referred to in this clause in a register,
 - (b) show the and affected by those decisions on a map of suitable scale, and
 - (c) make that register and map available for inspection by a duly authorized officer of the Department.

- (5) In this clause:

existing parcel means the total area of all adjoining or adjacent land held in the same ownership at the appointed day.

22 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 purposes of a dwelling-house on an allotment of land within Zone No 2 (a), 2 (b), 2 (c) or 2 (d) unless:
 - (a) in the case of a hatchet-shaped allotment—the area of the allotment is not less than 650 square metres, or
 - (b) in the case of any other allotment—the area of the allotment is not less than 600 square metres and the allotment has a width of not less than 15 metres at the front alignment of the dwelling-house.
- (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 (b), 2 (c) or 2 (d) unless the allotment has an area of not less than 740 square metres and a width (not including any access corridor) of not less than 18 metres at the front alignment of the building.

23 Dual occupancy

- (1) A person may, with the consent of the Council, alter or add to a dwelling-house erected on an allotment of land within Zone No 1 (a), 2 (b), 2 (c) or 2 (d) so as to create 2 dwellings, if:
 - (a) the area of the allotment on which the dwelling-house is erected is not less than 400 square metres,
 - (b) the floor space ratio of the dwelling-house as altered or added to will be not greater than:
 - (i) the floor space ratio of the dwelling-house before it was altered or added to, or
 - (ii) 0.5:1,whichever is the greater, and
 - (c) arrangements satisfactory to the Council have been made for the provision of a water supply and for the disposal of sewerage and stormwater drainage from the land to cater for the use of the dwelling-house for 2 dwellings.
- (2) The area occupied by a garage or carport shall not be taken into account when calculating floor space ratio for the purposes of subclause (1).
- (3) The provisions of this plan relating to residential flat buildings do not apply to a building altered or added to or proposed to be altered or added to pursuant to this clause.
- (4) In this clause:

floor space ratio, in relation to a building, means the ratio of the gross floor area of

the building to the area of the allotment on which the building is erected.

Division 5 Heritage conservation

24 Items of the environmental heritage

- (1) A person shall not in respect of a building, work, relic or place that is an item of the environmental heritage:
 - (a) demolish, renovate or extend the building or work,
 - (b) damage or despoil the relic or any part of the relic,
 - (c) excavate any land for the purpose of exposing or removing the relic,
 - (d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place,
 - (e) subdivide the land on which that building, work or relic is situated or the land which comprises that place,except with the consent of the Council.
- (2) The Council shall not grant consent to a development application in respect of an item of the environmental heritage unless it has made an assessment of:
 - (a) the significance of the item as an item of the environmental heritage of the Shire of Narrabri,
 - (b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
 - (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained, and
 - (d) where the item is a building:
 - (i) whether the building constitutes a danger to the users or occupiers of that building or to the public,
 - (ii) the colour, texture, style, size and type of finish of any materials to be used on the exterior of the building, the effect which the use of those materials will have on the appearance of the exterior of the building and the similarity of the materials to be used to materials used in other existing buildings in its vicinity,
 - (iii) the style, size, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development, and

- (iv) the pitch and form of the roof, if any.

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*).

25 Conservation incentive relating to heritage items

- (1) Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is an item of the environmental heritage or of the land on which that building is erected where the Council is satisfied that:
- (a) the use would have little or no adverse effects on the amenity of the area, and
 - (b) conservation of the building depends on the Council granting consent as referred to in this subclause.
- (2) The Council, when considering an application to erect a building on land upon which there is a building which is an item of the environmental heritage, may exclude from its calculation of the gross floor area of the buildings erected on the land the gross floor area of the building that is an item of the environmental heritage:
- (a) for the purpose of determining the floor space ratio of buildings erected on the land, and
 - (b) for the purpose of determining the number of parking spaces to be provided on the site,
- but only if the Council is satisfied that the conservation of the building which is an item of the environmental heritage depends upon the Council granting consent as referred to in this subclause.

26 (Repealed)

27 Advertising of heritage applications

- (1) Subject to subclause (2) and pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
- (a) the demolition of a building or work that is an item of the environmental heritage, and
 - (b) the use of a building or land referred to in clause 25 (1) for a purpose which, but for that subclause, would be prohibited under this plan,
- in the same way as those provisions apply to and in respect of designated development.

- (2) Subclause (1) does not apply to or in respect of an application for consent to the partial demolition of a building or work where, in the opinion of the Council, the partial demolition 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 Shire of Narrabri.
- (3) Section 84 (4) of the Act does not apply as referred to in subclause (1) to the extent that it requires the notice referred to in section 84 (4) of the Act to contain a statement to the effect that the development application referred to in the notice and the documents accompanying that application may be inspected at the office of the Department.

28 Development in the vicinity of an item of the environmental heritage

The Council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item of environmental heritage and its settings.

Division 6 Special provisions relating to development of specified land

29 Development on Portion 139, Yarrie Lake Road

Notwithstanding any other provisions of this plan, a person shall not carry out development on Portion 139, Parish of Cooma, County of White, Shire of Narrabri, unless there is access to that Portion from Yarrie Lake Road (Shire Road No 29).

30 Use of certain land—Wee Waa Road, Narrabri

- (1) Notwithstanding any other provision of this plan, a person may, with the consent of Council, carry out development which is permissible within Zone No 4 (b) (Light Industrial Zone) within the building that was located on Lot 1, DP 732633, Wee Waa Road, Narrabri, when this clause commenced.
- (2) The replacement of, or any substantial repair to, that building is prohibited.
- (3) In addition, Lot 1, DP 732633 may, with the consent of Council, be used for the purposes of off street carparking to meet the needs of a development within that building.

31 Use of certain land for a caravan park

Notwithstanding any other provisions of this plan, a person may carry out development for the purposes of a caravan park on the land known as Lot B, DP 310870, Cooma Road, Narrabri, but only with the consent of the Council.

32 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 3 for a purpose specified in relation to that land in that Schedule, subject to 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

(Clause 5)

St Cyprian's Church.

Courthouse group (Barwan, Bowen and Maitland Streets):

- Police Sergeant's residence,
- Courthouse with picket fence,
- Gaol and residence,
- Local Court office (former courthouse).

Public School, Barwan Street.

Club House Hotel, 8 Maitland Street.

Bank of N.S.W., 104 Maitland Street.

Post Office, 140 Maitland Street.

Gallipoli House, Bowen Street.

Narrabri West Railway Station and residence.

Maitland Street group:

- Faulkners Cordial Factory, Ice Works and Cold Store,
- Lodge Namoi.

Schedule 2

(Clause 20)

- 1** Community facilities.
- 2** Community facility structures; child care centres; community meeting rooms and halls; community

arts centre; community library; community health and welfare offices; interim community houses.

- 3 Public open space.
- 4 Embellishment, landscaping and infrastructure provision for passive, active and other public open space; routes and areas for walkways, cycleways and parking systems; lighting and amenities; active outdoor recreation facilities and structures; sports facilities; amenity structures; active indoor recreation structures; facilities and land requirements.
- 5 Stormwater drainage purposes.
- 6 Construction and landscaping of drainage structures, including drainage swales, retention basins, inlet/outlet systems, culverts, piping systems and levee banks.
- 7 Local roads, constructions and landscaping of local works.
- 8 Public car parks and landscaped areas in business centres; construction and embellishment of public car parks and landscaped areas.
- 9 Water and sewerage headworks and reticulation.

Schedule 3 Development for certain additional purposes

(Clause 32)

The part of lot 80, DP 2855, Ugoa Street, Narrabri, which is within Zone No 6 (a)—erection of a dwelling-house.

Part of Lot 34, DP 2854, Parish of Cooma, County of White, Town of Narrabri, as shown edged heavy black on the map marked "*Narrabri Local Environmental Plan No 31*", deposited in the office of the Council—Six hard stand overnight car and caravan sites; being grassed areas only with no above ground structures.