

# Bland Local Environmental Plan 1993

[1993-622]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 8 December 2011 (accessed 30 November 2024 at 6:31)

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The Plan was repealed by cl 1.8 (1) of the *Bland Local Environmental Plan 2011 (639)* (LW 9.12.2011) with effect from 9.12.2011.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

# Bland Local Environmental Plan 1993



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of plan .....	4
2 Aims and objectives etc.....	4
3 Land to which plan applies .....	5
4 Relationship to other environmental planning instruments .....	5
5 Interpretation .....	5
6 Adoption of Model Provisions .....	9
7 Consent authority .....	9
<b>Part 2 General restrictions on development of land</b> .....	9
8 Zones indicated on the map .....	9
9 Zone objectives and development control table.....	9
<b>Part 3 Special provisions</b> .....	13
9A Exempt and complying development .....	13
10 General considerations for development within rural zones.....	13
11 Subdivision of land generally.....	14
12 Subdivision for the purposes of agriculture in Zone No 1 (a).....	14
13 (Repealed) .....	15
14 Subdivision for other purposes in Zone No 1 (a) .....	15
15 Subdivision for the purposes of dwellings in Zone No 1 (c) .....	15
16 Dwellings in Zones Nos 1 (a) and 1 (c) .....	16
16A Dwelling entitlements on existing concessional lots .....	16
17 Additional dwellings in Zones Nos 1 (a) and 1 (c).....	16

18 Applications that must be advertised .....	17
19 Development along arterial roads .....	17
20 Land subject to bushfire hazards.....	17
21 Heritage items .....	18
22 Development in the vicinity of heritage items.....	18
23 Conservation incentives relating to heritage items .....	18
24 Environmentally sensitive land and conservation area .....	18
25 Access .....	19
26 Advertisements .....	19
27 Protection of Aboriginal sites .....	19
28 Additional permitted uses for particular land .....	20
<b>Schedule 1 Heritage items .....</b>	<b>20</b>
<b>Schedule 2 Development which must be advertised .....</b>	<b>23</b>
<b>Schedule 3 Development generating traffic.....</b>	<b>23</b>
<b>Schedule 4 Additional permitted uses.....</b>	<b>24</b>

# Bland Local Environmental Plan 1993



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Bland Local Environmental Plan 1993*.

### 2 Aims and 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 Bland by protecting, enhancing and conserving:
  - (i) prime crop and pasture land,
  - (ii) timber, minerals, soil, water and other natural resources,
  - (iii) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
  - (iv) the environmental heritage of the area of Bland,
- (b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the area of Bland in a manner which is consistent with the aims specified in paragraph (a) and which:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land,
  - (ii) facilitates the efficient and effective delivery of amenities and services,
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand,
  - (iv) ensures that there is adequate and suitable zoned land to meet with demand,
  - (v) promotes West Wyalong and Wyalong as a highway service centre for visitors,

- (vi) ensures that development is carried out in such a way as to allow economic and efficient provision of public services and amenities,
  - (vii) facilitates farm adjustments, and
  - (viii) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and
- (c) to restrict the number of zones in order to create only a broad planning framework to be supported by development control plans on significant matters considered by the Council to require detailed planning provisions.

### 3 Land to which plan applies

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

### 4 Relationship to other environmental planning instruments

*Interim Development Order No 1—Shire of Bland* and such local environmental plans and deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, are repealed.

### 5 Interpretation

(1) In this plan:

**aboriginal relic** means a relic as defined in the [National Parks and Wildlife Act 1974](#).

**alter**, in relation to a heritage item or to a building or work within a 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 non-structural changes due to the 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 took effect.

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

**bed and breakfast accommodation** means the use of an existing lawful dwelling

by its permanent residents for the temporary accommodation of a maximum of 3 visitors for commercial purposes.

**caravan park** means land used as a site for movable dwellings, including tents and caravans or other vehicles used for temporary or permanent accommodation.

**conservation area** means the area of land shown in a distinctive manner and marked “Conservation Area” on the map.

**Council** means the Council of Bland.

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

**environmentally sensitive land** means land shown in a distinctive manner and marked “Environmentally Sensitive Land” on the map.

**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 7 November 1969, or
- (b) if, as at 7 November 1969, a person owned, or the same persons held as joint tenants or as tenants in common, 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 7 November 1969.

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

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

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

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

- (a) feed lots,

- (b) piggeries,
- (c) poultry farms, and
- (d) fish farming (including crustaceans and oysters),

but does not include an animal boarding or training establishment, the artificial feeding of livestock as a result of natural disasters such as drought, bushfire and flood 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.

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

***native plants*** means plants indigenous to the State of New South Wales, including trees, shrubs, ferns, vines, herbs and grasses indigenous to the State.

***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, deposited in the office of the Council and a copy of which is deposited in an office of the Department of Agriculture, 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 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) a place used for sporting activities or sporting facilities, or
- (c) a place 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,
  - (ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

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

***residential accommodation*** means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

***residential care facility*** means accommodation for seniors (people aged 55 years or

more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hospital or psychiatric facility.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

**the map** means the map marked "*Bland Local Environmental Plan 1993*", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

*Bland Local Environmental Plan 1993 (Amendment No 1)*

**tree** includes a sapling or a shrub.

**wetland** means land shown on the map as "Wetland".

- (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 otherwise destroying or injuring of a tree.
- (3) In this plan, a reference to a map is a reference to a map deposited in the office of the Council.
- (4) Notes in this plan do not form part of this plan.



## 6 Adoption of Model Provisions

- (1) The *Environmental Planning and Assessment Model Provisions 1980*, except for:
  - (a) the definition of **map** in clause 4 (1), and
  - (b) clauses 15, 17, 19, 23, 29 and 34,are adopted for the purpose of this plan.
- (2) The definition of **commercial premises** in clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980* is adopted as if there were inserted after the word “clause” wherever occurring the words “or clause 5 (1) of the *Bland Local Environmental Plan 1993*”.

## 7 Consent authority

The Council shall be the consent authority for the purposes of this plan.

## Part 2 General restrictions on development of land

### 8 Zones indicated on the map

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

Zone No 1 (a) (General Rural Zone)—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 or Urban Zone)—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,
  - (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 Zone**

### **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 by controlling and locating development in accordance with land capability,
  - (iii) forests of existing and potential commercial value for timber production,
  - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,
  - (v) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,
  - (vi) water resources for use in the public interest,
  - (vii) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
  - (viii) places and buildings of archaeological or heritage significance, including aboriginal relics and places,
- (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,
- (e) providing land for future urban development, for rural residential development and for development for other non-agricultural purposes, in accordance with the need for that development.

## **2 Without development consent**

Agriculture (other than animal boarding or training establishments, ancillary dwellings and intensive livestock keeping establishments); exempt development; forestry (other than ancillary dwellings and 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 Zone**

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

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

- (a) rural residential or hobby farm development, or
- (b) a range of industrial or storage 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 animal boarding or training establishments, ancillary dwellings and intensive livestock keeping establishments); exempt development.

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

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

#### **4 Prohibited**

Boarding houses; commercial premises; hotels; intensive livestock keeping establishments; motels; 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 Forestry Zone**

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

The objective of this zone is to recognise existing State forests.

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

Agriculture (other than animal boarding or training establishments, ancillary dwellings and intensive livestock keeping establishments); exempt development; forestry; any purpose ordinarily incidental or subsidiary to forestry.

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

Additions or alterations to existing dwellings; bed and breakfast accommodation; construction of carports, garages and swimming pools ancillary to dwellings; extractive industries; mines; sawmills; utility installations.

#### **4 Prohibited**

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

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

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

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

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

Exempt development.

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

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

## 4 Prohibited

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

## Part 3 Special provisions

### 9A Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in *Bland Development Control Plan 1999* adopted by the Council on 21 September 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Bland Development Control Plan 1999* adopted by the Council on 21 September 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 *Bland Development Control Plan 1999* adopted by the Council on 21 September 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Bland Development Control Plan 1999* adopted by the Council, as in force when the certificate is issued.

### 10 General considerations for development within rural zones

- (1) The Council shall not consent to an application to carry out development on the land within Zone No 1 (a), 1 (c) or 1 (f) 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 the land for sustained agricultural production,
  - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
  - (c) the future recovery, from known or prospective areas, of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
  - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including aboriginal relics and places,

- (e) the cost of providing, extending and maintaining public amenities and services to the development, and
  - (f) future expansion of settlements in the locality.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the proposed development to development on adjoining land or on other land in the locality.
- (3) Subclause (1) does not apply to the following development:
- (a) an addition to a building or work,
  - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or
  - (c) the erection of a dwelling-house on an allotment of land that the Council is satisfied was created in accordance with this plan for the purpose of a dwelling.

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

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council shall not consent to an application to subdivide land within Zone No 1 (a) or 1 (c) unless it has obtained all relevant information in relation to, and made an assessment of:
- (a) the primary purpose for which each allotment to be created by the subdivision is intended to be used,
  - (b) whether any allotment to be created by the subdivision is intended to be used primarily for the 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) The Council may consent to the creation of an allotment of any area if the Council is satisfied the allotment will be used for the purposes of agriculture.
- (2) The Council shall not consent to the creation of an allotment that the Council is satisfied will 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 that the Council is satisfied will 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* also enables the subdivision of lots 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 an application to subdivide land within Zone No 1 (a) if the Council is satisfied that any allotment to be created by the subdivision is 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, in the opinion of the Council, it is being created.
- (2) Nothing in subclause (1) prevents the Council from granting consent to an application to subdivide land to create an allotment that will, in the opinion of the Council, be used for a purpose other than agriculture or a dwelling if the Council is satisfied that:
  - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,
  - (b) no other land in the locality could reasonably be used for 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 be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.

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

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (c) unless each allotment to be created that will, in the opinion of the Council, be used primarily for the purposes of a dwelling has an area of 2 hectares or more.
- (2) The Council shall not consent to the subdivision of land as referred to in 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 and boundaries of the allotments proposed to be created,
  - (b) the desirability of providing a range and mixture of allotment sizes, and

- (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and its physical suitability for on-site disposal of wastes.

#### **16 Dwellings in Zones Nos 1 (a) and 1 (c)**

- (1) A person shall not erect a dwelling on vacant land within Zone No 1 (a) or 1 (c) unless:
  - (a) the land within Zone No 1 (a) has an area of 200 hectares or more, or
  - (b) the land within Zone No 1 (c) has an area of 2 hectares or more, or
  - (c) the land comprises:
    - (i) an existing holding,
    - (ii) an allotment that, in the opinion of the Council, was created under this plan for a purpose other than agriculture, or
    - (iii) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling could have been erected immediately before the appointed day.
- (2) In this clause, **vacant land** means land on which no dwelling is erected.

#### **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 Additional dwellings in Zones Nos 1 (a) and 1 (c)**

- (1) This clause applies to land within Zone No 1 (a) or 1 (c) on which only one dwelling-house is situated, being a dwelling-house that was lawfully erected.
- (2) A person may, with the consent of the Council, erect on the land a building containing not more than 2 additional dwellings or alter the dwelling-house to create 2 dwellings.
- (3) The Council must not grant such a consent unless:
  - (a) separate ownership of the proposed dwelling or dwellings may be acquired only by a subdivision of the land,
  - (b) in the opinion of the Council, the proposed dwelling or dwellings and their use will



not interfere with the purpose for which the land is being used, and

(c) in the opinion of the Council, the land is not of significant agricultural value.

(4), (5) (Repealed)

(6) Nothing in this clause allows the Council to consent to a subdivision prohibited by any other provision of this plan.

### **18 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 for the purposes specified in Schedule 2 in the same way as those provisions apply to and in respect of designated development.

### **19 Development along arterial roads**

(1) The Council shall not 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 adversely affected by:

(i) the design of the access to the proposed development,

(ii) the emission of smoke or dust from the proposed development, or

(iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

(2) The Council shall not consent to the development of land within Zone No 1 (a) or 1 (c) for any purpose listed in Schedule 3 if the development of the land for the purpose will have direct access to an arterial road.

(3), (4) (Repealed)

### **20 Land subject to bushfire hazards**

The Council shall not consent to the subdivision of land or to the erection of a building on land which is subject to bushfire hazards by reason of the vegetation on the land or on any adjacent land unless, in the opinion of Council:

(a) adequate provision is made for access for firefighting vehicles,

(b) adequate safeguards are adopted in the form of firebreaks, reserves and fire radiation zones, and

- (c) adequate water supplies are available for firefighting purposes.

## **21 Heritage items**

- (1) In respect of a building, work, relic, tree or place that is a heritage item, a person must not:
- (a) demolish or alter the building or work,
  - (b) damage or remove the relic, or excavate for the purpose of exposing the relic,
  - (c) damage, despoil or destroy the tree or place, or
  - (d) erect a building on, or subdivide, land on which the building, work or relic is situated or on the land which comprises the place,
- except with the consent of the Council.
- (2) Before granting consent to a development application relating to a heritage item, the Council must consider the impact of the development or adjacent development on the heritage significance of the item.

### **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*).

- (3)–(5) (Repealed)

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

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

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

Nothing in this plan prevents the Council from granting consent to the use for any purpose of a building that is a heritage item or of the land on which that building is erected where, in the opinion of Council:

- (a) the use would have little or no adverse effect on the amenity of the locality, and
- (b) conservation of the building depends on the Council granting consent.

## **24 Environmentally sensitive land and conservation area**

- (1) In this clause, **clearing** means the destruction or removal of trees and other vegetation, but does not include the clearing of regrowth from land previously cleared for agricultural use, or the cutting down of individual trees for farm purposes, such as

fencing or firewood, which may be carried out without the consent of the Council.

- (2) A person shall not clear land within a conservation area or clear environmentally sensitive land without the consent of the Council.
- (3) A person shall not, except with the consent of the Council:
  - (a) erect a building within a conservation area, or
  - (b) clear, drain or fill a wetland or construct a levee on a wetland within a conservation area.
- (4) In determining an application for consent required by subclause (2) or (3), the Council shall make an assessment of:
  - (a) the risk of soil erosion or other land degradation,
  - (b) the loss of important vegetation systems and natural wildlife habitats, and
  - (c) the extent to which the carrying out of the proposed development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, natural or aesthetic significance of the conservation area,and may attach conditions to minimise any adverse effects.

## **25 Access**

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

## **26 Advertisements**

- (1) The Council shall not consent to an application for consent to display an advertisement in Zone No 1 (a) or 1 (c) unless the Council is satisfied that:
  - (a) the advertisement is necessary to direct the travelling public to:
    - (i) places of scientific, historical or scenic interest, or
    - (ii) services or amenities necessary to meet the needs of the travelling public, and
  - (b) the size, dimensions and appearance of the advertisement would not interfere with the existing or likely future amenity of the neighbourhood.
- (2) (Repealed)

## **27 Protection of Aboriginal sites**

- (1) The Council shall maintain a register for planning purposes of Aboriginal relic sites and places notified or declared under Part 6 of the *National Parks and Wildlife Act 1974*, and a list of locations and landscape elements where there is a high likelihood of

Aboriginal relic sites occurring, as may be supplied to it from time to time by the Director-General of National Parks and Wildlife.

(2), (3) (Repealed)

## **28 Additional permitted uses for particular land**

(1) Development on particular land that is described or referred to in Schedule 4 may be carried out:

(a) with consent, or

(b) if the Schedule so provides—without consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the development control table to clause 9 or other provision of this plan.

## **Schedule 1 Heritage items**

(Clause 5 (1))

### **West Wyalong**

**1** Myrtle Court (28 Church Street)

**2** St Barnardos Anglican Church (3 England Street)

**3** Tatersalls Hotel (Corner Main Street and Monash Street)

**4** Former Rural Chambers (110 Main Street)

**5** Main Street Group, comprising Former Medical Hall (131 Main Street), Souden's Homestead Store (133-135 Main Street), C.B.C. Bank (141 Main Street), Bank of New South Wales (142 Main Street), John Souden Jewellers (148 Main Street), Globe Hotel (151 Main Street) and Thom's Corner (143-147 Main Street)

**5A** Butcher Shop and Ideal Store (185-187 Main Street)

**5B** General Cemetery (Clear Ridge Road) (2.5km north-east of West Wyalong)

**5C** Tivoli Theatre Shops Group (185-193 Main Street)

**5D** White Tank, Formerly Barrington's Hotel (corner Grenfell Street)

**5E** The Fine Arts Pavilion (1911), The Sheep Pavilion (1920s), The Cattle Pavilion, The

Poultry Pavilion (1917), West Wyalong Showground

- 5F** McCann Reserve Aboriginal Site (213–219 Main Street)
- 5G** Flour Mill Site (106 Railway Road)
- 5H** Old Tote Building, Old Racecourse (276 Main Road, 57 North)
- 5I** Palmer & Coves/Wyalong Grain Buildings (93–95, 97–99 Main Street)
- 5J** Post Office Hotel (96 Main Street)
- 5K** Fosseys Store (98–100 Main Street)
- 5L** Rovers Den Building (Gladstone Street)

### **Wyalong**

- 6** Former Post Office (Corner Neeld Street and Slee Street)
- 7** Courthouse and Lock-up Group, comprising Courthouse (Corner Neeld Street and Slee Street), Former Lock-up (Slee Street) and Constables Quarter (Slee Street)
- 8** Former Watterson Store (Neeld Street)
- 9** Wyalong House (Neeld Street)
- 10** Linley, formerly Grenfell Hill (Slee Street 1.1 km north of Neeld Street)
- 11** Former School of Arts Group, comprising Former School of Arts (Neeld Street) and Former Council Chambers and Hall (Neeld Street)
- 11A** Wyalong Tavern (74–76 Neeld Street)
- 11B** Herridges Brick Kilns (24 Clear Ridge Road)
- 11C** Brick Barns (31 Mallee Street)
- 11D** Grenfell Hill (138 Slee Street)

### **Barmedman**

- 12** Hotels Group, comprising Queensland Hotel (Corner Star and Queen Street) and Barmedman Hotel (Corner Star and Queen Street)
- 13** Barmedman Station and outbuildings
- 13A** General Cemetery (Temora Road, 1.6km south of Barmedman)
- 13B** Homestead and Kitchen/laundry (part of Barmedman Station, 6.8km from

Barmedman)

**13C** Stables, Sheds and Woolshed (1905) (part of Barmedman Homestead, 6.8km from Barmedman)

**13D** Queensland Hotel (1925–27) (76 Queen Street)

**13E** John Meagher & Co. Building (east side) (70 Queen Street)

**13F** Shops and Garage (west side) (66–68 Queen Street)

**13G** Shops and Garage (63–69 Queen Street)

### **Mirrool**

**14** Hotel Mirrool

### **Rural Areas**

**15** Bygoo Station (Ramsay District)

**15A** Bygoo Station Burial Sites Group (Stewart Family Cemetery) (Sprys Lane, 10km north of Ardlethan, 200m north of Bygoo Station)

**15B** Bygoo Station Burial Sites Group (Memorial to John Stewart) (Sprys Lane, 10km north of Ardlethan, 200m south of Bygoo Station)

**15C** Bygoo Station Burial Sites Group (Lone Grave of Boundary Rider's Wife) (Sprys Lane, 10km north of Ardlethan, 150m from Bygoo Homestead)

**15D** Graves on Lake Cowal Station (Newell Highway, 6km north of Marsden on Lake Cowal Station)

**15E** Lone Grave of Anne Woodhouse (Calleen Lane, 500m off, 1km south of Calleen, 20km north-west of West Wyalong)

**15F** Lone Graves (Wisman, Kerner) (Williams Crossing Road on East Bland property, 3.5km south of Williams Crossing (Bland) heading to Morangarell)

**15G** Morangarell General Cemetery (Barmedman-Morangarell Road)

**15H** Cowal West Homestead, Quarters, Shed and Stables (1890) (Portion 347, Lake Cowal Road, Parish of Corringale)

**15I** Bolero, via Ariah Park (orig. kelpie) (Ardlethan-Tallimba Road, Bland local government area)

## **Schedule 2 Development which must be advertised**

(Clause 18)

- 1 The demolition of a building or work that is a heritage item or is within a 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 heritage significance of the building or work as part of the environmental heritage of the area of Bland.
- 2 The use of a building or land referred to in clause 23 for a purpose which, but for that clause, would be prohibited under this plan.
- 3 Boarding houses; hotels/motels; residential flat buildings.
- 4 Industries, other than rural industries, in Zone No 1 (a), 1 (c) or 2 (v).
- 5 Intensive livestock keeping; junk yards; liquid fuel depots; saw-mills, stock and sales yards.

## **Schedule 3 Development generating traffic**

(Clause 19 (2))

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

## **Schedule 4 Additional permitted uses**

(Clause 28)

### **1 Use of certain land at Ungarie Road, West Wyalong**

- (1) This clause applies to land at Ungarie Road, West Wyalong, being Lot 604, DP 753135.
- (2) Development for the purpose of seniors housing is permitted with consent.