

# Uralla Local Environmental Plan 1988

[1988-658]



New South Wales

## Status Information

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### Provisions in force

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### 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](#).

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of plan .....	5
2 Aims, objectives etc.....	5
3 Land to which plan applies .....	5
4 Relationship to other environmental planning instruments .....	5
5 Interpretation .....	5
6 Adoption of Model Provisions .....	8
7 Consent authority .....	8
<b>Part 2 Zones</b> .....	9
8 Zones indicated on the map .....	9
9 Zone objectives and development control table.....	9
<b>Part 3 Special provisions</b> .....	22
9A What is exempt and complying development? .....	22
10 General consideration for development within rural zones .....	22
11 Subdivision of land generally.....	23
12 Subdivision for the purposes of agriculture within Zone No 1 (a) or 1 (b) .....	24
12A Subdivision for the purpose of dwelling-houses within Zones No 1 (a) or 1 (b).....	24
13 Subdivision for other purposes within Zone No 1 (a) or 1 (b) .....	25
14 Subdivision within the diagonally hatched section of Zone No 1 (b) .....	25
15 Subdivision within Zone No 1 (c) .....	25
15A Development of certain land at Invergowrie .....	26
16 Subdivision within Zone No 1 (d) .....	27

17 Subdivision for specialised intensive agricultural enterprises or exceptional circumstances within Zone No 1 (a) or 1 (b)	27
18 Subdivision of land within Zone No 2 (a) or 2 (v)	28
19 Dwelling-houses in Zone No 1 (a), 1 (b), 1 (c), 1 (d), 2 (a) or 2 (v)	29
20 Erection of additional dwellings	29
21 Development for the purposes of tourist facilities	31
21A Aircraft landing strips prohibited on certain land	32
22 Applications that must be advertised	32
23 Development along classified roads	32
24 Environmentally sensitive land	32
25 Flood liable land	34
26 Land subject to bushfire hazards	34
27 Protection of heritage items and heritage conservation areas	35
28 Development in the vicinity of a heritage item or heritage conservation area	36
29 Heritage Office to be given prior notice of demolition consent	36
30 Conservation incentives relating to heritage items and heritage conservation areas	36
31 Access	36
<b>Part 4 Miscellaneous provisions</b>	<b>36</b>
32 General principles	36
33 Clearing and scenic protection	39
34 Zones Nos 2 (a) and 2 (v)—building matters	40
35 Roads, drainage, recreation areas and parking	40
36 Community use of school facilities or sites	41
37 Building line	41
38 Development near boundary of adjacent zones	41
39 Development on land in the Parish of Balala	42
40 Development for certain additional purposes	42
41 Development on Portion 385 Parish of Uralla	42
<b>Schedule 1 Aims, objectives etc</b>	<b>43</b>
<b>Schedule 2 Heritage items</b>	<b>48</b>
<b>Schedule 3 Development which must be advertised</b>	<b>50</b>

<b>Schedule 4 Development along arterial roads</b> .....	50
<b>Schedule 5 Development to which Community Land Development Act 1989 applies</b> .....	51
<b>Schedule 6 Development for certain additional purposes</b> .....	52

# Uralla Local Environmental Plan 1988



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Uralla Local Environmental Plan 1988*.

### 2 Aims, objectives etc

The general aims, objectives, policies and strategies of this plan are set out in Schedule 1 and the particular objectives of each zone are set out in the Table to clause 9.

### 3 Land to which plan applies

This plan applies to all land within the Shire of Uralla, as shown by heavy black edging on the map.

### 4 Relationship to other environmental planning instruments

This plan repeals *Uralla Local Environmental Plan No 1* and *Uralla Local Environmental Plan No 2*.

### 5 Interpretation

(1) In this plan:

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

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

**arterial road** means the New England Highway (SH9) and Main Roads 73, 124 and 132.

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

**classified road** has the same meaning as in the *Roads Act 1993*.

**Council** means the Council of the Shire of Uralla.

**demolition**, in relation to a building or works, means the damaging, defacing, destruction, pulling down or removal of that building or work, in whole or in part.

**environmentally sensitive land** means land shown vertically hatched with black lines 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 8 August 1975, or
- (b) if, as at 8 August 1975, 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 on 8 August 1975.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or similar substances but does not include any metal or mineral.

**flood liable land** means either land within Bundarra village shown double hatched with black lines on the map or land located within the narrow floodplains of creeks and rivers in the Shire.

**geological hazard** means any natural or geological features or man-made feature that may cause problems for developers or occupiers, including any earthquake, shoreline (coastal, dam and river) erosion, flood liable land, land subject to landslip, land with expansive soils (which could crack foundations), thin soils (poor for sillage disposal) or dispersive soils (easily eroded), unstable steep rocky slopes, man-made fill and mine wastes.

**heritage conservation area** means land shown with horizontal or cross hatching on sheet 2 of the map marked “*Uralla Draft Local Environmental Plan 1988 (Amendment No 11)*” and includes buildings, works, relics, trees and places situated on or within that land.

**heritage item** means a building, work, relic or place described in Schedule 2.

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

**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 farming of crustaceans), 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.

**mineral** means any mineral as defined in the *Mining Act 1973*.

**prime crop and pasture land** means land within an area identified, on a map prepared by or on behalf of the Director-General of the Department of Agriculture and Fisheries (copies of which are deposited in an office of the Department of Agriculture and Fisheries and 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 has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used 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 the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**relic** has the meaning ascribed to it in section 4 (1) of the *Heritage Act 1977*, but only insofar as it relates to the area of the Council.

**renovations**, in relation to a building or works, means:

- (a) the making of structural changes to the inside or outside of the building or work,  
or
- (b) the making of non-structural changes to the fabric or appearance of the outside of the building or work, including changes that involve the repair or the painting, plastering or other decoration of the outside of the building or work.

**service allotments** means allotments provided with reticulated water, sewerage and electricity services, adequate drainage, sealed road frontage, vehicular access, parking facilities and a telephone service.

**the map** means the map marked “*Uralla Local Environmental Plan 1988*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) as marked as follows:

*Uralla Local Environmental Plan 1988 (Amendment No 1)*

*Uralla Local Environmental Plan 1988 (Amendment No 2)*

*Uralla Local Environmental Plan 1988 (Amendment No 3)*

*Uralla Local Environmental Plan 1988 (Amendment No 5)*

*Uralla Local Environmental Plan 1988 (Amendment No 7)*

*Uralla Local Environmental Plan 1988 (Amendment No 11)*

**tree** includes a sapling and a shrub.

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:
- (a) a reference to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
  - (b) a reference to a map is a reference to a map deposited in the office of Council, and
  - (c) a reference to land within a zone specified in clause 8 is a reference to land shown on the map in the manner indicated in that clause as applicable to indicate land of the zone so specified.
- (3) 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 a tree.

## **6 Adoption of Model Provisions**

- (1) The *Environmental Planning and Assessment Model Provisions 1980*, except for the definition of **arterial road**, **extractive material**, and **map** in clause 4 (1) and clauses 15, 29 and 34, are adopted for the purposes 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 in the definition the words “or clause 5 of the *Uralla Local Environmental Plan 1988*”.

## **7 Consent authority**

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



## **Part 2 Zones**

### **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) (Rural Zone)—edged heavy black and lettered “1 (a)”.

Zone No 1 (b) (Agricultural Protection Zone)—edged heavy black and lettered “1 (b)” including that area hatched with diagonal lines.

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

Zone No 1 (d) (Rural Residential Zone)—edged heavy black and lettered “1 (d)”.

Zone No 2 (a) (Residential Zone)—edged heavy black and lettered “2 (a)”.

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

Zone No 3 (a) (General Business Zone)—edged heavy black and lettered “3 (a)”.

Zone No 3 (b) (Special Business Zone)—edged heavy black and lettered “3 (b)”.

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

Zone No 4 (b) (Light Industrial Zone)—edged heavy black and lettered “4 (b)”.

Zone No 6 (Open Space Zone)—edged heavy black and numbered “6”.

### **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 development:
  - (a) that may be carried out without development consent, and
  - (b) that may be carried out only with development consent, and
  - (c) that 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 land applies unless Council is of the opinion that the carrying out of development is consistent with one or more of the objectives of the zone within which the development is proposed to be carried out.

Table

## **Zone 1 (a) Rural Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to enable the continuation of traditional forms of rural land use and occupation,
- (b) to enable other forms of development which are associated with rural activity or which require a rural location and which are in keeping with the rural character of the land and compatible with existing or likely future small holdings,
- (c) to ensure that the type and intensity of development is appropriate in relation to the characteristics of the land and the rural environment and consistent with the optimization of public services and amenities,
- (d) to provide a range of holdings to meet the changing needs and demands of rural dwellers whether on a single or multiple occupancy basis,
- (e) to ensure that a scenic backdrop is maintained around the urban areas generally and specifically around Uralla village,
- (f) to ensure that development of land in that part of the zone which is liable to flooding is carried out in a manner appropriate to the flood hazard,
- (g) to ensure that development of land in that part of the zone which is subject to bushfires is carried out in a manner which complies with rural bushfire safety standards,
- (h) to protect, enhance and conserve:
  - (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 soil capability,
  - (iii) forests of existing and potential commercial value for timber

production and soil conservation, water catchment protection and farm shelter values,

- (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 mining or 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 the protection of Aboriginal relics and places,
- (i) to prevent the unjustified development of prime crop and pasture land for purposes other than agriculture,
- (j) to facilitate farm adjustments,
- (k) to minimise 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
- (l) to provide land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development.

## **2 Without Development Consent**

Development for the purpose of:

Agriculture (other than dwellings and buildings associated with agriculture, intensive livestock keeping establishments and the carrying out of substantial earthworks).

Exempt development.

### **3 Only with Development Consent**

Development for the purpose of:

- (a) Bed and breakfast accommodation, commercial change of use and building alterations, dwelling-houses, extensions and alterations, industrial and warehouse buildings, swimming pools, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Development for the purpose of motor showrooms, residential flat buildings, shops (other than general stores not exceeding 100 square metres in gross floor area).

## **Zone 1 (b) Agricultural Protection Zone**

### **1 Objectives of Zone**

The objectives are all of those objectives for land within Zone No 1 (a) excluding that objective described in paragraph (d) for that zone, together with the following objectives:

- (a) to ensure that land which is of relatively better agricultural production potential is maintained in agricultural use and in parcels arranged in a manner which maximises potential agricultural use,
- (b) to maintain the agricultural viability of the best agricultural land within the diagonally hatched portion of the zone by prohibiting further subdivision and development except by amalgamation,
- (c) to maintain the agricultural base of the zone on land with good agricultural production potential by permitting subdivision on land other than land referred to in paragraph (b) only for the purposes of amalgamation, or for the creation of allotments for the purposes of agricultural uses which have a proven agricultural viability, and
- (d) to ensure that the impact of development in areas of high soil erosion is minimised.

## **2 Without Development Consent**

Development for the purpose of:

Agriculture (other than dwellings and buildings associated with agriculture, intensive livestock keeping establishments and the carrying out of substantial earthworks).

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Within the entire zone: agricultural purposes other than those permitted without consent, ancillary structures (class 10 buildings under the *Building Code of Australia*), bed and breakfast accommodation, bushfire fighting establishments, dwelling-houses, extensions and alterations, extractive industries, forestry, home industries, home occupations, mining, roadside stalls, tourist facilities, utility installations.
- (b) Only in those parts of the zone which are not diagonally hatched: garbage disposal areas, picnic grounds, recreation areas, recreation facilities, riding schools, rural industries.

## **4 Prohibited**

Development for the purpose of any purpose other than a purpose include in item 2 or 3.

### **Zone 1 (c) Rural Small Holdings Zone**

#### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to enable development for the purposes of hobby farms and other less intensive small rural holding activities to be carried out on land which is suitable for those purposes,
- (b) to encourage the planning of the size and shape of hobby farms and small rural holdings with regard to views, soils, topography, vegetation, winds and the location of services,
- (c) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape

and to agricultural productivity,

- (d) to permit development of hobby farms and small holdings accessible to existing urban centres and services, and
- (e) to enable other forms of development to be carried out on land within the zone if it is in keeping with the rural character of the locality and is compatible or associated with the use of existing or likely future holdings.

## **2 Without Development Consent**

Development for the purpose of:

Agriculture (other than animal boarding or training establishments, dwellings and buildings associated with agriculture, intensive livestock keeping establishments and the carrying out of substantial earthworks).

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Bed and breakfast accommodation, dwelling-houses, extensions and alterations, swimming pools, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of boarding houses, caravan parks, commercial premises, hotels, institutions, intensive livestock keeping establishments, liquid fuel depots, mines, motels, motor showrooms, offensive or hazardous industries, refreshment rooms, residential flat buildings, shops (other than general stores), timber yards, warehouses.

## **Zone 1 (d) Rural Residential Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to enable residential development of serviced allotments to be carried out on land which is suitable for the purpose and accessible to Uralla,

- (b) to provide for the creation of rural residential allotments with a variety of allotment sizes,
- (c) to encourage the planning of the size and shape of rural residential holdings with regards to views, soils, topography, vegetation, winds and the location of services, and
- (d) to enable other development to be carried out on land within the zone if it is in keeping with the rural character of the locality and is compatible with the existing or likely use of the land for rural residential holdings.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Bed and breakfast accommodation, dwelling-houses, extensions and alterations, industrial and warehouse buildings, swimming pools, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of boarding houses, child care centres, cluster development, commercial premises, community centres, educational establishments, extractive industries, general stores, intensive livestock keeping establishments, mines, motor showrooms, offensive and hazardous industries, picnic grounds, places of assembly, places of public worship, public buildings, recreation establishments, residential flat buildings, rural industries, shops, tourist facilities.

## **Zone 2 (a) Residential Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to maintain or improve the amenity of predominantly residential areas,
- (b) to permit development for non-residential purposes only in appropriate locations that serve the needs of the local neighbourhood and only if it

will not detrimentally affect the amenity of the neighbourhood and its residents,

- (c) to encourage a range of housing types and densities to cater for varying residential lifestyles, and
- (d) to permit more efficient use of existing social and physical infrastructure by encouraging new development on serviced land.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Ancillary structures (class 10 buildings under the *Building Code of Australia*), bed and breakfast accommodation, dwelling-houses, extensions and alterations, swimming pools.
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of aircraft landing strips, airline terminals, animal boarding or training establishments, aquaculture/mariculture, bulk stores, bus depots, bus stations, car repair stations, clubs, commercial premises, extractive industries, forestry, helipads, heliports, hotels, industries (other than home industries), intensive livestock keeping establishments, institutions, junk yards, light industries, liquid fuel depots, mines, mineral sand mines, motor showrooms, offensive or hazardous industries, public buildings, refreshment rooms, road transport terminals, roadside stalls, rural industries, rural worker's dwellings, sawmills, service stations, shops, stock and sale yards, transport terminals and warehouses.

## **Zone 2 (v) Village or Urban Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to recognise existing villages and to enable future development appropriate to their function,
- (b) to encourage development which will generate employment and



contribute to the needs of the area,

- (c) to ensure that development does not place demands on public services to the detriment of existing users, and
- (d) to ensure that development of flood liable land is carried out in a manner appropriate to the flood hazard.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Bed and breakfast accommodation, commercial change of use and building alterations, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of extractive industries, intensive livestock keeping establishments, mines, offensive and hazardous industries.

### **Zone 3 (a) General Business Zone**

#### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to maintain and enhance the role of the Uralla town centre as the major centre for retail, commercial and professional services for the area,
- (b) to encourage business activities to meet the needs of the community and contribute towards economic growth and employment opportunities within the area, and
- (c) to encourage development that maintains or improves the character of the Uralla town centre and is in sympathy with existing development in terms of visual amenity, heritage significance and streetscape character.

#### **2 Without Development Consent**

Exempt development.

### **3 Only with Development Consent**

Development for the purpose of:

- (a) Ancillary structures (class 10 buildings under the *Building Code of Australia*), bed and breakfast accommodation, commercial change of use and building alterations and temporary buildings.
- (b) Any purpose other than a purpose included in item 2 or 4.

### **4 Prohibited**

Development for the purpose of aircraft landing strips, animal boarding or training establishments, aquaculture/mariculture, bulk stores, bus depots, caravan parks, car repair stations, dwellings (other than a dwelling that is on the same parcel of land as development permitted in the zone), extractive industries, forestry, helipads, heliports, industries (other than home industries), intensive livestock keeping establishments, junk yards, liquid fuel depots, mines, mineral sand mines, motor showrooms, offensive or hazardous industries, road transport terminals, roadside stalls, rural industries, rural worker's dwellings, sawmills, service stations, stock and sale yards, transport terminals (other than airline terminals and bus stations), turf farms and warehouses.

## **Zone 3 (b) Special Business Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to provide for retail, commercial and tourist activities which will not prejudice the role or function of the Uralla town centre as the main area for retail and commercial activities in the town,
- (b) to provide for low density retail and commercial activities which, in general, do not rely upon a high level of pedestrian accessibility, provide carparking requirements on the land that is the subject of the development and require a relatively large area to display or store goods for retail sale or distribution,
- (c) to encourage development which will serve the needs of the travelling public and promote and contribute to tourist development within the area, and

- (d) to encourage development which will improve and contribute towards an attractive approach to the town of Uralla, taking into account the visual amenity, landscaping, advertising, setbacks, bulk, scale and external appearance of new development.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Bed and breakfast accommodation, commercial change of use and building alterations, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of aircraft landing strips, animal boarding or training establishments, aquaculture/mariculture, boarding houses, bus depots, car repair stations, commercial premises (other than those ancillary to development permitted in the zone), dwellings (unless ancillary to development permitted in the zone), extractive industries, forestry, helipads, heliports, industries (other than home industries), intensive livestock keeping establishments, junk yards, liquid fuel depots, mines, mineral sand mines, offensive or hazardous industries, road transport terminals, roadside stalls, rural industries, rural worker's dwellings, sawmills, stock and sale yards, transport terminals (other than airline terminals and bus stations) and turf farms.

## **Zone 4 (a) General Industrial Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to identify land that is suitable for industrial development which by its nature may require a large area of land or isolation from existing urban areas,
- (b) to encourage employment generating industries to locate within the zone so as to contribute to the economic development of the district,

- (c) to permit industry which will not have an undue adverse impact on the amenity of the locality, and
- (d) to discourage offensive or hazardous development where it is considered that an adverse environmental impact is likely to occur.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of bus depots, car repair stations, commercial premises (that are ancillary to development permitted in the zone), generating works, helipads, industrial warehouse buildings, industries (other than home industries), junk yards, light industries, liquid fuel depots, offensive or hazardous industries, public utility undertakings, road transport terminals, rural industries, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*), utility installations and warehouses.

## **4 Prohibited**

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

### **Zone 4 (b) Light Industrial Zone**

#### **1 Objectives of Zone**

The objectives of this zone are

- (a) to provide land which is suitable for a range of light industrial development and to facilitate local economic development,
- (b) to create recognisable industrial land use areas within the town of Uralla,
- (c) to discourage industries which are likely to have an adverse impact on the environment or are likely to interfere with the amenity of the locality,
- (d) to locate industrial development where it has ready access to main road transport routes so as to avoid or minimise the use of roads in residential areas by traffic associated with industrial development, and
- (e) to permit other forms of development which are associated with or ancillary to industrial development.

## **2 Without Development Consent**

Exempt development.

## **3 Only with Development Consent**

Development for the purpose of:

- (a) Industrial and warehouse buildings, temporary buildings and ancillary structures (class 10 buildings under the *Building Code of Australia*).
- (b) Any purpose other than a purpose included in item 2 or 4.

## **4 Prohibited**

Development for the purpose of aquaculture/mariculture, boarding houses, caravan parks, commercial premises (other than those ancillary to development permitted in the zone), dwellings (unless ancillary to development permitted in the zone), educational establishments, forestry, hotels, motels, refreshment rooms, roadside stalls, shops (unless ancillary to development permitted in the zone or catering to the local needs of the industrial area), tourist facilities and turf farms.

## **Zone 6 Open Space Zone**

### **1 Objectives of Zone**

The objectives of this zone are:

- (a) to provide a range of recreational areas and facilities to meet the open space leisure and sporting needs of the local and district communities,
- (b) to permit development for the purposes of land uses which are associated with, ancillary to or will not compromise the primary use of the land for open space purposes, and
- (c) to recognise and preserve existing open space facilities within the town of Uralla.

### **2 Without Development Consent**

Development for the purpose of:

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

Exempt development.

### 3 Only with Development Consent

Development for the purpose of:

(other than those ancillary to development permitted in the zone), dwellings (unless ancillary to development permitted in the zone), extractive industries, general stores, generating works, heliports, industries, intensive livestock keeping establishments, junk yards, light industries, liquid fuel depots, mines, mineral sand mines, motor showrooms, offensive or hazardous industries, professional consulting rooms, retail plant nurseries, road transport terminals, roadside stalls, rural industries, rural worker's dwellings, service stations, shops (unless ancillary to development permitted in the zone), stock and sale yards, turf farms and warehouses.

## Part 3 Special provisions

### 9A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Development Control Plan No 6* as adopted by the Council on 22 November 1999 is **exempt development**, despite any other provisions of this plan.
- (2) Development listed as complying development in *Development Control Plan No 6* as adopted by the Council on 22 November 1999 is **complying development** if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Development Control Plan No 6* as adopted by the Council on 22 November 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 6* adopted by Council, as in force when the certificate is issued.

### 10 General consideration 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), 1 (b), 1 (c) or 1 (d) 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,
  - (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) known deposits of valuable minerals, coal, petroleum, sand, gravel or other extractive materials, or areas considered by the Department of Mineral Resources to be prospective for these 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 development to development on adjoining land or on other land in the locality.
- (3) Subclause (1) does not apply to development consisting of:
- (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 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) A person who makes a development application to subdivide land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d) shall, in the application form:
  - (a) state, in relation to each allotment created by the subdivision, the primary purpose for which that allotment is intended to be used,
  - (b) identify any allotment which is intended to be used primarily for the purposes of agriculture,

- (c) identify any allotment which is intended to be used primarily for the purposes of a dwelling,
  - (d) identify any allotment on which it is intended to erect a dwelling and state whether or not the dwelling is the primary purpose for which the allotment is being created, and
  - (e) show the approximate location of any dwelling erected on the land at the date of the application.
- (3) The Council shall not consent to an application to subdivide land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d) unless the application form complies with subclause (2).

**12 Subdivision for the purposes of agriculture within Zone No 1 (a) or 1 (b)**

- (1) The Council shall not consent to the creation of an allotment for the purposes of agriculture if:
- (a) in the case of land within Zone No 1 (a) the allotment has an area of less than 400 hectares and there is a dwelling on the allotment, or
  - (b) in the case of land within Zone No 1 (b) the allotment has an area of less than 200 hectares and there is a dwelling on the allotment.
- (2) Except as provided by clause 14, nothing in this plan prevents the subdivision of land, with the consent of the Council, for the purpose only of its transfer to another person engaged in an agricultural activity, where the Council is satisfied that the allotment is intended to be used only for the purposes of agriculture.
- (3) The Council shall not consent to the subdivision of land so as to create an allotment permitted by, subclause (2) unless:
- (a) the allotment will, in the opinion of the Council, be used, as an agricultural holding, or
  - (b) the subdivided allotment amalgamated with the adjacent or adjoining lot, portion or parcel to whose owner it is transferred.
- (4) Notwithstanding subclause (1), the Council may consent to the creation for the purposes of agriculture of one but not more than one allotment of area not greater than 5 hectares from an existing holding on which a dwelling stands if that dwelling was lawfully erected on that land on or before the appointed day.

**12A Subdivision for the purpose of dwelling-houses within Zones No 1 (a) or 1 (b)**

The Council shall not consent to the creation of an allotment that it is satisfied will be used for the purpose of a dwelling-house unless:

- (a) in the case of land within Zone No 1 (a), the allotment has an area of not less than



400 hectares, or

- (b) in the case of land within Zone No 1 (b), the allotment has an area of not less than 200 hectares.

**13 Subdivision for other purposes within Zone No 1 (a) or 1 (b)**

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) or 1 (b) if 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 it is being created, and is not in any case to be greater than 2 hectares in area.
- (2) Nothing in subclause (1) prevents the Council from granting consent of an application to subdivide land to create an allotment 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,
  - (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.
- (3) The Council shall consider the effect of any such subdivision upon agriculture in the area as well as on the allotment itself.

**14 Subdivision within the diagonally hatched section of Zone No 1 (b)**

Notwithstanding clauses 12 and 13, the Council shall not consent to an application to subdivide land for the purpose of agriculture or dwellings within the diagonally hatched section of Zone No 1 (b) (unless that subdivision is for the purpose of amalgamation with existing adjoining holdings) if the portions resulting from the subdivision are less than 200 hectares in area.

**15 Subdivision within Zone No 1 (c)**

- (1) A person may subdivide land within Zone No 1 (c) only where each allotment to be created by the subdivision will have an area of not less than 2 hectares, unless the subdivision is for the purpose of a public utility undertaking.
- (2) The Council may grant consent to an application for consent to subdivide land within

Zone No 1 (c) only after it has made an assessment of:

- (a) the capacity of the land to provide an adequate domestic water supply or the developer's proposal to provide an adequate water supply,
- (b) the ability of the land to accommodate suitable disposal of household waste based on recognised tests carried out by the developer,
- (c) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
- (d) the need to maintain a semi-rural character in the area,
- (e) the standard and capacity of public roads serving the land, having regard to the likely volume of traffic to be generated as a consequence of the number and size of the allotments to be created by the subdivision and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated, in particular the provision of tar-sealed access to Uralla,
- (f) the size of the proposed allotments, having regard to the desirable sequence of development of land within Zone No 1 (c),
- (g) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services,
- (h) the nature and topography of the land, having regard to the number and size of the allotments to be created by the subdivision,
- (i) the effect that the use to which the land is likely to be put after its subdivision may have on soil erosion or pollution of the environment,
- (j) the desirability of providing a range and mix of allotment sizes,
- (k) the provision of services including electrical power, mail, telephone and school bus routes, and
- (l) the provision (if any) to be made for bush fire prevention and control.

#### **15A Development of certain land at Invergowrie**

- (1) This clause applies to land within Zone No 1 (c) as shown edged heavy black on the map marked "*Uralla Local Environmental Plan 1988 (Amendment No 3)*".
- (2) A person may, but only with the consent of the Council, subdivide and otherwise develop the land to which this clause applies in accordance with the [Community Land Development Act 1989](#).
- (3) Any such development must result in a density of residential development providing

not more than one dwelling for each 2 hectares of the land. However, each allotment created need not necessarily have an area of 2 hectares or more.

- (4) The Council must not consent to any such development unless the requirements of Schedule 5 have been satisfied.

**16 Subdivision within Zone No 1 (d)**

- (1) A person may subdivide land within Zone No 1 (d) only where each allotment to be created by the subdivision will have an area of not less than 0.5 hectares and the average area will be not more than 2 hectares, unless the subdivision is for the purpose of a public utility undertaking.
- (2) The Council may grant consent to an application for consent to subdivide land within Zone No 1 (d) only after it has made an assessment of:
- (a) the availability of reticulated water services,
  - (b) the availability of reticulated sewerage services,
  - (c) the availability of other utility services and social services, having regard to the likely demand for those services and the costs of their provision,
  - (d) the need to maintain a semi-rural character in the area,
  - (e) the standard and capacity of public roads serving the land, having regard to the likely volume of traffic to be generated as a consequence of the number and size of the allotments to be created by the subdivision and the means available to improve roads to tar-sealed standards,
  - (f) the size of the proposed allotments, having regard to the desirable sequence of development of the land,
  - (g) the likely impact the development will have on other land and, in particular, on land located between the land to be subdivided and major public roads and utility services,
  - (h) the nature and topography of the land, having regard to the number and size of the allotments to be created by the subdivision,
  - (i) the effect that the use to which the land is likely to be put after its subdivision may have on soil erosion or pollution of the environment, and
  - (j) the desirability of providing a range and mix of allotment sizes.

**17 Subdivision for specialised intensive agricultural enterprises or exceptional circumstances within Zone No 1 (a) or 1 (b)**

- (1) Notwithstanding clauses 12, 13 and 14 the Council may consent to the subdivision of

land within Zone No 1 (a) or 1 (b) so as to create an allotment having a smaller size than that otherwise provided by those clauses, but only where it is satisfied that:

- (a) the allotment to be created:
    - (i) is intended to be used for the purposes of specialised or intensive agriculture, which may consist of intensive horticulture or animal husbandry, and is of a size capable of being used for those purposes, or
    - (ii) is intended to be used for traditional agricultural purposes or is of exceptional quality, and the applicant can demonstrate to the Council that the allotment involved is not adequately classified in terms of its zone or should be subdivided into a lesser area than the minimum provided in respect of land within that zone,
  - (b) creation of the allotment will not adversely affect the agricultural viability or potential of the residue of the land subdivided and the residue is capable of economically supporting an agricultural use of a type common in the locality,
  - (c) the proposed use to which the allotment will be put is economically viable, having regard to the size and layout of the allotment,
  - (d) an adequate water supply is available or can be made available to the proposed allotment and is of a suitable capacity for the proposed use,
  - (e) the soil, topography, drainage and other physical characteristics of the land are suitable for the proposed use,
  - (f) adequate all-weather vehicular access is available or can be made available to the land, being access of a suitable standard and capacity, and
  - (g) the proposed use will not adversely affect the amenity of the land surrounding the proposed allotment.
- (2) In determining an application to subdivide land pursuant to this clause, the Council shall consult with, and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and may also require supporting evidence to demonstrate the economic viability of the proposed use, including the advice of an expert agronomist.

### **18 Subdivision of land within Zone No 2 (a) or 2 (v)**

- (1) Land within Zone No 2 (a) or 2 (v) shall not be subdivided for the purposes of the erection of a dwelling-house unless each allotment created by the subdivision will have an area of not less than 560 square metres.
- (2) Council shall not consent to an application to subdivide any such land unless it has made an assessment of the subdivision layout, including a specific analysis of the

following matters:

- (a) landform, including slope, drainage patterns, erosion and geological hazards,
- (b) the size and shape of each allotment, having regard to its proposed use and hydrological and landscape features.

**19 Dwelling-houses in Zone No 1 (a), 1 (b), 1 (c), 1 (d), 2 (a) or 2 (v)**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1(c), 1 (d), 2 (a) or 2 (v).
- (2) A person shall not erect a dwelling-house on vacant land unless:
  - (a) the land has an area of:
    - (i) 400 hectares or more, in the case of land within Zone No 1 (a),
    - (ii) 200 hectares or more, in the case of land within Zone No 1 (b),
    - (iii) 2 hectares or more, in the case of land within Zone No 1 (c),
    - (iv) 0.5 hectares or more, in the case of land within Zone No 1 (d), or
    - (v) 560 square metres or more, in the case of land within Zone No 2 (a) or 2 (v),  
or
  - (b) the land comprises:
    - (i) an existing holding,
    - (ii) an allotment created under this plan for a purpose other than agriculture,
    - (iii) an allotment created under clause 17, or
    - (iv) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling-house could have been erected immediately before the appointed day.
- (3) In this clause, **vacant land** means land on which no dwelling-house is erected.
- (4) Nothing in this clause prevents the erection of a dwelling-house on land on which another dwelling-house (which was lawfully erected) is situated, where the dwelling-house is intended to replace the other dwelling-house and is not occupied until the other dwelling-house is demolished or its occupation has permanently ceased.

**20 Erection of additional dwellings**

- (1) This clause applies to all land the subject of this plan on which a dwelling-house may be erected.
- (2) A person may, with the consent of the Council, build, alter or add to a dwelling-house

so as to create two separate dwelling units on an allotment of land to which this clause applies.

- (3) The Council shall not give its consent under subclause (2) unless:
- (a) the area of the allotment on which the dwelling-house is erected exceeds 560 square metres, if the land is within Zone No 2 (v),
  - (b) in the case of alteration or addition of an existing dwelling-house, the ground floor area of the dwelling-house will not, by virtue of the proposed alteration or addition, be increased by more than 30 per cent,
  - (c) it is satisfied that one of the dwellings is intended to be used by the owner of the allotment,
  - (d) no additional access to a public road is required from the land,
  - (e) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land,
  - (f) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land is being used, and
  - (g) the land is not prime crop and pasture land.
- (4) Subclause (3) (b) does not apply where the dwelling-house, as proposed to be altered or added to, would not occupy more than 30 per cent of the allotment.
- (5) Subclause (3) (d) does not apply where the provision of additional access to a public road will not have a significant adverse impact on traffic.
- (6) Nothing in subclause (2) operates so as to require the physical attachment of two separate dwellings in the case of land within Zone No 1 (a) or 1 (b) unless determined otherwise by Council provided the second dwelling is a rural workers' dwelling.
- (7) Subclause (2) does not permit a person to build (so as to constitute one of the separate dwelling units referred to in that subclause) a separate dwelling-house on an allotment on which a dwelling-house is already situated, except if it is built for the accommodation of a worker engaged in agricultural or pastoral work on the allotment or in accordance with subclause (9).
- (8) Except as provided by this plan, the Council shall not consent to the subdivision of land on which additional dwellings are erected in pursuance of this clause.
- (9) The Council may consent to the building of more than two separate dwellings if it is satisfied that:
- (a) the buildings to be created are intended to be used in conjunction with specialised

or intensive agriculture practices, which may consist of intensive horticulture or animal husbandry, and are required for the operation of those practices,

- (b) creation of the buildings will not adversely affect the agricultural viability or potential of the land and the land is capable of economically supporting the proposed agricultural practice,
- (c) the proposed use to which the building will be put is economically viable, having regard to the size and layout of the allotment,
- (d) an adequate water supply is available or can be made available to the proposed building,
- (e) the soil, topography, drainage and other physical characteristics of the land are suitable for the proposed use,
- (f) adequate vehicular access is available to the building, and
- (g) the proposed building will not adversely affect the amenity of the land surrounding the building.

(10) In determining an application to erect additional dwellings pursuant to subclause 9, the Council shall consult with and take into consideration any opinion expressed by the Director-General of the Department of Agriculture and Fisheries and may also require supporting evidence to demonstrate the economic viability of the proposed use, including the advice of an expert agronomist.

## **21 Development for the purposes of tourist facilities**

- (1) The Council may grant consent to the subdivision of land intended to be used for the purposes of a tourist facility or the erection of a tourist facility only after it has made an assessment of the matters referred to in clause 15 (2) (a) to (l).
- (2) Where an application is made for consent to the carrying out of development for the purposes of tourist facilities, including the erection of temporary or holiday accommodation, the Council may consent to the carrying out of that development only where:
  - (a) the Council is satisfied that the dwellings to be erected will be available for use for temporary or holiday accommodation only,
  - (b) the form of the development, including the number, scale and bulk of the buildings and their relationship with each other, is compatible with the character of the locality, and
  - (c) where the development is to be carried out within Zone No 1 (a) or 1 (b) the development is not disruptive to the agricultural use or viability for agricultural use of the land on which it is located.

### **21A Aircraft landing strips prohibited on certain land**

- (1) This clause applies to land generally north of Uralla shown cross-hatched on the map marked "*Uralla Local Environment Plan 1988 (Amendment No 9)*".
- (2) Despite any other provision of this plan, development for the purpose of an aircraft landing strip on land to which this clause applies is prohibited.

### **22 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 3 in the same way as those provisions apply to and in respect of designated development.

### **23 Development along classified roads**

- (1) The Council shall not consent to an application to carry out development on land which has frontage to a classified road, unless:
  - (a) access to that land is provided by a road other than the classified road, wherever practicable, and
  - (b) in the opinion of the Council, the safety and efficiency of the classified 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 classified road to gain access to the proposed development.
- (2) The Council shall not consent to the development of land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d) for any purpose listed in Schedule 4 if the development of the land for the purpose will result in direct access to:
  - (a) a classified road, or
  - (b) a road connecting a classified road, where the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the classified road.

### **24 Environmentally sensitive land**

- (1) The aims and objectives of this clause are:
  - (a) to control soil erosion (except to the extent that it is controlled under any other law),
  - (b) to protect water catchment,



- (c) to protect important natural habitats, and
  - (d) to protect scenic ridgelines.
- (2) A person shall not carry out development on environmentally sensitive land for the purposes of:
- (a) intensive livestock keeping,
  - (b) junk yards,
  - (c) liquid fuel depots,
  - (d) offensive or hazardous industries,
  - (e) sawmills, or
  - (f) stock and sales yards.
- (3) Otherwise than on Crown timber lands requiring the granting or issue of an authority under the *Forestry Act 1916* by the Forestry Commission, a person shall not, except with the consent of the Council, cause the destruction of trees on:
- (a) more than one hectare of environmentally sensitive land forming the whole or part of an existing holding, or
  - (b) more than 5 percent of the area of an existing holding, where that 5 percent comprises environmentally sensitive land,
- whichever is less.
- (4) The Council shall not consent to an application made for the purposes of subclause (2) unless, in the opinion of the Council, the destruction of trees on the land will be carried out in a manner which, in respect of that land and adjacent land, minimises:
- (a) the risk of soil erosion or other land degradation,
  - (b) the loss of scenic amenity,
  - (c) the loss of important vegetation systems and natural wildlife habitats, and
  - (d) the quality or quantity of the Shire's water supply resources.
- (5) The Council shall not consent to an application made for any development on environmentally sensitive land if that development will not:
- (a) ensure the quantity and quality of the Shire's water supply resources,
  - (b) be carried out in a manner which does not pollute or otherwise adversely affect drainage systems or interfere with the recharging of an aquifer,

- (c) protect and enhance areas worthy of conservation for their natural, scenic, scientific, archaeological, cultural or historic significance,
- (d) protect the resource base of the zone in terms of timber, minerals and extractive and construction materials,
- (e) enhance the local environment, minimise the loss of protection given to native flora and fauna and conserve the essential ecological processes and life support systems on which the community depends,
- (f) encourage tree preservation to provide wildlife refuges and wildlife corridors for the protection of natural ecosystems,
- (g) maintain the scenic quality of the area, particularly with respect to significant ridgelines and hilltops,
- (h) ensure that development of land in that part of the area which is liable to flooding is carried out in a manner appropriate to the flood hazard,
- (i) ensure that development of land in that part of the area which is subject to bushfires is carried out in a manner which complies with rural bushfire safety,
- (j) ensure that the impact of development in areas of high soil erosion is minimised, and
- (k) on land with slopes greater than 18 degrees ensure that there will be no clearing of land beyond that required for essential bushfire protection purposes or the minimal clearing necessary for building construction, mining or extractive industry purposes otherwise permitted in this plan.

## **25 Flood liable land**

A person shall not erect a building or carry out a work for any purpose on flood liable land except with the consent of the Council.

## **26 Land subject to bushfire hazards**

- (1) The Council shall not grant consent to any development on land to which this plan applies which is subject to bushfire hazards until it has been satisfied:
  - (a) as to the nature and degree of the hazard and the appropriate measures proposed to reduce the hazard to a minimum acceptable level,
  - (b) in the case of a subdivision of land:
    - (i) that the subdivision has been designed to enable the siting of any subsequent buildings in areas of least risk,
    - (ii) that a perimeter road or other satisfactory provision exists or else has been

provided in the subdivision or on land adjoining the subdivision for the purpose of providing a fire break and access for fire fighting vehicles,

(iii) as to the adequacy of the depth of allotments adjoining land which may be the source of bushfire hazard, for the purposes of providing a fire radiation zone, and

(iv) that adequate provision for road egress from bushfire prone areas is made,

(c) in the case of buildings:

(i) as to the layout and siting of dwelling-houses and the siting of swimming pools, water reserves and communications,

(ii) as to the provision of cleared and landscaped areas, and

(iii) that the nature of the construction materials are consistent with rural bushfire safety,

(d) that the provision and the means of access for firefighting vehicles are adequate, and

(e) that means are available to ensure that fire protection measures including fire radiation zones and hazard reduction are appropriately maintained.

(2) Notwithstanding subclause (1), the Council may refuse consent to a development application where it is of the opinion that the development is inappropriate having regard to the bushfire hazard affecting the land the subject of the application.

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

(1) A person shall not in respect of a building, work, relic or place that is a heritage item or is within a heritage conservation area:

(a) demolish, renovate or extend that building or work,

(b) damage or despoil that relic or place or any part of that relic or place,

(c) excavate any land for the purpose of exposing or removing that relic, or

(d) erect a building on the land on which that building, work or relic is situated or the land which comprises that place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:

(a) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the heritage item or the heritage

conservation area,

(b) whether the setting of the heritage item and, in particular, whether any stylistic, horticultural or archaeological features of the setting, should be retained, and

(c) whether the heritage item constitutes a danger to the users or occupiers of that item or to the public.

(3) The consent of the Council is not required by this clause if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area.

### **28 Development in the vicinity of a heritage item or heritage conservation area**

The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item or heritage conservation area, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

### **29 Heritage Office to be given prior notice of demolition consent**

Where a person makes a development application to demolish a building or work that is a heritage item the Council shall not grant consent to that application until 28 days after the Council has notified the Director of the Heritage Office of its intention to do so.

### **30 Conservation incentives relating to heritage items and heritage conservation areas**

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 within a heritage conservation area 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 area, and

(b) conservation of the building depends on the Council granting consent in pursuance of this clause.

### **31 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.

## **Part 4 Miscellaneous provisions**

### **32 General principles**

(1) Subject to subclause (2), Council shall not grant consent to any development on land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d) unless it is satisfied:

(a) in relation to the following general principles:

- (i) the development is generally compatible with the suitability and capability of the land on which it is to be carried out, according to good agricultural and soil conservation practices,
- (ii) the development is of a type compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the land,
- (iii) any development on land within Zone No 1 (b) does not materially reduce the agricultural production potential of the land on which it is to be carried out or of adjoining land,
- (iv) the possible future use of the land and of land in the locality is not prejudiced, particularly land which potentially contains mineral or recoverable extractive material,
- (v) the development does not materially affect any wildlife refuge, item of the environmental heritage or any identified site containing relics,
- (vi) the development (including access roads) should reduce or not worsen the effects of all the erosion processes (including the actions of both wind and water) occurring before the development occurred and the application should specify the measures to be taken to achieve this reduction,
- (vii) adequate community facilities and services are available to the land and its future occupants,
- (viii) where a reticulated sewerage service is unavailable, the land is capable of on-site disposal of wastewater,
- (ix) where reticulated water is not available, there is provision for a domestic water supply including an adequate fire-fighting capacity,
- (x) the development does not have the possible effect of creating demands for unreasonable provision of an extension of services by the Council or any other public authority,
- (xi) the development does not create any significant additional traffic or create or increase a condition of ribbon development on any road, particularly on an arterial road, relative to the capacity, standard and safety of the road,
- (xii) direct access to arterial roads is minimised and where no alternative access is available, the location and provision of access minimises potential traffic hazards,
- (xiii) the development incorporates adequate provision for drainage, including sediment and waste control and prevention of uncontrolled flow of water

across the land or adjoining land,

(b) in relation to the following subdivision principles:

(i) adequate flood-free access is available to each allotment created as a result of the subdivision and located so as to minimise the risk of soil erosion,

(ii) the subdivision is designed:

(A) to ensure that any buildings likely to be erected on allotments created by the subdivision are able to be sufficiently separated to maintain the rural character of the locality,

(B) to maximise the retention of natural vegetation in any subsequent development, and

(C) to minimise the potential for significant alterations to the natural land form in any subsequent developments by way of construction of access driveways, excavations, filling and the like,

(iii) each allotment to be created by the subdivision:

(A) includes flood-free land for building sites and for movement of any stock during floods,

(B) is designed to facilitate the installation of farm dams, and

(C) provides potential building sites with minimum risk of damage by bushfire or soil instability,

(iv) adequate soil erosion control measures are incorporated in the subdivision, including measures to be carried out prior to the subdivision taking place,

(c) in relation to the following principles for buildings:

(i) buildings are sited, designed and are of appropriate scale so as:

(A) to maintain the rural character of the locality,

(B) not to lessen the solar energy available to neighbouring lands,

(C) to minimise disturbance to the landscape through clearing, earthworks, access roads and other construction methods,

(D) to generally fit into their environment to the maximum extent consistent with being sited to minimise flood, soil erosion and bushfire hazards, and

(E) to maintain slope stability,

(ii) buildings do not excessively intrude into the skyline when viewed from roads

or other public places,

- (iii) buildings are sited in relation to the boundaries of the site, to existing buildings on the site or on adjoining land, and to potential building sites on adjoining land, in order to avoid an over concentration of buildings, and that the overall pattern of building development maintains the rural character of the locality,
- (iv) the curtilages of buildings wherever possible are to be landscaped to lessen the impact of buildings on their natural or rural setting and not to create a bushfire hazard,
- (v) essential buildings are sited in positions of least flood risk and the level of buildings is above the 1 per cent probability flood level and the buildings are capable of withstanding floodwater pressures,
- (vi) adequate flood-free access is available to all dwellings.

- (2) Notwithstanding subclause (1), the Council may grant consent to development which does not satisfy one or more of the principles set out in that subclause where:
  - (a) in the circumstances of the case there is a contradiction between one or more principles, or
  - (b) the nature of the site makes it unreasonable to comply with one or more of the principles.

### **33 Clearing and scenic protection**

- (1) Subject to this clause and clause 24, land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d) may be cleared for the purposes of agriculture, horticulture, forestry, air navigation or bushfire safety without the consent of the Council.
- (2) Nothing in subclause (1) authorises the clearing of land in contravention of the [Forestry Act 1916](#), or of any other statute concerned with soil erosion, protection of catchment areas, scenic areas or the like.
- (3) Land shall not be cleared or land filled for any purpose not identified in subclause (1) except with the consent of the Council.
- (4) Subclause (1) does not apply to land:
  - (a) within 50 metres of a public road,
  - (b) containing wetlands or remnant rainforest vegetation systems,
  - (c) forming a prominent or major ridgeline,
  - (d) within the area extending from Uralla Village boundary to the first ridgeline in all

directions.

- (5) Council shall not grant consent to the clearing of land referred to under subclause (3) or (4) unless it is satisfied that:
  - (a) clearing is essential for the reasonable economic use of the land or the provision of public utility services,
  - (b) the clearing is proposed to be carried out in a manner which minimises:
    - (i) visual and scenic impact,
    - (ii) the risk of soil erosion by wind or water,
    - (iii) the risk of water pollution through increased siltation or otherwise,
    - (iv) the destruction of rare or important vegetation systems,
  - (c) clearing is essential to reduce the risk of bushfires,
  - (d) appropriate measures are proposed to retain parts of existing vegetation or to landscape the site,
  - (e) clearing will minimise the effects on wildlife and wildlife movement patterns, and
  - (f) cleared material will be disposed of to the satisfaction of the Council and in particular will not obstruct waterways.
- (6) Nothing in this clause operates to preclude the Council from making a tree preservation order to further restrict or qualify the clearing of land.

#### **34 Zones Nos 2 (a) and 2 (v)—building matters**

- (1) The Council may consent to the carrying out of cluster housing development on land in Zone No 2 (a) or 2 (v) provided the number of dwelling-houses to be erected within the development does not exceed the quotient obtained by dividing the total site area expressed in square metres by 560, adjusted to the nearest whole number.
- (2) A building shall not be erected on land in Zone No 2 (a) or 2 (v) to a height greater than 8 metres above ground level when measured to the ridgeline.

#### **35 Roads, drainage, recreation areas and parking**

- (1) Nothing in this plan prevents the Council or another public authority carrying out development consistent with the provisions of this plan on land within any zone for the purposes of roads, stormwater drainage, flood mitigation, recreation areas, landscaping, gardening, bushfire hazard reduction or parking.
- (2) The reference in subclause (1) to the carrying out of development for the purpose of roads includes a reference to the winning of extractive material within the road



reserve by a public authority for the purpose of road construction.

### **36 Community use of school facilities or sites**

- (1) Where land to which this plan applies is used for the purposes of an educational establishment, the site and facilities of the establishment may, with the consent of the Council, be used for any community purpose, whether or not any such use is a commercial use of the land.
- (2) Nothing in this clause requires development consent to be granted for the carrying out of development on any land if that development could, but for this clause, be carried out on that land without development consent.

### **37 Building line**

- (1) Where land has frontage to a road, a building erected on the land shall be set back from the nearest alignment of the road at not less than the distance determined by the Council in relation to the land.
- (2) In determining a distance for the purposes of this clause, the Council shall have regard to:
  - (a) the nature, scale and function of the buildings,
  - (b) the maximisation of sight distances for drivers using the road including visibility of points of access to the road,
  - (c) the minimisation of distractions to drivers using the road, and
  - (d) any possible future need to alter the road alignment.

### **38 Development near boundary of adjacent zones**

- (1) Subject to subclause (2), development which is permitted within an adjacent zone may, with the consent of the Council, be carried out on land within 50 metres of either side of the boundary of a zone.
- (2) The Council may grant consent under this plan for the carrying out of development pursuant to subclause (1) only where:
  - (a) the carrying out of the development is necessary, in the opinion of the Council, due to design requirements relating to the subdivision of land to which this plan applies, and
  - (b) an area of land in the adjacent zone is available in the immediate vicinity of the site on which development may be carried out pursuant to the consent, being an area:
    - (i) within which the proposed development may be carried out, with or without

the consent of the Council, in the absence of this clause, and

- (ii) which is, in the opinion of the Council, sufficient and suitable for the carrying out of development for the purposes referred to in subparagraph (i).

### **39 Development on land in the Parish of Balala**

- (1) This clause applies to certain land within the Parish of Balala as shown edged heavy black on the map marked "*Uralla Local Environmental Plan 1988 (Amendment No 4)*".
- (2) Notwithstanding any other provisions of this plan, a person may, subject to subclause (4) and with the consent of the Council, subdivide land to which this clause applies under the *Community Land Development Act 1989*.
- (3) Before granting a consent as allowed by this clause, the Council shall ensure that:
  - (a) the allotments created by the subdivision that may be used for residential purposes will be restricted to the land shown as hatched on the map referred to in subclause (1), and
  - (b) the number of residential allotments to be created will not exceed 11.
- (4) The Council shall not grant a consent as allowed by this clause after the fifth anniversary of the date upon which *Uralla Local Environmental Plan 1988 (Amendment No 4)* took effect, or after such later date as the Minister may, before that anniversary, notify by order published in the Gazette.

### **40 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out on land described in Column 1 of Schedule 6, development for the purpose of a building, work, place or land use described in Column 2 of that schedule, subject to such conditions (if any) identified in Column 3 of that Schedule.
- (2) The Council shall not grant consent to the carrying out of any development to which Schedule 6 applies after the date specified in Column 4 of that Schedule in relation to that development.

### **41 Development on Portion 385 Parish of Uralla**

- (1) This clause applies to land comprised of Portion 385 Parish of Uralla.
- (2) Consent for development must be accompanied by a study which:
  - (a) identifies any contamination on the site, the effect that contaminants may have on the development proposal and measures to mitigate against any harm arising from development of the land, and
  - (b) identifies potential impacts on the Racecourse and Dangars lagoons that may

result from development of the land and measures to mitigate any harm to those lagoons arising from development of the land.

- (3) The Council must not grant consent to the development unless it is satisfied that:
- (a) the land is suitable for the type of development proposed,
  - (b) development of the land will not pose a risk to public health and safety, and
  - (c) any contaminants will not adversely affect adjoining land or land within the locality of the development.
- (4) This clause does not affect the application of *State Environmental Planning Policy No 55—Remediation of Land*.

## **Schedule 1 Aims, objectives etc**

(Clause 2)

### **1 General**

The aims, objectives, policies and strategies of this plan are:

- (a) generally:
- (i) to provide for the orderly and balanced allocations of rural land resources in Uralla Shire,
  - (ii) to maintain the best agricultural land in commercial production and prevent its fragmentation into small and uneconomic lots,
  - (iii) to encourage the efficient use of all agricultural land and maintain the integrity of all agricultural activities,
  - (iv) to permit rural subdivision in areas which support the use of existing services in an economic and efficient manner whilst preserving and encouraging growth of rural-residential areas with good access and high residential amenity,
  - (v) to provide a range of holdings to meet the changing needs and demands of rural dwellers,
  - (vi) to protect areas worthy of conservation for their natural, scenic, scientific, archaeological, cultural or historic significance,
  - (vii) to protect regional and local water catchment areas and groundwater reserves,
  - (viii) to protect the Shire's resource base in timber, mineral and extractive materials,
  - (ix) to prevent subdivision in areas liable to hazard, whether bushfire, geologic, soil erosion, flooding or other hazards,

- (x) to maintain planning constraints consistent with the relevant legislative requirements, and
  - (xi) to take account of the physical nature of the local environment so that development is in harmony with that local environment,
- (b) more specifically:
- (i) to permit the subdivision of non-prime agricultural land subject to environmental suitability, cost effectiveness and economic demand,
  - (ii) to permit development subject to its being in the overall social and economic interest of the community and the Shire, rather than just an individual or small group vested interest,
  - (iii) to maximise the use of existing services,
  - (iv) to minimise further social and economic costs to the community associated with isolated rural-residential holdings,
  - (v) to provide for equitable cost-sharing of public services and facilities,
  - (vi) to implement a “user pays” principle to development generally, in terms of the provision of or upgrading of public utilities and services and the increased hazard factors from soil erosion, waste-disposal, geological hazard, bushfires and the like, so that existing landowners are not disadvantaged by nor subsidise new developments,
  - (vii) to minimise the administrative costs of the Council in relation to dealing with development applications, and
  - (viii) to encourage economic growth.

## **2 Utilities**

The policies of this plan in relation to public utilities are:

- (a) to provide for appropriate and efficient utility systems,
- (b) to encourage development in areas which support the use of existing utility services, and
- (c) to ensure that future developments provide or contain all the utility services that are required by or may reasonably be required by such developments or resulting developments.

## **3 Housing**

The policies of this plan in relation to housing are:

- (a) to encourage sufficient variety of residential lot sizes and locations so that choice in the area is possible within the limitations of market forces,
- (b) to ensure that the physical design of residential development is appropriate to the needs and values of the community,
- (c) to consider opportunities for innovative and experimental housing and living styles, and
- (d) to ensure adequate and convenient vehicular access from dwellings to destinations outside the area and to all necessary resources within the area.

#### **4 Drainage**

The policies of this plan in relation to drainage are:

- (a) to ensure the provision of an adequate, safe and environmentally sound stormwater disposal system within existing and proposed new developments,
- (b) to minimise the instance of any inconvenience resulting from flooding, and
- (c) to minimise the impact of stormwater runoff from all developments on existing drainage patterns, and in particular on the magnitude and character of downstream flows.

#### **5 Groundwater**

The policies of this plan in relation to groundwater are:

- (a) to protect the quality and quantity of groundwater resources within the Shire, and
- (b) to regulate the impact of further demand on existing groundwater users.

#### **6 Land resources**

The policies of this plan in relation to land resources are:

- (a) to ensure that the principles of erosion control apply to all intensive and extensive farming practices, active and passive land use, and to all developments on or under the surface of the land,
- (b) to allow landholders to manage cropping and grazing land to maintain productivity, minimise environmental degradation and protect non-agricultural resources,
- (c) to ensure that all development reduces or does not worsen the effects of the erosion processes occurring before the development occurred,
- (d) to ensure the protection of land resources on marginal lands while allowing for sustainable development of these lands,

- (e) to permit forestry operations where environmental protection measures are employed to prevent landscape, soil, floral and faunistic degradation, and
- (f) to protect the quality and yield of water supplies whilst ensuring an acceptable degree of drought resistance through better management practices.

## **7 Environmental protection**

The policies of this plan in relation to environmental protection are:

- (a) to enhance the scientific, floristic, faunistic, cultural, archaeological and heritage resources of the Shire,
- (b) to enhance the local environment, minimise the loss of protection given to native flora and fauna and to conserve the essential ecological processes on which the community depends,
- (c) to encourage tree preservation to provide wildlife refuges and wildlife corridors and preserve the scenic quality of the Shire,
- (d) to maintain road easements as wildlife corridors and vegetation reserves consistent with the function of providing access,
- (e) to control recreational uses of the Shire to protect the environment,
- (f) to ensure a high standard of rehabilitation is undertaken in association with mining and extractive industries,
- (g) to ensure that public utilities are located so as to minimise the loss of the ecological resources of the Shire,
- (h) to protect the aquatic environment from pollution or resource degradation, and
- (i) to control pests and weeds within the Shire so that non-target organisms are not affected.

## **8 Reticulated water and sewerage facilities**

The policies of this plan in relation to reticulated water and sewerage facilities are:

- (a) to encourage development which maximises the efficient and economic use of the existing reticulated water and sewerage facilities,
- (b) to encourage further development as referred to in paragraph (a) in areas which can be economically served by an augmentation of the existing reticulated water and sewerage schemes,
- (c) to discourage extensions of the reticulated water supply scheme into areas which cannot economically or efficiently utilize the existing or an augmentation of the

reticulated sewerage scheme unless satisfactory alternative means are provided for sewerage disposal, and

- (d) to ensure that all the costs associated with the provision of reticulated water and sewerage or alternative sewage disposal facilities, including the costs of all the necessary upgrading of the existing facilities, are met by the developer.

## **9 On-site effluent disposal**

(1) The policies of this plan in relation to on-site effluent disposal are:

(a) for domestic effluent disposal:

- (i) where only one household disposes of greywater or blackwater or both, the effluent disposal must conform to the guidelines and standards set by the relevant statutory authority for such disposal,
- (ii) where more than one household disposes of greywater or blackwater or both, then either:
- (A) the guidelines and standards set in 9 (a) (i) above will apply, or
- (B) when the standards set in 9 (a) (i) cannot be met an approved package sewage treatment plant must be used for on-site disposal according to the guidelines and standards in 9 (a) (i) above, and

(b) provided the guidelines and standards in 9 (a) (i) above are met, appropriate technological alternatives for disposal of greywater and blackwater may be undertaken.

(2) Toxic and industrial effluent wastes are to be disposed of according to the standards and guidelines of the relevant statutory authority.

## **10 Rural domestic water supplies**

The policies of this plan in relation to rural domestic water supplies are:

- (a) that water-using appliances and fixtures should be based upon the application of appropriate technology to minimise water usage,
- (b) that adequate rainwater collection and storage capacity is provided consistent with domestic and bushfire fighting requirements, and
- (c) that the Council may accept an alternative means of complying with the requirements of paragraph (b) provided satisfactory evidence is provided to support that alternative.

## **11 Bushfire protection**

The objectives and policies of this plan in relation to bushfire protection are:

- (a) to encourage long term policies for the protection of new developments from the hazards of bushfires, including:
  - (i) the evaluation of the bushfire hazard,
  - (ii) the installation of adequate water supplies for the purpose of bushfire fighting, and
- (b) to permit intensification of development only in areas of medium or low bushfire risk,
- (c) to ensure safety and efficiency in rural development by requiring developers and intending residents to fully consider rural bushfire safety, and
- (d) to require the developer to meet all costs associated with determining bushfire hazard ratings and the costs associated with the reduction or modification in hazard rating due to appropriate development.

## **Schedule 2 Heritage items**

(Clause 5 (1))

*(Numbers refer to Uralla Heritage Study June 1987 deposited in the office of the Council)*

1	Alma Park, Queen and Hill Streets, Uralla
2	Roman Catholic Church Group, Bridge and Wood Streets, Uralla
12	18 Bridge Street, House
13	24 Bridge Street, old Commercial or Ship and Star Hotel, Uralla
14	13 Bridge Street, R G Crapp House, Uralla
17	St David's Presbyterian Church, 26 Bridge Street, Uralla
18	30 Bridge Street, Presbyterian Manse, Uralla
20	Uralla Commercial Precinct, Bridge Street, Uralla
20.16	67 Bridge Street, Uralla, former Oddfellows Hall
25	112 Bridge Street, Old Courthouse Hotel, Uralla
26	116 Bridge Street, Veterinary Clinic, Uralla
41	31 Maitland Street, House
42	35-37 Maitland Street, dwelling
44	26 Maitland Street, house
45	28 Maitland Street, Masonic Hall
50	Uralla Showground, King Street, Uralla
53	37 King Street, house



- 57 Railway Station Precinct, 1/3 Hill and Duke Streets, Uralla
- 58 Hill Street, Post Office, Uralla
- 58 Police station complex, Uralla
- 59 Hill Street and Maitland Streets, Court House, Uralla
- 62 15 Hill Street, Pottery Club, Uralla  
16 Hill Street, J P Henry, Uralla
- 63 18 Hill Street, Uniting Church, Uralla
- 69 16 Salisbury Street, timber house
- 70 Former Literary Institute Building, 30 Salisbury Street, Uralla
- 71 Town Hall, Salisbury Street, Uralla
- 72 McCrossins Mill, 29 Salisbury Street, Uralla
- 73 Old Stable Building, 33 Salisbury Street, Uralla
- 75 St John's Anglican Church, corner of Bridge and Park Streets, Uralla
- 81 31 John Street, Uralla, house and garden
- 83 Railway Gatekeepers Cottage, East Street, Uralla
- 84 Phoenix Foundry, 6 East Street (not including open shed No 5 at rear)
- 90 Cemetery, Uralla Square, John Street, Uralla
- 92.2 and 132 Mount Beef, Uralla—1 km north of Uralla, west of New England Highway above contour 1 050 m AHD Topographical map Gostwyck 9236-IV-S
- 92.3 and 133 Mount Mutton, Uralla—1 km northwest of Uralla, bounded by Rocky Creek, Mt Mutton Gully, Bundarra Road and Fitzroy Street
- 95 Bundarra Commercial Precinct
- 96 St Mary's Roman Catholic Church, Oliver and White Streets, Bundarra
- 99 McDonald's Saw and Plane Mill and house, White and Tomline Streets, Bundarra
- 101 Bridge over Gwydir River, bendemeer Street, Bundarra
- 103 Abington Station off MR 73—18 km southeast of Bundarra
- 104 Balala Station Homestead complex and outbuildings, corner Kingstown and bendemeer Roads, Balala
- 113 Suspension Bridge across Salisbury Waters, 420 metres north of Munsic Bridge and Gostwyck
- 122 Salisbury Court off MR 73—10 km south of Uralla
- 125 Torryburn Station off Yarrowyck/Torryburn Road—30 km south of Bundarra

131	Mt Yarrowyck off MR 73—27 km northwest of Uralla
134	Dangars Falls and Salisbury Waters gorge—22 km east of Uralla within Parish of Mihi
136	Wallaby Rocks, Lower Wallaby Rocks and Great Falls, Rocky River Kingstown Road—3 km west of Uralla, approx 400 m upstream, 1 800 m downstream of bridge
149	Deeargee Woolshed, Gostwyck Road—10 km east of Uralla
150/150.7	Rocky River Goldmining Precinct and Young’s Water Races
163	Pine windbreaks, Kentucky district
167	Former Wollun village precinct, Wollun Road, Wollun
179	Cemetery Ground on “Deepening Grove” Station, Ferris Lane, Invergowrie
180	Gostwyck Memorial Chapel and precinct, “Gostwyck Station”, Gostwyck Road—9.5 km east of Uralla
181	Arding Uniting Church and grounds, Hawthorne Drive, Arding
182	Church and grounds, Lana Retreat Road Bushgrove, Lana-Retreat Road
188	St Nicholas Church of England, Invergowrie Road, Saumarez Ponds
226	Dangars Lagoon, MR 73—4 km south of Uralla
232	Beehive Well, on “Deepening Well” Station, near Saumarez Ponds, Invergowrie

### **Schedule 3 Development which must be advertised**

(Clause 22)

- 1 Demolition of a building or work that is an item of the environmental heritage, 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 of the Shire of Uralla.
- 2 Residential flat buildings including dual occupancy buildings.
- 3 Industries, other than rural industries, in Zone No, 1 (a), 1 (b), 1 (c), 1 (d) or 2 (v).
- 4 Intensive livestock keeping; junk yards; liquid fuel depots; saw mills; or stock and sales yards.

### **Schedule 4 Development along arterial roads**

(Clause 23 (2))

Bulk stores  
Caravan parks  
Car repair stations  
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 5 Development to which **Community Land Development Act 1989** applies**

(Clause 15A)

- 1 The development must comply with the provisions of any development control plans adopted by the Council for the land on which it is to be carried out.
- 2 A minimum of one third of the total area of land being subdivided is to be held in common ownership, under the control of the management association or body corporate.
- 3 The management plan prepared by the applicant for the development must address the following:
  - the establishment of a community water supply providing water for non-potable uses,
  - the establishment of a strategy for the collection and disposal of sewage effluent in an environmentally sensitive way which is satisfactory to the Council,
  - the retention and possible extension of native vegetation areas and natural habitats,
  - the repair, management and control of areas of erosion, including the re-establishment of native vegetation where erosion is identified by the Council as a hazard or where slopes are greater than 15%,
  - the preparation of a bushfire control strategy, including water supply, perimeter roads or fire trails and radiation zones,
  - the preservation of views of the land from nearby roads and public places and the need to preserve the rural character of the locality,
  - the natural topography and the need to minimise visual intrusiveness by following natural contours and minimising excavation and filling,

- whether adequate all weather vehicular access is available to all house sites, and the impact of increased traffic on the existing road network.

4 In assessing the development application, the Council must consider whether the proposed development will increase the fire hazard to adjoining development, threaten the existence of rare or uncommon plant species, pollute nearby waterways, provide adequate access, or have adverse impact on the existing road network due to increased traffic volume.

## Schedule 6 Development for certain additional purposes

(Clause 40)

Column 1	Column 2	Column 3	Column 4
Land	Development	Conditions	Final date for consent
Portion 60, Parish of Baldwin, County of Hardinge, Bendemeer Road, Kingstown, as shown edged heavy black on the map marked "Uralla Local Environmental Plan 1988 (Amendment No 8)"	Bus depot	No more than 6 buses are to occupy the depot at any one time.	Second anniversary of the date of gazettal of <i>Uralla LEP 1988 (Amendment No 8)</i> .
Portions 122, 123, 138 and 139 and Part Portions 121, 140 and 170, located in Big Ridge Road, Uralla, Parish of Dangarsleigh and County of Sandon, as shown edged heavy black on the map marked "Uralla Local Environmental Plan 1988 (Amendment No 10)".	Satellite tracking, telemetry and commanding ground station and development ancillary to use of such a station (including, but not limited to, the erection of dwellings).	None.	Third anniversary of the date of gazettal of <i>Uralla LEP 1988 (Amendment No 10)</i> .