

# Coolamon Local Environmental Plan 1995

[1995-625]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 24 February 2011 (accessed 28 November 2024 at 2:37)

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The Plan was repealed by cl 1.8 (1) of the *Coolamon Local Environmental Plan 2011 (77)* with effect from 25.2.2011.

### 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 25 February 2011

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New South Wales

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# Coolamon Local Environmental Plan 1995



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Coolamon Local Environmental Plan 1995*.

### 2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the area of the Coolamon Shire Council by protecting, enhancing or conserving:
  - (i) prime crop and pasture land, and
  - (ii) timber, minerals, soil, water and other natural resources, and
  - (iii) localities of significance for nature conservation, and
  - (iv) localities of high scenic or recreational value, and
  - (v) the environmental heritage of the Coolamon local government area, and
- (b) to replace the existing planning controls with a single Local Environmental Plan to help facilitate growth and development within the area of the Coolamon Shire Council in a manner which is consistent with the aims specified in paragraph (a) and which:
  - (i) minimises the costs to the community of fragmented and isolated development of rural land, and
  - (ii) facilitates the efficient and effective provision of amenities and services, and
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
  - (iv) facilitates farm adjustments, and
  - (v) ensures that the efficiency of arterial roads is not adversely affected by

development on adjacent land.

### 3 Land to which plan applies

This plan applies to the land within the local government area of Coolamon with the boundaries as indicated on the map.

### 4 Relationship to other environmental planning instruments

- (1) *Interim Development Order No 1—Shire of Coolamon* and such local environmental plans and other deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, are repealed to the extent that they so applied.
- (2) *State Environmental Planning Policy No 20—Minimum Standards for Residential Flat Development* is amended by omitting from Schedule 1 the word “Coolamon”.

### 5 Definitions

- (1) In this plan:

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

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work not including changes that result only from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

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

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

**archaeological site** means the site of one or more relics.

**arterial road** means an existing road indicated on the map by heavy black lines.

**caravan park** means land used for the accommodation of caravans or other moveable dwellings within the meaning of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*.

**conservation management plan** means a document, prepared in accordance with the requirements of the NSW Heritage Office, that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable

that significance to be retained.

**Council** means the Coolamon Shire Council.

**demolish**, a heritage item, or a building, work, archaeological site, tree or place within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, archaeological site, tree or place.

**existing holding** means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was as at December 1993, or
- (b) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land—the combined area of those lots, portions or parcels as they were as at December 1993.

**flood liable land** means land shown diagonally hatched with black lines on the map.

**forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing or preparation (other than in a sawmill), of wood or other forest products and the establishment of roads required for the removal of wood or forest products and for forest protection, but does not include the planting of trees for wind breaks or other purposes incidental to farming or the clearing of regrowth from previously cleared land, or minor and incidental felling of trees by landowners for the purposes of farming, firewood, poles, onsite housing, yarding and the like.

**heritage conservation area** means an area of land that is shown on the map as a heritage conservation area and includes buildings, works, archaeological sites, trees and places situated on or within the land.

**heritage impact statement** means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or of a building, work, archaeological site, tree or place within a heritage conservation area, an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

**heritage item** means a building, work, archaeological site or place specified in an inventory of heritage items that is available at the office of the Council and the site of which is described in Schedule 1.

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

**intensive agricultural pursuit** means market gardening, mushroom growing, fruit growing, flower growing, intensive livestock keeping and similar land uses.

**intensive livestock keeping establishment** means a building or place in which or

on which cattle, sheep, goats, poultry or other livestock are held for the purpose of nurturing by a feeding method other than natural grazing and, without limiting the generality of the foregoing, includes:

- (a) feed lots, and
- (b) piggeries, and
- (c) poultry farms,

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land or the supplementary or drought feeding of livestock.

***maintenance*** means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

***place of Aboriginal heritage significance*** means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

***potential archaeological site*** means a site:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of archaeological significance, or
- (b) that, in the opinion of the consent authority, has the potential to be an archaeological site, even if it is not so specified.

***potential place of Aboriginal heritage significance*** means a place:

- (a) that is specified in an inventory of heritage items available at the office of the Council and described in the inventory as a potential place of Aboriginal heritage significance, or

- (b) that, in the opinion of the consent authority, has the potential to have Aboriginal heritage significance, even if it is not so specified.

**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 that is deposited in an office of the Department of Agriculture (and a copy of which is 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 land which the Director-General of Agriculture has notified the Council in writing is not prime crop and pasture land for purposes of this plan.

**recreation area** means:

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

but does not include a racecourse or a showground.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old relating to the use or settlement, not being Aboriginal habitation, of the Coolamon local government area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of the Coolamon local government area.

**renovate**, in relating to building or work, means:

- (a) make structural changes to the outside of the building or work, or
- (b) make non-structural changes to the fabric or appearance of the outside of the building or work, which changes may consist of or include the repair or the painting, plastering or other decoration of the outside of the building or work.

**the map** means the map marked "*Coolamon Local Environmental Plan 1995*", as amended by the maps (or the specified 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.

*Coolamon Local Environmental Plan 1995 (Amendment No 2)*

**tree** includes a sapling and shrub.

- (2) In this plan, a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, lopping, removing or other destruction or injury of the tree.
- (3) In this plan:
  - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
  - (b) 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.
- (4) To the extent that a provision of this plan requires, in relation to land within a specified zone, that a development application for subdivision of any such land disclose the primary purpose for which an allotment to be created by the subdivision is intended to be used, a reference in any subsequent provision of this plan to the purpose for which the allotment is to be used is a reference to the purpose so disclosed.
- (5) Notes in this plan do not form part of this plan.

## **6 Adoption of Model Provisions**

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

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

are adopted for the purposes of this plan.

## **7 Consent authority**

The Coolamon Shire 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) (General Rural)—edged heavy black and lettered “1 (a)”.

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

Zone No 1 (f) (Rural State Forrest)—edged heavy black and lettered “1 (f)”.

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

## **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, and
  - (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) (General Rural)**

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

The objective of this zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
  - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential,
  - (ii) soil stability by controlling and locating development in accordance with the soil capability,
  - (iii) forests of existing and potential commercial value for timber production,

- (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
  - (v) trees and other vegetation in environmentally sensitive localities where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,
  - (vi) water resources for use in the public interest,
  - (vii) localities of significance for nature conservation, including localities with rare plants, wetlands and significant wildlife habitat, and
  - (viii) the environmental heritage of the Coolamon local government area,
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,
  - (c) facilitating farm adjustments,
  - (d) minimising the cost to the community of:
    - (i) fragmented and isolated development of rural land, and
    - (ii) providing, extending and maintaining public amenities and services, and
  - (e) providing land for development for other non-agricultural purposes, in accordance with the need for that development.

## **2 Without development consent**

Agriculture (other than intensive livestock keeping establishments); forestry (other than pine plantations).

## **3 Only with development consent**

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

## **4 Prohibited**

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

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

## **1 Objectives of zone**

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

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

## **2 Without development consent**

Agriculture (other than intensive livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Boarding houses; hotels; motor showrooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

### **Zone No 1 (f) (Rural State Forest)**

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

The objectives of the zone are:

- (a) to permit state forestry activity, and
- (b) to permit appropriate recreational development and activities.

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

Any development permitted under the [Forestry Act 1916](#); camping grounds; forestry; picnic grounds; recreation areas.

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

Nil

#### **4 Prohibited**

Any purpose other than a purpose included in item 2.

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

### **1 Objectives of zone**

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

### **2 Without development consent**

Nil

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

Any purpose other than a purpose included in item 4.

### **4 Prohibited**

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries.

## **Part 3 Special provisions**

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

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has taken into consideration, if relevant, the effect of the carrying out of that development on:
  - (a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production, and
  - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights), and
  - (c) the future extraction of known valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials and localities considered to be prospective for those materials, and
  - (d) the protection of localities of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places, and
  - (e) the cost of providing, extending and maintaining public amenities and services to the site of the development, and
  - (f) the future expansion of settlements in the locality.

- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land and on other land in the locality.
- (3) Subclause (1) does not apply to development consisting of:
  - (a) an addition to a building or work, or
  - (b) development ancillary to other development for which the consent of the Council has been granted, or
  - (c) the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purpose of a dwelling.

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

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 2* as adopted by the Council on 20 March 2000 is **exempt development** if it is carried out on land other than land in Zone No 1 (f), 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 20 March 2000 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 2* as adopted by the Council on 20 March 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 No 2* adopted by the Council, as in force when the certificate is issued.

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

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

- (b) whether any allotment to be created by the subdivision is intended to be used primarily for the purposes of agriculture, and
- (c) whether a dwelling is intended to be erected on any allotment to be created by the subdivision and the approximate location of any such dwelling.

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

- (1) A person may, with the consent of the Council, subdivide an allotment of any area if every allotment to be created by the subdivision is intended to be used for the purposes of agriculture.
- (2) The Council shall not consent to the creation of an allotment intended to be used for the purposes of agriculture if the allotment has an area of less than 200 hectares and there is a dwelling on the allotment.
- (3) Notwithstanding subclause (2), the Council may consent to the creation of one (but not more than one) allotment intended to be used for the purposes of agriculture from an existing holding on which a dwelling stands if that dwelling was lawfully erected on that land on or before the appointed day.

### **Note—**

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

## **13 (Repealed)**

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

- (1) The Council shall not consent to a development application to subdivide land within Zone No 1 (a) if any allotment to be created by the subdivision is intended to be used primarily for purposes other than agriculture or a dwelling, unless, in the opinion of the Council:
  - (a) none of the land the subject of the application is prime crop and pasture land, and
  - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) prevents the Council from granting consent to a development application to subdivide land to create an allotment intended to be used for a purpose other than agriculture or a dwelling if the Council is satisfied that:
  - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality, and
  - (b) no other land in the locality could reasonably be used for that purpose, and
  - (c) the level of demand for the goods or services which are to be supplied from the

allotment and the extent to which that allotment is proposed to be used to meet that demand justify the creation of the allotment notwithstanding its agricultural value.

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

- (1) A person shall not subdivide land within Zone No 1 (c) to create an allotment which the Council is satisfied will be used for the purposes of a dwelling-house unless the allotment has an area, frontage and depth which is, in the opinion of the Council, appropriate to the urban land capability and character of the locality.
- (2) The Council shall not grant consent to the subdivision of land under subclause (1) unless it has taken into consideration:
  - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created, and
  - (b) the desirability of providing a range and mixture of allotment sizes, and
  - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and the physical suitability for on-site disposal of wastes.

**16 Subdivision of land in Zone No 2 (v)**

A person shall not subdivide land within Zone No 2 (v) to create an allotment which the Council is satisfied will be used for the purposes of a dwelling-house unless the allotment has an area, frontage and depth which is (in the opinion of the Council) appropriate to the urban land capability and character of the locality.

**17 Dwellings in Zone No 1 (a)—vacant land**

- (1) The Council shall not consent to an applicant to erect a dwelling on vacant land within Zone No 1 (a) unless:
  - (a) the land has an area of 200 hectares or more, or
  - (b) the land comprises:
    - (i) (Repealed)
    - (ii) a vacant 'existing holding' (as defined in clause 5), or
    - (iii) a lot in a subdivision consented to by the Council for a purpose other than agriculture, or for the purpose of erecting dwellings in accordance with clause 14 and the Council is satisfied that use of the dwelling will be ancillary to the primary purpose for which the land will be used, or



- (iv) be a lot in a subdivision which was approved by the Council before this plan took effect and which met the requirements for erecting dwellings that applied before that time.

(2) In this clause, ***vacant land*** means land on which no dwelling is erected.

#### **17A 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.

#### **18 Creation of additional dwellings in Zone No 1 (a) or 1 (c)**

- (1) A person may, with the consent of the Council, create not more than 2 additional dwellings on land within Zone No 1 (a) or 1 (c) (whether by the erection of a new dwelling or the alteration of an existing dwelling to create 2 dwellings) if:
  - (a) a dwelling could be erected on the land in accordance with clause 17, where the land is within Zone No 1 (a), and
  - (b) no additional access to a public road is required from the land, and
  - (c) separate ownership of the proposed dwelling or dwellings could be achieved only by a subdivision of the land; under this plan, and
  - (d) in the opinion of the Council, the dwelling or dwellings to be created on the land will not interfere with the purpose for which the land is being used, and
  - (e) the land is not prime crop and pasture land unless, despite the land being prime crop and pasture land, the creation of the additional dwelling or dwellings is justified in the opinion of the Council, having regard to the practical and economic provision of access and services to the proposed dwelling or dwellings.
- (2) The Council shall not consent to the subdivision of land on which an additional dwelling is erected in pursuance of this clause except as provided by plan.
- (3) The Council shall not grant a consent pursuant to this clause that may result in the existence on a piece or parcel of land of more than 2 dwellings the erection of which was consented to pursuant to this clause.

#### **19 Applications that must be advertised**

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of

development specified in Schedule 2 in the same way as those provisions apply to and in respect of designated development.

## **20 Development along arterial roads**

The Council shall not grant consent to an application to carry out development on land which has frontage to an arterial road, unless:

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

## **21 Flood liable land**

- (1) A person shall not erect a building or carry out a work on flood liable land except with the consent of the Council.
- (2) In this clause, ***flood liable land*** means land shown as flood liable on the map.

## **22 Heritage aims and objectives**

The objectives of this plan in relation to heritage are:

- (a) to conserve the environmental heritage of the Coolamon local government area, and
- (b) to conserve the existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to ensure that the heritage conservation areas throughout the Coolamon local government area retain their heritage significance.

## **23 Protection of heritage items and heritage conservation areas**

- (1) The following development may be carried out only with development consent:
  - (a) demolishing or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area,

- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area by making structural or non-structural changes to its exterior, such as to its detail, fabric or finish,
  - (c) altering a heritage item by making structural changes to its interior,
  - (d) disturbing or excavating a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
  - (e) moving the whole or a part of a heritage item,
  - (f) erecting a building on, or subdividing, land on which a heritage item is located or that is within a heritage conservation area.
- (2) Development consent is not required by this clause if:
- (a) in the opinion of the consent authority:
    - (i) the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
    - (ii) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area, and
  - (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.
- (3) Development consent is not required by this clause for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:
- (a) the creation of a new grave or monument,
  - (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.
- (4) Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (5) The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those

issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant a consent under this clause until it has considered a conservation management plan if it considers the development proposed should be assessed with regard to such a plan.

- (6) The minimum number of issues that must be addressed by the heritage impact statement are:
- (a) for development that would affect a heritage item:
    - (i) the heritage significance of the item as part of the environmental heritage of the Coolamon local government area, and
    - (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
    - (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
    - (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
    - (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and
  - (b) for development that would be carried out in a heritage conservation area:
    - (i) the heritage significance of the heritage conservation area and the contribution that any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and
    - (ii) the impact that the proposed development would have on the heritage significance of the heritage conservation area, and
    - (iii) the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development, and
    - (iv) the measures proposed to conserve the significance of the heritage conservation area and its setting, and
    - (v) whether any landscape or horticultural features would be affected by the proposed development, and
    - (vi) whether any archaeological site or potential archaeological site would be affected by the proposed development, and

- (vii) the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and
- (viii) the issues raised by any submissions received in relation to the proposed development in response to the notification or advertising of the application.

**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*).

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

- (1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item and of any heritage conservation area within which it is situated.
- (2) This clause extends to development:
  - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing it, or
  - (b) that may undermine or otherwise cause physical damage to a heritage item, or
  - (c) that will otherwise have an adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

## **25 Advertised development for heritage items**

The following development is identified as advertised development:

- (a) the demolition of a heritage item or a building, work, relic, tree or place in a conservation area,
- (b) the carrying out of development allowed by clause 29.

## **26 (Repealed)**

## **27 Development affecting places or sites of known or potential Aboriginal heritage significance**

Before granting consent for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal significance, the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and
- (b) except where the proposed development is integrated development, notify the local Aboriginal communities (in such way as it thinks appropriate) of its intention to do so and take into consideration any comments received in response within 21 days after the relevant notice is sent.

## **28 Development affecting known or potential archaeological sites of relics of non-Aboriginal heritage significance**

(1) Before granting consent for development that will be carried out on an archaeological site of a relic or a potential archaeological site of a relic that has non-Aboriginal heritage significance (whether or not it is, or has the potential to be, also the site of a relic of Aboriginal heritage significance), the consent authority must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) be satisfied that any necessary excavation permit required by the [Heritage Act 1977](#) has been granted.

(2) This clause does not apply if the proposed development:

- (a) does not involve the disturbance of below-ground deposits and the consent authority is of the opinion that the heritage significance of any above-ground relics would not be adversely affected by the proposed development, or
- (b) is integrated development.

## **29 Conservation incentives**

The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of the consent, and

- (b) the proposed use is in accordance with a conservation management plan that has been endorsed by the consent authority, and
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

### **30 Development in heritage conservation areas**

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In satisfying itself about those features, the consent authority must have regard to at least the following (but is not to be limited to having regard to those features):
  - (a) the pitch and form of the roof (if any),
  - (b) the style, size, proportion and position of the openings for windows or doors (if any),
  - (c) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building.

### **31 Access**

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

## **Schedule 1 Heritage items**

(Clause 5 (1))

<b>Description</b>	<b>Address</b>	<b>Lot and DP</b>
<b>Ardlethan</b>		
Old Bank of New South Wales	28 Aariah Street	Lot 20 Section 1 DP 758028
Catholic Presbytery	Cnr Mithul and Park Streets	Lot 1 DP 1003673
London Hotel	12 Mirrool Street	Lot 1 Section 3 DP 5822, Part Lots 2-3 Section 3 DP 5822

**Beckom**

Beckom Hotel	Cnr Ariaah and Deakin Streets	Lot 1 DP 110570
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**Coolamon**

Old Coolamon Hospital	58 Cowabbie Street	Lot 1 Section 25 DP 758277, Lot 4 DP 337903
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Coolamon Hotel	Cnr Wade and Cowabbie Streets	Lot 1 DP 626087, Lot 10 Section 21 DP 758277
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Coolamon Shire Hall	51-55 Cowabbie Street	Lots 9 and 10 Section 26 DP 758277
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Cowabbie Street Park	Cowabbie Street	Part of Road Reserve, Cowabbie Street, Coolamon (between Loughnan and Mann Streets)
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Old General Store (Up-To-Date Store)	127-129 Cowabbie Street	Lot 6 Section 9 DP 758277
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St Michael's Roman Catholic Church	Methul Street	Lot 6 Section 20 DP 758277
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Coolamon RSL	Loughnan Street	Lot 2 DP 224841
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Coolamon Railway Station	Wade Street	Railway land adjacent to Lot 1 DP 807823
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Bank of New South Wales	130 Cowabbie Street	Part Lot 1 Section 15 DP 758277
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Vacant	126-128 Cowabbie Street	Lot 11 DP 827368
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CWA Rooms	124 Cowabbie Street	Part Lot 2 Section 15 DP 758277
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CBC Bank	120 Cowabbie Street	Part Lot 2 Section 15 DP 758277
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Old Curtis Building	116 Cowabbie Street	Lot A DP 101285
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Commins Hendriks	116 Cowabbie Street	Lot B DP 101285, Part Lot C DP 101285
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Treats and Treasures	114 Cowabbie Street	Lot 1 DP 900302
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Vacant	110 Cowabbie Street	Lot 1 DP 515681
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Ganmain Gear	108 Cowabbie Street	Lot 1 DP 313108
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Twomey Patterson Accountants	106 Cowabbie Street	Lot 3 DP 662499
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Vacant	104 Cowabbie Street	Lot 1 DP 592016
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Hairdresser	102 Cowabbie Street	Lot 2 DP 592016
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Craft Shop	100B Cowabbie Street	Lot A DP 374859
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Craft Shop	98 Cowabbie Street	Lot 1 DP 717272
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School of Arts	96 Cowabbie Street	Part Lot 4 Section 15 DP 758277
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Royal Tavern	90 Cowabbie Street	Lot 5 Section 15 DP 758277
Old Wool Store	125 Cowabbie Street	Lot B DP 332315
Old Wool Store	123 Cowabbie Street	Lot A DP 332315
Vacant, Real Est., Vacant	117-121 Cowabbie Street	Lot 10 DP 662482
Bakery, Newsagent, Vacant Block	115 Cowabbie Street	Lot 91 DP 790341
Cobbers Cafe	109 Cowabbie Street	Lot 92 DP 790341
Butcher	107 Cowabbie Street	Lot 1 DP 236175
Coolamon Confectionery	105 Cowabbie Street	Lot 2 DP 236175
Pharmacy	103 Cowabbie Street	Lot 3 DP 236175
Fruit and Veg	101 Cowabbie Street	Lot 1 DP 908058
Hardware	97 Cowabbie Street	Part Lot 8 Section 16 DP 758277
Coolamon Ag. Centre	95 Cowabbie Street	Lot 1 DP 929994
Vacant	93 Cowabbie Street	Lot 10 DP 866258
Wagga District Real Estate	91 Cowabbie Street	Lot 11 DP 866258
Supermarket	87 Cowabbie Street	Lot 1 DP 983895
Craft Shop	85 Cowabbie Street	Lot A DP 330492
Nursery	83 Cowabbie Street	Lot B DP 330492
Vacant	81 Cowabbie Street	Lot 6 DP 662480
Vacant Block	79 Cowabbie Street	Lot 1 DP 176660
<b>Ganmain</b>		
Royal Hotel	27 Waterview Street	Lot 14 Section 11 DP 758428
Ganmain Hotel	Cnr Lake and Ford Streets	Lot 1 DP 217741
Presentation Convent	43 Langham Street	Lot 8 Section 19 DP 758428
St Brendans Catholic Church	43 Langham Street	Lot 9 Section 19 DP 758428
St Brendans Catholic Presbytery	43 Langham Street	Lot 10 Section 19 DP 758428
St Brendans Infants and Primary School	Langham Street	Lots 1-5, 10-14 Section 20 DP 758428
Uniting Church	51-53 Langham Street	Lot 6 Section 19 DP 758428
Old Red Cross Building	Ford Street	Lot A DP 365239
Coolamon Shire Council (vacant)	Ford Street	Lot B DP 365239

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Garage	Ford Street	Lot 1 DP 302890, Lot 1 DP 356889, Lot 16 DP 662665
Senior Citizens Rooms	Ford Street	Lot 1 DP 20220
	77-79 Ford Street	Lot 2 DP 20220
	Ford Street	Lot 3 DP 20220
	85 Ford Street	Lot 4 DP 20220
	Ford Street	Lot 5 DP 20220
	91 Ford Street	Lot 13 Section 35 DP 758428
Post Office	Ford Street	Lot 1 DP 91841
Newsagent	Ford Street	Lot 1 DP 184488, Lot B DP 317457, Lot 1 DP 331395, Lot 11 DP 667723
Sweeneys	Ford Street	Lot 1 DP 319339, Lot 1 DP 324463
Bakery	105 Ford Street	Lot A DP 317457, Lot 1-2 DP 726592
Old Bank of New South Wales	Ford Street	Part Lots 9 and 10 Section 35 DP 758428
Ganmain Hall	Ford Street	Lot 2 DP 217741
Rural Transaction Centre	Ford Street	Lot 7 DP 3786
Solicitors	Ford Street	Part Lot 8 DP 3786
Kellys	Ford Street	Part Lot 8 DP 3786
Ganmain Literary Society	80 Ford Street	Lot 9 DP 3786
Kellys	Ford Street	Lot 1 DP 539212
Kellys	Ford Street	Lot 2 DP 539212
Meakers Store	Waterview Street	Lot 13 Section 11 DP 758428
Residence	46 Waterview Street	Lot 3 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 Section 35 DP 758428
Ganmain Historical Society	Waterview Street	Lot 2 DP 229322
Old Butchery	38 Waterview Street	Lot 1 DP 229322
Vacant	26-28 Langham Street	Lot 3 Section 11 DP 758428
<b>Matong</b>		
Farmers Home Hotel	Cnr Matong and Deepwater Streets	Lots 4 and 5 Section 6 DP 758657

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## **Marrar**

Dundee Motors	1-3 York Street	Lots 1 and 2 Section 3 DP 758650
Vacant	5 York Street	Lot 2 DP 614164
Marrar Ag Centre	7 York Street	Lot 1 Section 3 DP 614164
Lalic Automotive	9 York Street	Lot 2 DP 112691
Marrar Hotel	11-13 York Street	Lot 1 DP 112691, Lot 1 DP 186712

## **Schedule 2 Applications that must be advertised**

(Clause 19)

- (1)** The demolition of a building or work that is a heritage item, or is within a heritage conservation area (not being a partial demolition, which in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage within the area of the Coolamon Shire Council.
- (2)** Development for the purpose of boarding houses; hotels, motels and residential flat buildings.
- (3)** Development for the purpose of industries, other than rural industries within Zone No 1 (a), 1 (c) or 2 (v).
- (4)** Development for the purpose of intensive livestock keeping establishment, junk yards, liquid fuel depots, sawmills or stock and sales yards.