

# Gilgandra Local Environmental Plan 1998

[1998-387]



New South Wales

## Status Information

### Currency of version

Repealed version for 7 April 2000 to 23 December 2004 (accessed 11 July 2024 at 19:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Repeal**

The plan was repealed by the *Gilgandra Local Environmental Plan 2004*, cl 5 (1) with effect from 24.12.2004.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 24 December 2004

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New South Wales

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## 1 Name of plan

This plan is the *Gilgandra Local Environmental Plan 1998*.

## 2 What are the aims of the plan?

The aims of this plan are to:

- (a) manage the resources of the Gilgandra local government area, and
- (b) protect prime crop and pasture land and places of natural and cultural significance, and
- (c) manage development to benefit the community, and
- (d) encourage the conservation of natural and man-made resources within the local government area by protecting, enhancing and conserving:
  - (i) areas of significance for nature conservation including habitat of threatened species, populations and ecological communities, and areas of native vegetation, and
  - (ii) buildings and sites of significance as part of the heritage of Gilgandra local government area.

## 3 Where does this plan apply?

This plan applies to all land within the Gilgandra local government area.

## 4 Does this plan affect other plans?

- (1) This plan repeals *Interim Development Order No 1—Shire of Gilgandra* and all other local environmental plans and deemed environmental planning instruments which applied to the local government area of Gilgandra immediately before this plan took effect.
- (2) *Orana Regional Environmental Plan No 1—Siding Spring* prevails if there is any inconsistency between it and this plan.

## 5 Definitions

In this plan:

**Council** means the Gilgandra Shire Council.

**the map** means the series of sheets marked “*Gilgandra Local Environmental Plan 1998*”.

## 6 Who is the consent authority?

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

## 7 What zones apply?

The following zones apply, as shown on the map:

- Zone 1 (r) Rural, shown edged heavy black and lettered “1 (r)”,
- Zone 1 (s) Small Rural Holdings, shown edged heavy black and lettered “1 (s)”,
- Zone 2 (v) Village, shown edged heavy black and lettered “2 (v)”,
- Zone 4 (i) Industrial Area, shown edged heavy black and lettered “4 (i)”,
- Zone 8 (a) National Park, shown edged heavy black and lettered “8 (a)”.

## 8 What development is allowed in the Rural zone?

(1) In Zone 1 (r) Rural, development (including ordinarily ancillary or incidental development) for the purpose of the following is allowed:

(a) *without* the consent of the Council:

- agriculture (other than intensive animal keeping, like use of feedlots, piggeries, kennels or stables),
- forestry,
- public utility undertakings,

(b) *with* the consent of the Council:

- aerodromes,
- advertising,
- caravan parks,
- Community, recreational and sporting facilities and associated buildings,
- dwelling houses,
- general stores, cafes and restaurants,

- home businesses,
- hotels,
- industries, other than offensive or hazardous industries,
- intensive animal keeping, like use of feedlots, piggeries, kennels or stables,
- landfilling,
- mines,
- motels,
- quarries,
- railways,
- roads,
- service stations.

(2) In Zone 1 (r) Rural, any development not listed in subclause (1) is prohibited.

**9 What development is allowed in the Small Rural Holdings zone?**

(1) In Zone 1 (s) Small Rural Holdings, development (including ordinarily ancillary or incidental development) for the purpose of the following is allowed:

(a) *without* the consent of the Council:

- agriculture (other than intensive animal keeping, like use of feedlots, piggeries, kennels or stables),
- forestry,
- public utility undertakings,

(b) *with* the consent of the Council:

- advertising,
- caravan parks,
- Community, recreational and sporting facilities and associated buildings,
- dwelling houses,
- general stores, cafes and restaurants,
- home businesses,

- landfilling,
- motels,
- railways,
- roads,
- rural industries,
- service stations.

(2) In Zone 1 (s) Small Rural Holdings, any development not listed in subclause (1) is prohibited.

#### **10 What development is allowed in the Village zone?**

(1) In Zone 2 (v) Village, development (including ordinarily ancillary or incidental development) for the purpose of the following is allowed:

(a) *without* the consent of the Council:

- public utility undertakings,

(b) *with* the consent of the Council:

- advertising,
- business uses and related buildings,
- community uses and related buildings,
- clubs,
- dwelling houses,
- educational and recreational uses and related buildings,
- general stores,
- home businesses,
- hotels,
- flats, units, semi-detached houses, villas, townhouses,
- offices,
- places of public worship,
- roads,

- service stations,
- shops.

(2) In Zone 2 (v) Village, any development not listed in subclause (1) is prohibited.

#### **11 What development is allowed in the Industrial Area zone?**

(1) In Zone 4 (i) Industrial Area, development (including ordinarily ancillary or incidental development) for the purpose of the following is allowed:

(a) *without* the consent of the Council:

- public utility undertakings,

(b) *with* the consent of the Council:

- advertising,
- business uses and related buildings,
- community uses and related buildings,
- clubs,
- depots,
- dwellings associated with another permissible use,
- educational and recreational uses and related buildings,
- general stores,
- home businesses,
- industries, except for offensive or hazardous industries,
- motor showrooms,
- offices,
- places of public worship,
- roads,
- service stations.

(2) In Zone 4 (i) Industrial Area, any development not listed in subclause (1) is prohibited.

#### **12 What development is allowed in the National Park zone?**

(1) In Zone 8 (a) National Park, development (including ordinarily ancillary or incidental

development) for the purpose of the following is allowed *without* the consent of the Council:

- any building, work, place or land use authorised by or under the *National Parks and Wildlife Act 1974*.

(2) In Zone 8 (a) National Park, any development not listed in subclause (1) is prohibited.

### **13 Dwelling house controls**

(1) A dwelling house may be erected only with the consent of the Council.

(2) The Council must not consent to the erection of a dwelling house:

- (a) on land which is unsewered, unless the Council is satisfied that the land is suitable for the disposal of effluent arising from the use of the land, or
- (b) on prime crop and pasture land, unless the Council is satisfied that the dwelling is necessary for the use of the land for agriculture.

### **14 Development controls**

The Council must not consent to development of land unless it is satisfied that:

- (a) the land is suitable for and, in appropriate cases (such as agriculture), capable of sustaining the proposed development, and
- (b) the proposed development is appropriate to the locality, and
- (c) the proposed development will not significantly degrade prime crop and pasture land, and
- (d) any services needed for the proposed development can be provided economically.

### **15 Subdivision controls**

(1) Land may be subdivided only with the consent of the Council.

(2) A subdivision must not create an allotment with an area less than:

- (a) 200 ha in Zone 1 (r) Rural, or
- (b) 2 ha in Zone 1 (s) Rural Small Holdings, or
- (c) 0.4 ha in Zone 2 (v) Village.

(3) However, smaller lots may be created if the Council is satisfied that:

- (a) the lots created are suitable for and, in appropriate cases (such as agriculture), capable of sustaining the proposed use of the land, and

- (b) that use of the land is appropriate to the locality, and
- (c) the proposed development will not significantly degrade prime crop and pasture land, and
- (d) any services needed for the proposed development can be provided economically.

#### **16 Land known to flood**

The Council must not consent to the erection of a building or the carrying out of a work on land which is known by the Council to be subject to flooding, unless the Council is satisfied that the development will not:

- (a) risk the safety of the community, or
- (b) impede the flow of water or increase the effect of the flood on the locality, or
- (c) adversely affect the water table in the locality.

#### **17 Development along main roads**

The Council must not consent to development on land with frontage to a main road, unless the Council is satisfied that the safety and efficiency of traffic on the main road will not be adversely affected by the development.

#### **18 Land forming**

- (1) A person must not carry out land forming which affects the flow of water across property boundaries or risks degradation of land, without the consent of the Council.
- (2) The Council must not grant consent for land forming, unless it has made an assessment of:
  - (a) the flood liability of the land, and
  - (b) the likely effect of flooding, on adjoining land or other land in the locality, as a result of the proposed land forming or use of the land, and
  - (c) the risk of soil erosion or other degradation, and
  - (d) any likely loss of significant vegetation systems or native wildlife habitats, and
  - (e) any need to allow for suitable water distribution to and from flood dependent environments.