



New South Wales

Young Local Environmental Plan 2010 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**K CRAIG FILMER, DIRECTOR PLANNING, ENVIRONMENT AND STRATEGIC
SERVICES, YOUNG SHIRE COUNCIL**
As delegate for the Minister for Planning

Young Local Environmental Plan 2010 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Young Local Environmental Plan 2010 (Amendment No 7)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Young Local Environmental Plan 2010* applies.

4 Maps

The maps adopted by *Young Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Young Local Environmental Plan 2010

[1] Land Use Table

Omit the following from item 3 of the matter relating to Zone RU1 Primary Production:

- Advertising structures;
- Agriculture;
- Depots;
- Freight transport facilities;
- Funeral homes;
- Light industries;
- Mortuaries;
- Rural supplies;

[2] Land Use Table, Zone RU1 Primary Production

Insert in alphabetical order in item 3:

- Aquaculture;
- Boat launching ramps;
- Boat sheds;
- Eco-tourist facilities;
- Emergency services facilities;
- Environmental facilities;
- Function centres;
- Helipads;
- Home industries;
- Hotel or motel accommodation;
- Information and education facilities;
- Jetties;
- Mooring pens;
- Moorings;
- Places of public worship;
- Plant nurseries;
- Residential care facilities;
- Restaurants or cafes;
- Secondary dwellings;
- Signage;
- Water recreation structures;
- ; Wharf or boating facilities

[3] Land Use Table, Zone RU4 Primary Production Small Lots

Insert "Environmental protection works;" in alphabetical order in item 2.

[4] Land Use Table, Zone RU4 Primary Production Small Lots

Omit the following from item 3:

- Advertising structures;
- Environmental protection works;
- Funeral homes;

[5] Land Use Table, Zone RU4 Primary Production Small Lots

Insert in alphabetical order in item 3:

- Eco-tourist facilities;
- Environmental facilities;
- Mooring pens;
- Moorings;
- Recreation facilities (indoor);
- Recreation facilities (outdoor);
- Residential care facilities;
- Respite day care centres;
- Restaurants or cafes;
- Secondary dwellings;
- Signage;
- Water recreation structures;

[6] Land Use Table, Zone R1 General Residential

Omit the following from item 3:

- Food and drink premises;
- ; Any other development not specified in item 2 or 4

[7] Land Use Table, Zone R1 General Residential

Insert in alphabetical order in item 3:

- Bed and breakfast accommodation;
- Building identification signs;
- Exhibition villages;
- Home businesses;
- Home industries;
- Jetties;
- Secondary dwellings;

[8] Land Use Table, Zone R1 General Residential

Omit the matter relating to item 4.

Insert instead “Any development not specified in item 2 or 3”.

[9] Land Use Table, Zone R5 Large Lot Residential

Insert in alphabetical order in item 3:

- Bed and breakfast accommodation;
- Boat launching ramps;

Building identification signs;
Dual occupancies;
Exhibition villages;
Home businesses;
Home industries;
Jetties;
Residential care facilities;
Respite day care centres;
Secondary dwellings

[10] Land Use Table, Zone R5 Large Lot Residential

Omit “Any other development not specified in item 2 or 4” from item 3.

[11] Land Use Table, Zone R5 Large Lot Residential

Omit the matter relating to item 4.

Insert instead “Any development not specified in item 2 or 3”.

[12] Clause 5.4 Controls relating to miscellaneous permissible uses

Omit “3” from clause 5.4 (5). Insert instead “8”.

[13] Clause 5.13

Omit the clause. Insert instead:

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and

- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

[14] Clause 6.1 Erection of dwelling houses on land in certain residential, rural and environment protection zones

Insert after clause 6.1 (3):

- (3A) Subclause (3) (b) and (c) do not apply to a lot created before 2 February 1990.

[15] Schedule 1 Additional permitted uses

Omit “a poultry farm and stock feed processing” from clause 5 (2).

Insert instead “agricultural produce industries and a poultry farm”.

[16] Schedule 3 Complying development

Insert in Part 1:

Parking and storage of passenger buses, heavy vehicles, plant and machinery

- (1) Must only be on land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone R1 General Residential or Zone R5 Large Lot Residential.
- (2) Must be used for commercial purposes.
- (3) Must be used by an occupant of an existing dwelling house that adjoins the land.
- (4) Maximum area:
 - (a) if constructed on land in Zone RU5, Zone R1 or Zone R5—30m², or
 - (b) if constructed on land in Zone RU1 or Zone RU4—100m².

- (5) If located on land in Zone RU5, Zone R1 or Zone R5—must be located at least 3m from the primary road frontage of the lot and from other lot boundaries.
- (6) If located on land in Zone RU1 or Zone RU4—must be located at least 10m from the primary road frontage of the lot and from other lot boundaries.
- (7) Maintenance and servicing of vehicles must not be carried out on the land.
- (8) Vehicle access that is satisfactory to the Council must be provided from the development to the nearest Council-owned road.
- (9) Must not be located on land containing water, sewerage or stormwater infrastructure or over an easement used for the provision of essential services.

[17] Schedule 3, Part 2

Insert after the note:

Note 2. Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3. In addition to the requirements specified for development under this Schedule, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4. If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5. Under section 86A of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

[18] Schedule 3, Note

Insert at the end of the Schedule:

Note. The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.