

# Quirindi Local Environmental Plan 1991

[1991-490]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 8 December 2011 (accessed 18 July 2024 at 9:30)

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The Plan was repealed by cl 1.8 (1) of the [Liverpool Plains Local Environmental Plan 2011 \(644\)](#) (LW 9.12.2011) with effect from 9.12.2011.

### 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 9 December 2011

# Quirindi Local Environmental Plan 1991



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of plan .....	4
2 Aims, objectives etc.....	4
3 Land to which plan applies .....	4
4 Relationship to other environmental planning instruments .....	4
5 Definitions .....	4
6 Adoption of Model Provisions .....	7
7 Consent authority .....	7
<b>Part 2 General restrictions on development of land</b> .....	7
8 Zones indicated on the map .....	7
9 Zone objectives and development control table.....	8
<b>Part 3 Special provisions</b> .....	14
10 General principles for development within Zone No 1 (a) .....	14
10A What is exempt and complying development?.....	15
11 Advertising of certain applications .....	16
12 Acquisition of land .....	16
13 Conversion of buildings—dual occupancy .....	16
14 Subdivision generally .....	17
15 Subdivision of rural land .....	17
16 Dwelling-houses on rural land .....	18
16A Dwelling entitlements on existing concessional lots .....	19
17 Residential use of land within Zone No 1 (a) .....	19

18 Land subject to bush fires .....	19
19 Flood liable land .....	19
20 Heritage items .....	20
21 Development in the vicinity of heritage item .....	20
22 Advertising of heritage applications .....	21
23 Conservation incentives relating to heritage items .....	21
24 Development on main and arterial road frontages .....	21
25 Drainage, parking and roads etc .....	22
26 General principles for development within Zone No 7 (a) .....	23
<b>Schedule 1 Heritage items .....</b>	<b>23</b>

# Quirindi Local Environmental Plan 1991



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Quirindi Local Environmental Plan 1991*.

### 2 Aims, objectives etc

- (1) The principal aim of this plan is to consolidate and update the existing planning controls in the Shire of Quirindi.
- (2) The particular objectives, policies and strategies relating to this plan are set out opposite the respective zones in the Table to clause 9.

### 3 Land to which plan applies

This plan applies to all land within the Shire of Quirindi, as shown on the map, with the boundaries as indicated on the map.

### 4 Relationship to other environmental planning instruments

This plan:

- (a) repeals *Interim Development Order No 1—Municipality of Quirindi*,
- (b) repeals Quirindi Local Environmental Plans Nos 1-6, and
- (c) repeals such other local environmental plans and other deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, to the extent to which those instruments applied to that land.

### 5 Definitions

(1) In this plan:

**alter**, in relation to a heritage item, means:

- (a) the making of structural changes to the outside of the heritage item, or
- (b) the making of non-structural changes to the detail, fabric, finish or appearance of

the outside of the heritage item, not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

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

**arterial road** means an existing road indicated on the map by heavy broken black lines or existing classified Main Roads Nos 72, 106, 126, 129 and 130.

**council** means the Council of the Shire of Quirindi.

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

**environmentally sensitive land** means land which has natural, ecological and or cultural significance as identified by the following criteria:

- (a) land zoned 7 (a) (Environment Protection (Conservation) Zone), or
- (b) land within 150 metres of any river, creek, defined natural watercourse, lake, swamp, wetland or waterbody (whether containing water or not) on land zoned 1 (a) (Rural "A" Zone) or within 20 metres of any river, creek, defined natural watercourse, lake, swamp, wetland or waterbody (whether containing water or not) on land within any other zone, or
- (c) land which, in the opinion of the council, is important for the conservation and protection of:
  - (i) native vegetation, or
  - (ii) protected and threatened species, populations and ecological communities and their habitat (including corridors), or
  - (iii) Aboriginal cultural heritage.

**existing holding** means:

- (a) except as provided by paragraph (b), the area of a lot, portion or parcel of land as it was at the appointed day, or
- (b) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were at that day, and includes such an aggregation as reduced after that day by a subdivision that excised land only for a public purpose or for the purpose of a boundary adjustment or both of those purposes.

**flood liable land** means:

- (a) land within Quirindi Village which is affected by flood, or

(b) land outside Quirindi Village which is affected by flood, or

(c) land affected by the flood of 25 February 1955,

as shown on the map marked "*Flood liable land*".

**floor space ratio**, in relation to a site, means the ratio of the gross floor area of any building or buildings erected on the site to the site area.

**heritage conservation area** is an area identified on a map held at the offices of the council or listed as such an area in this or any other environmental planning instrument.

**heritage item** means a building, work, relic, tree or place of heritage significance to the Shire of Quirindi and described in Schedule 1.

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

**intensive animal husbandry establishment** means a building or place in which or on which cattle, sheep, goats, pigs, poultry or other livestock are held, and nurtured, either wholly or predominantly, by a feeding method other than natural grazing.

**maintenance** means continuous protective care of the fabric of a heritage item or its setting.

**prime crop and pasture land** means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture, and deposited in the office of the council, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include Class 3 land contiguous to land shown as Class 4 land on the map or land which the Director-General of the Department of Agriculture has notified the council in writing is not prime crop and pasture land for the purpose of this plan.

**recreation area** means:

(a) a children's playground,

(b) an area used for sporting activities or sporting facilities, or

(c) an area used for provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:

(i) the council, or

(ii) a body of persons associated for the purpose of promoting the physical, cultural or intellectual welfare of persons within the community,

but does not include a race course or a showground.

**relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the land to which this plan applies which is 50 or more years old.

**the map** means the series of maps marked “*Quirindi Local Environmental Plan 1991*”, as amended by the maps, or sheets of maps, marked as follows:

**Editorial note—**

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

*Quirindi Local Environmental Plan (Amendment No 1)*

(2) In this plan:

- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
- (b) a reference to a map is a reference to a map deposited in the office of the council, or
- (c) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in that clause as the means of identifying land of the zone so specified.

(3) Notes in this plan do not form part of this plan.

## **6 Adoption of Model Provisions**

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

- (a) the definitions of **arterial road** and **map** in clause 4 (1), and
- (b) clauses 15, 29 and 34,

are adopted for the purposes of this plan.

## **7 Consent authority**

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

## **Part 2 General restrictions on development of land**

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

For the purposes of this plan, land to which this plan applies is within a zone specified below if the land is shown on the map in the manner specified below in relation to that zone:

Zone No 1 (a) (Rural “A” Zone)—edged heavy black and lettered “1 (a)”

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

Zone No 1 (f) (Rural (Forestry) Zone)—edged heavy black and lettered “1 (f)”

Zone No 2 (v) (Village Zone)—edged heavy black and lettered “V”

Zone No 4 (a) (Industrial (General) Zone)—edged heavy black and lettered “4 (a)”

Zone No 5 (a) (Special Uses Zone)—edged heavy black and lettered “5 (a)”

Zone No 6 (a) (Open Space Zone)—edged heavy black and lettered “6 (a)”

Zone No 7 (a) (Environment Protection (Conservation) Zone)—edged heavy 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 headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the council 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) (Rural “A” Zone)**

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

The objectives of this zone are:

- (a) to encourage the productive and efficient use of land for agricultural purposes,

- (b) to prevent inappropriate development of prime crop and pasture land for purposes other than agriculture,
- (c) to control subdivision of land having regard to the efficient use of land for agricultural purposes,
- (d) to ensure that the type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the cost of providing public services and amenities, and
- (e) to protect the natural and scenic resources of the Shire of Quirindi.

## **2 Without development consent**

Agriculture (other than intensive animal husbandry establishments and animal boarding, breeding and training establishments); forestry.

## **3 Only with development consent**

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

## **4 Prohibited**

Bulk stores (other than those associated with agriculture); car repair stations; commercial premises (other than veterinary hospitals or veterinary surgeons establishments); hospitals; hotels; industries (other than rural industries, home industries or extractive industries); institutions; junk yards; liquid fuel depots; motor showrooms; professional consulting rooms; recreation facilities; refreshment rooms; residential flat buildings; shops (other than general stores); service stations; taverns; transport terminals; warehouses.

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

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for, and to maintain, areas that are suitable for rural small holdings or hobby farms,
- (b) to encourage a type and intensity of development that does not create unreasonable or uneconomic demand, or both, for the provision or extension of public amenities or services, including road access,

- (c) to ensure that development maintains the rural character of the locality,
- (d) to protect the natural and scenic resources of the Shire of Quirindi, and
- (e) to maximise housing choice.

## **2 Without development consent**

Agriculture (other than intensive animal husbandry establishments and animal boarding, breeding and training establishments); forestry.

## **3 Only with development consent**

Bulk stores; child care centres; commercial premises; dwelling-houses; educational establishments; general stores; home industries; home occupations; places of public worship; residential flat buildings containing not more than 2 dwellings; recreation areas; rural industries; tourist facilities; utility installations; veterinary hospitals; veterinary surgeons establishments.

## **4 Prohibited**

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

### **Zone No 1 (f) (Rural (Forestry) Zone)**

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

The objective of this zone is to identify land suitable for development for forestry purposes.

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

Forestry.

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

Picnic areas; public utilities; roads; uses permitted under the [Forestry Act 1916](#).

#### **4 Prohibited**

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

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

## **1 Objectives of zone**

The objectives of this zone are:

- (a) to promote development in existing villages in a manner which is compatible with their urban function,
- (b) to enable development for retail, commercial and service purposes for the local and nearby rural community in appropriate locations within the zone where the scale and type of development is compatible with living areas,
- (c) to encourage a range of housing in appropriate locations, and
- (d) to control, by means of a development control plan, the location, form and density of development.

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in item 4.

## **4 Prohibited**

Abattoirs; animal boarding, breeding or training establishments; extractive industries; intensive animal husbandry establishments; institutions; junk yards; mines; offensive or hazardous industries; sawmills.

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

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

The objectives of this zone are:

- (a) to encourage development of land for the purpose of industry which will contribute to economic growth and employment opportunities within the Shire of Quirindi,
- (b) to enable certain other forms of development compatible with or ancillary to the industrial use of the land,
- (c) to provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone, and

- (d) to ensure that industrial or other permitted development is carried out in a manner which is compatible with any residential development in the vicinity.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any activity which, by virtue of its nature, or by the nature of the services provided or the products produced, distributed or sold in carrying it on, is, in the opinion of the council appropriately located in an industrial zone; industries (other than extractive industries); purposes associated with, ancillary to, dependent on or which provide services to industrial or other development permitted in this zone (or the employees thereof); utility installations.

**4 Prohibited**

Boarding-houses; caravan parks; dwelling-houses (other than those used in conjunction with and situated on the same land as an industry); extractive industries; hospitals; institutions; mines; motels; residential flat buildings.

**Zone No 5 (a) (Special Uses Zone)**

**1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land required for the effective provision of public utility services and community facilities, and
- (b) to enable associated and ancillary development.

**2 Without development consent**

The particular purpose indicated on the map or any other public purposes.

**3 Only with development consent**

Advertising structures; any purpose ordinarily incidental or subsidiary to the purpose indicated on the map; utility installations.

#### **4 Prohibited**

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

### **Zone No 6 (a) (Open Space Zone)**

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

The objective of this zone is to ensure the conservation of existing public open space and recreation areas.

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

Works (other than buildings) for the purpose of landscaping, gardening or bushfire hazard reduction.

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

Agriculture; caravan parks; child care centres; children's playgrounds; clubs; community centres; drainage; drill-grounds; forestry; parking areas; racecourses; recreation areas; showgrounds; utility installations.

#### **4 Prohibited**

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

### **Zone No 7 (a) (Environment Protection (Conservation) Zone)**

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

The objectives of this zone are:

- (a) to provide for the conservation of areas of environmental significance, and
- (b) to provide for the control of the use of areas of environmental significance, and
- (c) to prohibit development which could destroy or damage areas of environmental significance, and
- (d) to ensure that any area of environmental significance is covered by a plan of management.

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

Nil.

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

As set out in clause 26.

Any purpose allowed by a plan of management adopted for that land under the *Local Government Act 1993*.

### **4 Prohibited**

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

## **Part 3 Special provisions**

### **10 General principles for development within Zone No 1 (a)**

- (1) The council shall not grant consent to an application to carry out development on land within Zone No 1 (a) unless it has made an assessment as to whether:
  - (a) in relation to the following general principles:
    - (i) the development is generally compatible with the suitability and capability of the land on which it is to be carried out, as indicated on maps prepared by the Department of Agriculture and the Soil Conservation Service of New South Wales, copies of which are deposited in the office of the council,
    - (ii) the development does not materially reduce the agricultural production of the land on which it is to be carried out or of adjoining land,
    - (iii) the development is of a type compatible with the maintenance and enhancement, as far as practicable, of the existing rural and scenic character of the Shire of Quirindi,
    - (iv) the possible future use of the land and of land in the locality is not unreasonably prejudiced, particularly in relation to land which contains recoverable extractive resources,
    - (v) adequate utility services and community facilities are available to the land and its future occupants,
    - (vi) the land is capable of accommodating on-site disposal of domestic waste and the provision of a domestic water supply, including a fire-fighting capacity,
    - (vii) the development does not have the possible effect of creating demands for unreasonable or uneconomic provision or extension of services by the council, and
    - (viii) the development does not create significant additional traffic or create or increase a condition of ribbon development on any road, particularly on a main

or arterial road, relative to the capacity, standard and safety of the road,

(b) in relation to the following principles with respect to subdivision:

- (i) the ratio of depth to frontage of each allotment to be created by the subdivision has been determined having regard to the purpose for which it is to be utilised, the need to minimise the creation of vehicular access points to main or arterial roads and the location of any new access points in safe positions,
- (ii) adequate all weather flood-free access is available to each allotment to be created as a result of the subdivision and the access located so as to minimise the risk of soil erosion,
- (iii) each allotment to be created by the subdivision includes flood-free land for building sites and for movement of any stock during floods, and
- (iv) each allotment to be created by the subdivision provides potential building sites with the minimum risk of damage by bushfire or soil instability, and

(c) in relation to the following principles with respect to buildings:

- (i) buildings do not intrude into the skyline, when viewed from roads or other public places,
- (ii) the surrounds of buildings, wherever possible, are to be landscaped so as to lessen the impact of buildings on the rural environment, and
- (iii) adequate all weather flood-free access is available to dwellings.

(2) Notwithstanding subclause (1), the council may grant consent to development which does not satisfy any of the principles set out in that subclause if:

- (a) in the circumstances of the case, there is a contradiction between 2 or more principles, or
- (b) the nature of the site makes it impracticable to comply with 2 or more of the principles.

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

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 2* as adopted by the council on 17 November 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Development Control Plan No 2* as adopted by the council on 17 November 1999 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 No 2* as adopted by the council on 17 November 1999.
- (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 No 2* adopted by the council, as in force when the certificate is issued.

### **11 Advertising of certain applications**

- (1) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
- (a) development for the purposes of a residential flat building, and
- (b) development for any purpose (other than designated development) that the council determines should require advertisement,
- in the same way as those provisions apply to and in respect of designated development.

### **12 Acquisition of land**

- (1) The owner of land within Zone No 5 (a), 6 (a) or 7 (a) may, by notice in writing, require the council to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), the council shall acquire the land to which the notice relates.

### **13 Conversion of buildings—dual occupancy**

- (1) This clause applies to land within Zone No 1 (a), 1 (c) or 2 (v).
- (2) A person may, with the consent of the council, alter or add to a dwelling-house on land to which this clause applies so as to create 2 dwellings.
- (3) The council shall not grant consent as referred to in subclause (2) unless:
- (a) the area of the allotment on which the dwelling-house is erected is not less than 550 square metres,
- (b) the floor space ratio of the dwelling-house as altered or added to, will not be 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 to each dwelling and for the disposal of sewage and stormwater drainage from each dwelling.

(4) Where a building is altered or added to, or is proposed to be altered or added to, in accordance with this clause, the separate occupation of the proposed lots illustrated by a strata plan relating to the building is prohibited.

#### **14 Subdivision generally**

(1) Except as provided by this clause, a person shall not subdivide land to which this plan applies, except with the consent of the council.

(2) Land to which this plan applies may be subdivided without the consent of the council if the subdivision is for the purpose of:

(a) boundary adjustments that do not create an additional allotment,

(b) consolidation of existing allotments under one title,

(c) road widening, or

(d) closure and transfer of unformed roads to adjoining property.

#### **15 Subdivision of rural land**

(1) Land within Zone No 1 (a) shall not be subdivided unless each allotment to be created has an area of not less than 200 hectares.

(2) Notwithstanding subclause (1), an allotment of land having an area of less than 200 hectares may be created within Zone No 1 (a) if the council is satisfied that the allotment is intended to be used for the purposes of agriculture and there is no dwelling on the allotment.

(3) Notwithstanding subclause (1), an allotment of land having an area of less than 200 hectares may be created within Zone No 1 (a) if the allotment is intended to be used for a permissible purpose other than agriculture, forestry or a dwelling-house (not being a dwelling-house ancillary to the purpose).

(4) (Repealed)

(5) Land within Zone No 1 (c) shall not be subdivided unless:

(a) each separate allotment thereby created has an area of 4,000 square metres or more,

- (b) the average size of the allotments thereby created is 5,500 square metres or more,
  - (c) no allotment thereby created has access to a main road except by means of an existing road or by means of a road approved by the council for the purpose, and
  - (d) arrangements satisfactory to the council have been made for the provision of water and drainage services to the land for the disposal of sewage.
- (6) This clause does not restrict or prohibit the subdivision of land within Zone No 1 (a) or 1 (c) for the purpose of opening a public road.

**Note—**

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

**16 Dwelling-houses on rural land**

- (1) Except as provided by subclause (2) or (3) or by clause 17, one, but not more than one, dwelling-house may be erected on land within Zone No 1 (a) if the land:
  - (a) has an area of not less than 200 hectares, and
  - (b) comprises the whole of a vacant existing holding.
- (2) In addition to a dwelling-house permitted to be erected in accordance with subclause (1), one additional dwelling-house may, with the consent of the council, be erected if the council is satisfied that that additional dwelling-house is or will be occupied by a person employed or engaged by the owner of the land in the use of the land for the purpose of agriculture.
- (3) A dwelling-house may be erected on an allotment of land created by a subdivision referred to in clause 15 (3) if the council is satisfied that the use of the dwelling-house is ancillary and subsidiary to the purpose for which the allotment is actually used.
- (4) (Repealed)
- (5) Nothing in this clause shall prevent the erection of a dwelling-house on land on which another dwelling-house is erected if the council is satisfied that the dwelling-house to be erected is intended to replace the original dwelling-house and is not to be occupied until the original dwelling-house is demolished or occupation of it has permanently ceased.
- (6) A dwelling-house shall not be erected on an allotment of land within Zone No 1 (c) unless the allotment has an area of 4,000 square metres or more.

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

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

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

### **17 Residential use of land within Zone No 1 (a)**

- (1) This clause applies to all land within Zone No 1 (a) which is within 10 kilometres of the township of Quirindi as shown on the map marked "*Rural Small Holdings Development Zone*" but does not include prime crop and pasture land.
- (2) A person may, but only with the consent of the council, subdivide land to which this clause applies and erect a dwelling-house on each allotment which has an area of not less than 2 hectares created by the subdivision if the council is satisfied that the land is to be used primarily for residential purposes.
- (3) The council shall not consent to the subdivision of land as referred to in subclause (2) unless the council is satisfied that the general principles contained within clause 10 are being met.
- (4) The council must not consent to a subdivision:
  - (a) if the subdivision would result in the total of all allotments created pursuant to this clause during the current 5-year period exceeding the number for the time being specified by the council as the maximum number for that period, or
  - (b) if, for the time being, there is no maximum number specified for the current 5-year period.

### **18 Land subject to bush fires**

In respect of each development application, the council shall take into consideration the likelihood of the development or of adjoining lands being affected by bush fire and may attach conditions to a development consent which, in the opinion of the council, will reduce the effect and spread of bush fire.

### **19 Flood liable land**

- (1) Notwithstanding any other provision of this plan the council shall not grant consent to the carrying out of any development on flood liable land, unless the council:
  - (a) has made an assessment of:

- (i) the effect of the proposed development on the flow of flood waters on that land or on land in its immediate vicinity,
  - (ii) the safety of the proposed development in time of flood, and
  - (iii) whether the proposed development involves any risk to life, human safety or private property in time of flood, and
- (b) is satisfied that:
- (i) the floor of any dwelling-house or other habitable building is 500 millimetres above the highest known flood in the vicinity, and
  - (ii) adequate measures have been or will be taken to offset the likely effects of flooding on the development concerned.

## **20 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,
  - (c) excavate for the purpose of exposing the relic,
  - (d) damage or despoil the place or tree,
  - (e) erect a building on the land on which the building, work or relic is situated or which comprises that place, or
  - (f) subdivide the land on which that building, work or relic is situated or which comprises that 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*).

## **21 Development in the vicinity of heritage item**

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 the setting.

## **22 Advertising of heritage applications**

(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 the demolition of a building or work that is a heritage item 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 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 in relation to the environmental heritage of the Shire of Quirindi.

## **23 Conservation incentives relating to heritage items**

(1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development comprising the use for any purpose of a building that is a heritage item or of the land on which that building is erected.

(2) The council shall not grant consent unless it is satisfied that:

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

(b) the conservation of the building depends on the council granting consent as provided by this clause.

(3) 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 item, but only if the council is satisfied that the conservation of the building depends on the council making such an exclusion.

## **24 Development on main and arterial road frontages**

(1) This clause applies to land:

(a) having frontage to a main or arterial road,

(b) which otherwise relies on a main or arterial road for its sole means of access, or

- (c) which has access to a road which intersects with a main or arterial road, where the point of access is within 90 metres of the intersection of the road and the main or arterial road.
- (2) The council shall not grant consent to development on land to which this clause applies, unless it is satisfied that:
- (a) the development, by its nature or intensity or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the main or arterial road,
  - (b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a main or arterial road,
  - (c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the main or arterial road are not impeded, and
  - (d) the development will not prejudice future improvements to or realignment of a main or arterial road which the Roads and Traffic Authority may indicate from time to time is required, or any intention by that Authority to proclaim part of a main or arterial road as a controlled access road within the meaning of the [State Roads Act 1986](#).
- (3) The council may grant consent to the carrying out of development on land to which this clause applies (other than land adjoining a controlled access road within the meaning of the [State Roads Act 1986](#)) for the purposes of providing services to motorists, tourists and the travelling public if:
- (a) the council is satisfied that demand for such development exists, having regard to the nature and volume of traffic using the road, the location and distance of existing development of a similar type and the location of and distance from other land on which development of a similar type may be carried out, and
  - (b) the development comprises or is part of a planned roadside service area that has been located and designed so as to minimise traffic hazards and interference with the free flow of traffic on the road.

## **25 Drainage, parking and roads etc**

Development may be carried out on any land to which this plan applies for the purposes of roads, stormwater drainage, recreation areas and parking:

- (a) in the case of development to be carried out by the council or a public authority, without the consent of the council, or
- (b) in any other case, with the consent of the council.

## 26 General principles for development within Zone No 7 (a)

- (1) This clause applies to land within Zone No 7 (a).
- (2) The council must not grant consent for any development unless the council has taken into consideration any plan of management adopted by the council for the land subject to the development application.
- (3) The council must not adopt a plan of management unless it provides for development consistent with the conservation of any land within Zone No 7 (a) to which it applies.

## Schedule 1 Heritage items

(Clause 5 (1))

<b>Heritage item</b>	<b>Property description</b>
Bundella Station	Lots 21-22 DP 526767 Parish Premer—250.5 ha
Old Rural Bank Building	Part Lot 1 (B) Section 52 Parish Coeypolly—1049 sq m 20.12 × 52.12
Walhallow Homestead	Part Portion 190 CSL 50/3 Parish Gunnadilly—403.6 ha
The Union Church	Lot 1 Section 2 Parish Yarraman Yarraman Street, Blackville
Marshall McMahon Hotel	Lots 16-17 Section 27 Parish of Wallabadah Town of Wallabadah—4047 sq m
St. Anne's Catholic Church	Lots 16-18 Section 28 Parish of Wallabadah Town of Wallabadah—6070 sq m
Anglican Church of the Ascension	Lots 10-13 Section 17 Parish of Wallabadah Town of Wallabadah—