

# Temora Local Environmental Plan 1987

[1987-218]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2004](#)

### 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

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# Temora Local Environmental Plan 1987



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Temora Local Environmental Plan 1987*.

### 2 Aims, objectives etc

This plan aims:

- (a) to protect the agricultural potential of rural land in the Shire of Temora and to prevent the fragmentation of existing rural holdings,
- (b) to conserve and enhance the environmental heritage of the Shire,
- (c) to identify lands within the Shire under pressure for valid change to urbanized use, and
- (d) to identify lands within the Shire which are prone to hazards such as fire or flooding or which have deficient soils and to control development on those lands.

### 3 Land to which plan applies

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

### 4 Relationship to other environmental planning instruments

The following environmental planning instruments are repealed:

- (a) *Interim Development Order No 1—Municipality of Temora*,
- (b) *Interim Development Order No 1—Shire of Narraburra*, and
- (c) such other deemed environmental planning instruments and local environmental plans as, immediately before the day this plan takes effect, applied to the land to which this plan applies, to the extent only to which those instruments and plans so applied to that land.

## 5 Interpretation

- (1) In this plan, except in so far as the context or subject-matter otherwise indicates or requires:

**appointed day** means 20 February 1986.

**conservation area** means the area of land shown unhatched and bounded by a broken black line on the map.

**Council** means the Council of the Shire of Temora.

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

**environmentally sensitive land** means land shown horizontally hatched with black lines on the map.

**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) buildings and places used for fish farming (including crustaceans and oysters), but does not include an animal boarding or training establishment or a building or place used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the building or place.

**item of the environmental heritage** means a building, work, relic or place of historic, scientific, cultural, social, architectural, archaeological, natural or aesthetic significance to the Shire of Temora, being a building, work, relic or place:

- (a) indicated on the map as an item of the environmental heritage, or
- (b) described in Schedule 1.

**office premises** means a building or place used for the purposes of administrative, clerical, technical, professional or similar activities (not involving dealings with the public except predominantly on an appointment basis) but does not include a building or place elsewhere defined in this clause or in clause 4 (1) of the [Environmental Planning and Assessment Model Provisions 1980](#).

**recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community, and
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or showground.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) prior to 1 January 1900 of the area of the Council.

**renovation**, in relation to a building or work, 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.

**stable** means a building or place used or designed for use for the receiving, maintaining, boarding or keeping of 1 or more horses.

**The map** means the map marked "Temora Local Environmental Plan 1987", as amended by the maps marked as follows:

*Temora Local Environmental Plan 1987 (Amendment No 1)*

*Temora Local Environmental Plan 1987 (Amendment No 4)*

*Temora Local Environmental Plan 1987 (Amendment No 5)*

*Temora Local Environmental Plan 1987 (Amendment No 6)*

*Temora Local Environmental Plan 1987 (Amendment No 7)*

*Temora Local Environmental Plan 1987 (Amendment No 8)*

*Temora Local Environmental Plan 1987 (Amendment No 9)*

- (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 the Council, and
- (c) a reference to land within a zone specified in the Table to clause 9 is a reference to land shown on the map in the manner indicated in clause 8 as the means of identifying land of the zone so specified.

## **6 Adoption of Model Provisions**

The *Environmental Planning and Assessment Model Provisions 1980* (except for the definition of **map** in clause 4 (1) and clauses 15 and 29), are adopted for the purposes of this plan.

## **7 Consent authority**

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

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

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

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

Zone No 1 (a) (Rural “A” Zone)—black edging and lettered “1 (a)”.

Zone No 1 (b) (Rural “B” (Main Road Frontages) Zone)—black edging and lettered “1 (b)”.

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

Zone No 2 (a) (Village or Township Zone)—black edging and lettered “2 (a)”.

Zone No 2 (b) (Residential “B” Zone)—black edging and lettered “2 (b)”.

Zone No 3 (a) (Business Zone)—black edging and lettered “3 (a)”.

Zone No 4 (a) (Industrial Zone)—black edging and lettered “4 (a)”.

Zone No 5 (a) (Special Uses “A” Zone)—black edging and lettered “5 (a)”.

Zone No 5 (b) (Special Uses “B” (Railway) Zone)—black edging and lettered “5 (b)”.

Zone No 6 (a) (Open Space “A” (Recreation) Zone)—black edging and lettered “6 (a)”.

Zone No 6 (b) (Open Space “B” (Private Recreation) Zone)—black edging and lettered “6 (b)”.

Zone No 8 (a) (Existing National Parks and Nature Reserves Zone)—black edging and

lettered “8 (a)”.

## **9 Zone objectives and development control table**

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
  - (a) development may be carried out without development consent,
  - (b) development may be carried out only with development consent, and
  - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

Table

### **Zone No 1 (a) (Rural “A” Zone)**

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

The objectives are:

- (a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings,
- (b) to prevent inappropriate, premature and sporadic subdivisions and to ensure consolidation of urban areas thus enhancing the prospect of economic provision of services, and
- (c) to prevent, on the fringe of urban areas, subdivision of land into small lots which would prejudice the proper layout of additional urban areas as a result of natural growth.

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

Agriculture (other than intensive livestock keeping establishments); dams.

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

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



#### **4 Prohibited**

Boarding-houses; motor showrooms; residential flat buildings; shops other than general stores.

### **Zone No 1 (b) (Rural “B” (Main Road Frontages) Zone)**

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

The objective is to prevent the establishment of traffic generating land uses along main roads and for a distance down roads which lead from them.

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

Agriculture (other than intensive livestock keeping establishments); dams.

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

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

#### **4 Prohibited**

Advertising structures; bulk stores; car repair stations; commercial premises; junk yards; liquid fuel depots; motor showrooms; offensive or hazardous industries; residential flat buildings; roadside stalls; shops; timber yards; transport terminals; warehouses.

### **Zone No 1 (c) (Rural “C” (Small Holdings) Zone)**

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

The objectives are:

- (a) to allow residential development on small holdings in a rural setting,
- (b) to provide for part-time farming or farming activities as a leisure pursuit,
- (c) to ensure that rural small holding development is established in locations which will not undermine the productive agricultural use of prime agricultural land, and
- (d) to ensure that rural small holding development is integrated with the rural landscape and is compatible with the capacity of the soils to accommodate wastes.

## **2 Without development consent**

Agriculture (except intensive livestock keeping establishments and dog or cat breeding or boarding establishments); dams having a capacity of less than 5 000 cubic metres.

## **3 Only with development consent**

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

## **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises; hotels; industries (other than rural or home industries); liquid fuel depots; mines; motor showrooms; refreshment rooms; roadside stalls; service stations; shops; timber yards; transport terminals; warehouses.

### **Zone No 2 (a) (Village or Township Zone)**

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

The objectives are:

- (a) to establish village boundaries which provide adequate vacant land for future residential development,
- (b) to recognize the natural and physical features of each village, preventing development in unsuitable areas such as flood prone land,
- (c) to control village development for more efficient use of the existing utility services such as water supply and sewerage services and use of developed roads or streets, and
- (d) to allocate areas which provide a range of residential accommodation and urban facilities for the rural community.

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

Dwelling-houses.

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

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

#### **4 Prohibited**

Institutions; junk yards within 90 metres of a main road; mines; offensive or

hazardous industries.

## **Zone No 2 (b) (Residential “B” Zone)**

### **1 Objectives of zone**

The objective is to provide areas which allow a range of residential accommodation and associated facilities for the community including shops servicing the neighbourhood only.

### **2 Without development consent**

Dwelling-houses.

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

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

### **4 Prohibited**

Bulk stores; car repair stations; caravan parks; commercial premises; gas holders; generating works; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; quarries; refreshment rooms; roadside stalls; sawmills; service stations; shops other than neighbourhood stores; stock and sale yards; transport terminals; warehouses.

## **Zone No 3 (a) (Business Zone)**

### **1 Objectives of zone**

The objective is to identify lands to be set aside to service compatible shopping and business needs of the Shire of Temora and the community in which it is located.

### **2 Without development consent**

Nil.

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

Any purpose other than a purpose included in item 4.

### **4 Prohibited**

Abattoirs; caravan parks; dwelling-houses; gas holders; generating works; hospitals; industries referred to in Schedule 2; institutions; junk yards; liquid

fuel depots; mines; quarries; roadside stalls; stables; stock and sale yards; transport terminals.

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

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

The objective is to identify lands to be set aside in strategic locations for business establishments and employment opportunities in industry other than industries of an offensive or hazardous nature.

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

Nil.

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

Any purpose other than a purpose included in item 4.

##### **4 Prohibited**

Abattoirs; amusement parks; boarding-houses; dwelling-houses; educational establishments; extractive industries; hospitals; institutions; mines; offensive or hazardous industries; places of assembly; residential flat buildings other than those used in conjunction with an industry and situated on the same land as the industry; roadside stalls; stock and sale yards.

#### **Zone No 5 (a) (Special Uses "A" Zone)**

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

The objective is to identify and set aside lands required to provide those uses, usually of a public nature, necessary to provide essential services to a community.

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

Nil.

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

The particular purpose indicated by black lettering on the map; drainage; roads; utility installations (other than gas holders and generating works).

##### **4 Prohibited**

Any purpose other than a purpose included in item 3.

## **Zone No 5 (b) (Special Uses “B” (Railway) Zone)**

### **1 Objectives of zone**

The objective is to set aside certain land for railway purposes and purposes incidental thereto.

### **2 Without development consent**

Nil.

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

Any purpose authorized by the *Government Railways Act 1912*.

### **4 Prohibited**

Any purpose other than a purpose included in item 3.

## **Zone No 6 (a) (Open Space “A” (Recreation) Zone)**

### **1 Objectives of zone**

The objective is to identify lands set aside for public ownership for active or passive recreation.

### **2 Without development consent**

Gardens.

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

Agriculture; camping grounds; caravan parks; drainage; forestry; parks; public reserves; racecourses; recreation areas; roads; showgrounds; utility installations (other than gas holders or generating works).

### **4 Prohibited**

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

## **Zone No 6 (b) (Open Space “B” (Private Recreation) Zone)**

### **1 Objectives of zone**

The objective is to identify lands set aside for non-public recreation use.

## **2 Without development consent**

Gardens.

## **3 Only with development consent**

Recreation areas; utility installations (other than gas holders or generating works).

## **4 Prohibited**

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

### **Zone No 8 (a) (Existing National Parks and Nature Reserves Zone)**

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

The objectives are:

- (a) to conserve the scenic and environmental qualities of certain lands, and
- (b) to enable the effective and efficient management of land reserved or dedicated under the [National Parks and Wildlife Act 1974](#).

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

Development carried out by or on behalf of the National Parks and Wildlife Service under the [National Parks and Wildlife Act 1974](#).

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

Nil.

#### **4 Prohibited**

Any purpose other than a purpose included in item 2.

### **Part 3 Special provisions**

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

- (1) Development of minimal environmental impact, listed as exempt development in *Temora Shire Council—Development Control Plan No 5—Exempt and Complying Development, 1999* as adopted by the Council on 27 September 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Temora Shire Council—Development Control Plan No 5—Exempt and Complying Development, 1999* as adopted by the

Council on 27 September 1999 is **complying development**, if:

- (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in Section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Temora Shire Council—Development Control Plan No 5—Exempt and Complying Development, 1999* as adopted by the Council on 27 September 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Temora Shire Council—Development Control Plan No 5—Exempt and Complying Development, 1999* adopted by the Council on 27 September 1999, as in force when the certificate is issued.

#### **10 Advertisement of certain applications**

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purpose of shops and commercial premises on land within Zone No 2 (a), being development which adjoins or is adjacent to existing residential areas, in the same way as they apply to and in respect of designated development.

#### **11 General restriction on subdivision**

A person shall not subdivide land to which this plan applies without the consent of the Council.

#### **12 Subdivision of rural land—Zone No 1 (a) or 1 (b)**

- (1) This clause applies to land within Zone No 1 (a) or 1 (b).
- (2) In this clause and clause 14:

**concessional allotment** means:

- (a) an allotment referred to in subclause (4) (a), or
- (b) an allotment referred to in subclause (4) (b).

**existing holding** means:

- (a) the area of a lot, portion or parcel of land as it was at the appointed day, or
- (b) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were at the appointed day.

- (3) The Council shall not consent to an application to subdivide land to which this clause applies unless each separate allotment of land to be created by the subdivision will have an area of not less than 40 hectares.
- (4) Notwithstanding subclause (3), but subject to subclause (5) and clause 16, the Council may consent to an application to subdivide land to which this clause applies (not being land which forms the whole or part of an existing holding of less than 10 hectares in area) so as:
  - (a) to create an allotment with an area of less than 40 hectares but not less than 2 hectares, if the Council is satisfied that:
    - (i) the allotment is intended to be used for the purpose of agriculture,
    - (ii) the subdivision will not diminish the potential of the land or any other land to be used for the purpose of agriculture,
    - (iii) the subdivision will contribute to the agricultural output of the locality, and
    - (iv) the subdivision will enable proper management of the land in terms of soil conservation, or
  - (b) to create an allotment with an area of less than 40 hectares but not less than 1 000 square metres, if the Council is satisfied that a dwelling-house is or will be erected on the allotment and is or will be occupied by:
    - (i) the owner of the land contained in that allotment,
    - (ii) a relative of that owner, or
    - (iii) a person employed or engaged by that owner in the use of land of the owner adjoining or adjacent to that allotment for the purpose of agriculture.
- (5) The total number of concessional allotments that may be created (whether by one or more subdivisions made at any time on or after the appointed day) from an existing holding is:
  - (a) where the existing holding has an area of not less than 10 hectares but less than 20 hectares—1,
  - (b) where the existing holding has an area of not less than 20 hectares but less than 30 hectares—2, or
  - (c) where the existing holding has an area not less than 30 hectares or consists of the land referred to in Schedule 4—3.
- (6) Notwithstanding subclause (3), the Council may consent to an application to subdivide land to which this clause applies so as to create an allotment with an area of less than 40 hectares if the Council is satisfied that the allotment is intended to be used for a



purpose (other than agriculture or a dwelling-house) which is permissible on the land either with or without the Council's consent.

**13 Subdivision of rural land—Zone No 1 (c)**

The Council shall not consent to an application to subdivide land within Zone No 1 (c) unless the allotments created by the subdivision will have an area of at least 2 hectares.

**14 Dwelling-houses on land within Zone No 1 (a) or 1 (b)**

- (1) The Council shall not consent to the erection of a dwelling-house on an allotment within Zone No 1 (a) or 1 (b) unless the allotment is vacant and:
  - (a) has an area of 40 hectares or more,
  - (b) is a concessional allotment,
  - (c) being less than 40 hectares in area, was lawfully created with development consent prior to the appointed day, or
  - (d) being less than 40 hectares in area, comprises a vacant existing holding.
- (2) Nothing in subclause (1) shall prevent the erection of one additional dwelling-house on a parcel of land referred to in paragraph (a) or (c) for each 40 hectares contained within the parcel if each such additional dwelling-house is to be used only to accommodate a person employed or engaged in the use of the parcel for the purpose of agriculture.

**15 Dwelling-houses on land within Zone No 1 (c)**

Notwithstanding clause 9, a dwelling-house may be erected on land within Zone No 1 (c) without the consent of the Council if the land is an allotment created by subdivision in accordance with clause 13.

**16 Referral of applications to Director-General, Department of Agriculture**

- (1) The Council shall not consent to an application referred to in clause 12 (3), 12 (4) (a) or 14 unless the Council has referred a copy of the application to the Director-General of the Department of Agriculture.
- (2) Where a copy of a development application has been referred to the Director-General of the Department of Agriculture pursuant to subclause (1), the Council shall not determine the application until:
  - (a) it has received a representation with respect to the application from the Director-General,
  - (b) the Director-General has informed the Council that the Director-General does not wish to make any representation with respect to the application, or

(c) 21 days have elapsed after the date on which a copy of the application was referred to the Director-General,

whichever first occurs.

### **17 Residential flat buildings—density control**

(1) This clause applies to land within Zone No 2 (a) or 2 (b).

(2) In this clause:

**large dwelling** means a dwelling the gross floor area of which is more than 85 square metres.

**medium dwelling** means a dwelling the gross floor area of which is not less than 55 square metres and not more than 85 square metres.

**small dwelling** means a dwelling the gross floor area of which is less than 55 square metres.

(3) The Council shall not consent to the erection of or the use of a building as a residential flat building on an allotment of land to which this clause applies if the site area of the allotment is less than the sum of the following areas:

(a) 175 square metres for each small dwelling in the building,

(b) 225 square metres for each medium dwelling in the building,

(c) 250 square metres for each large dwelling in the building.

### **18 Floor space ratios**

The Council shall not grant consent to the erection or use of a building on land within Zone No 3 (a) where the ratio of the gross floor area of the building or proposed building to the site area of the land exceeds 1.5:1.

### **19 Site coverage**

The Council shall not consent to the erection or use of a building or buildings on land within Zone No 4 (a) if the area occupied or proposed to be occupied by the building or buildings exceeds 60 per cent of the site area of the land.

### **20 Flood prone land**

(1) In this clause:

**flood prone land** means land shown hatched and marked “Flood Prone Land” on the map.

**floodway** means land shown cross-hatched and marked “Floodway” on the map.

- (2) Notwithstanding any other provision of this plan, a person shall not carry out development for any purpose on flood prone land or on land within a floodway except with the consent of the Council.
- (3) The Council shall not grant consent to the carrying out of development on land within a floodway if, in the opinion of the Council, the carrying out of the development is likely:
  - (a) to impede the flow of floodwaters on the land,
  - (b) to imperil the safety of persons on the land in the event of the land being inundated with floodwaters,
  - (c) to aggravate the consequences of floodwaters flowing on the land with respect to erosion, siltation and the destruction of vegetation, or
  - (d) to have an adverse effect on the water table of the land or of land in its immediate vicinity.

## **21 Community use of school facilities and sites**

Notwithstanding any other provision of this plan, a person may, with the consent of the Council, carry out development for the purpose of:

- (a) the community use of the facilities and sites of schools, colleges and other educational establishments,
- (b) the commercial operation of those facilities and sites, and
- (c) community purposes on land used for the purpose of schools, colleges or other educational establishments, whether or not the development is ancillary to any such purpose.

## **22 Items of the environmental heritage**

A person shall not, in respect of a building or work within a conservation area or in respect of a building, work, relic or place that is an item of the environmental heritage:

- (a) demolish, renovate or extend any such building or work,
- (b) damage or despoil any such relic or any part of such a relic,
- (c) excavate any land for the purpose of exposing or removing any such 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.

### **23 Conservation areas**

A person shall not, in respect of a conservation area:

- (a) demolish, extend or change the outside of a building or work within that area, including changes to the outside of a building or work that involve the repair or the painting, plastering or other decoration of the outside of the building or work,
  - (b) damage or despoil a relic or part of a relic within that area,
  - (c) excavate any land for the purpose of exposing or removing a relic within that area, or
  - (d) erect a building within that area,
- except with the consent of the Council.

### **24 Advertisement of heritage applications**

- (1) Subject to subclause (2), pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development comprising:
  - (a) the demolition of a building or work within a conservation area, or
  - (b) the demolition of a building or work that is an item of the environmental heritage,in the same way as those provisions apply to and in respect of designated development.
- (2) Subclause (1) does not apply in respect of the partial demolition of a building or work where, in the opinion of the Council, the partial demolition is of a minor nature and will not adversely affect the significance of the building or work as part of the environmental heritage of the Shire of Temora.

### **25 Environmentally sensitive land**

- (1) A person shall not carry out development on environmentally sensitive land for the purpose of:
  - (a) intensive livestock keeping establishments,
  - (b) junk yards,
  - (c) liquid fuel depots,
  - (d) offensive or hazardous industries,
  - (e) sawmills, or
  - (f) stock and sales yards.

- (2) A person shall not cause tree destruction on:
- (a) more than 1 hectare of environmentally sensitive land, or
  - (b) more than 5 per cent of the area of a holding, where that 5 per cent comprises environmentally sensitive land,
- whichever is less, except with the consent of the Council.
- (3) Subject to subclause (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, and
  - (c) the loss of important vegetation systems and natural wildlife habitats.
- (4) The Council shall not consent to an application to carry out development on environmentally sensitive land unless the Council has referred a copy of the application to the Director of the National Parks and Wildlife Service.
- (5) Where a copy of a development application has been forwarded to the Director of the National Parks and Wildlife Service pursuant to subclause (4), the Council shall not determine the application until:
- (a) it has received a representation with respect to the application from the Director of the National Parks and Wildlife Service,
  - (b) the Director of the National Parks and Wildlife Service has informed the council that the Director of the National Parks and Wildlife Service does not wish to make any representation with respect to the application, or
  - (c) 21 days have elapsed after the date on which a copy of the application was forwarded to the Director of the National Parks and Wildlife Service,
- whichever first occurs.

## **26 Development within Zone No 6 (a)**

- The Council shall not consent to the carrying out of development on land within Zone No 6 (a), being land owned or controlled by the Council, unless consideration has been given to:
- (a) the need for the proposed development on that land,
  - (b) the impact of the proposed development on the existing or likely future use of the

land, and

- (c) the need to retain the land for its existing or likely future use.

## **27 Land subject to bushfire hazards**

The Council shall not grant consent to subdivide land or erect a building on land to which this plan applies and which in the opinion of the council is subject to bushfire hazards, unless it has made an assessment of:

- (a) whether adequate provision has been made for access for fire fighting vehicles, fire breaks, reserves and fire radiation zones, and
- (b) in the case of a subdivision of land, whether the depth of any allotments to be created by the subdivision which would adjoin a perimeter road is adequate.

## **28 Dual occupancy**

- (1) This clause applies to land within Zone No 1 (a), 1 (b), 1 (c), 2 (a), or 2 (b) and notwithstanding any other clause.

- (2) In this clause:

**alteration to a building** includes addition to a building.

**vacant** means devoid of a dwelling-house.

- (3) Where development for the purposes of a dwelling-house may be carried out on an allotment of land to which this plan applies, a person may, with the consent of the Council:
  - (a) where a dwelling-house stands upon that allotment, erect a second dwelling or alter the existing dwelling-house so as to create 2 dwellings, or
  - (b) where the allotment is vacant, erect 2 dwellings whether attached to each other or not.
- (4) Where consent to an application under subclause (3) has been given in relation to an allotment of land:
  - (a) the Council shall not thereafter consent in relation to the allotment:
    - (i) as referred to in clause 14 (except clause 14 (2)), where the allotment concerned is within Zone No 1 (a) or 1 (b),
    - (ii) as referred to in clause 9, where the allotment concerned is within Zone No 1 (c), and
  - (b) clause 15 shall not apply in relation to the allotment of land concerned where the allotment is within Zone No 1 (c).

- (5) For the purposes of this clause, a garage or carport is not part of a dwelling-house.
- (6) The provisions of this plan relating to the advertising of proposals to erect residential flat buildings do not apply to a dwelling proposed to be erected or altered pursuant to this clause.
- (7) Where an application has been approved by the Council as referred to in this clause in relation to an allotment of land, the Council shall not approve any other application made to it under this clause in relation to that land.

### **29 Development of certain land bounded by Junee Road, Kurrajong, Thom and Nicholson Streets, Temora**

- (1) This clause applies to land bounded by Junee Road, Kurrajong, Thom and Nicholson Streets, Temora as shown edged heavy black on sheet 1 of the map marked "*Temora Local Environmental Plan 1987 (Amendment No 8)*".
- (2) Notwithstanding any other provision of this plan, the Council may:
  - (a) consent to an application to subdivide the land to which this clause applies, but only if each allotment created by the subdivision will have an area of at least 1.25 hectares, and
  - (b) consent to the erection of a dwelling on each allotment so created.

### **30 Classification or reclassification of public land as community land or operational land**

The public land described in Column 1 of Schedule 3 is classified, or reclassified, as community land or operational land as set out in Column 2 of the Schedule for the purposes of the [Local Government Act 1993](#).

### **31 Development of certain land at Temora**

- (1) This clause applies to certain land at Temora, being the land shown edged heavy black on the map marked "*Temora Local Environmental Plan 1987 (Amendment No 10)*".
- (2) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development:
  - (a) on so much of the land to which this clause applies as is referred to in Schedule 5—for the purpose of a dwelling-house and associated rural outbuildings, and
  - (b) on so much of the land to which this clause applies as is referred to in Schedule 4—for the purpose of the following:
    - (i) an apiary,
    - (ii) a business involving honey extracted from the bees in the apiary,

(iii) a maximum of 3 dwelling-houses for the accommodation principally of persons involved in that industry,

(iv) associated rural outbuildings.

(3) However the Council is not to grant consent to a development application required by this clause after the expiration of 2 years from the date on which *Temora Local Environment Plan (Amendment No 10)* took effect.

## Schedule 1

(Clause 5 (1))

Post Office group—Post Office, ANZ Bank, CBC Bank  
Council Chambers group—8 Council Chambers, St Andrews Presbyterian Church  
Catholic Church group—Church of the Most Sacred Heart of Jesus Hall, including fence  
St Mary's Presbytery, including fence  
Railway Hotel, Hoskins Street, Temora  
Westminster Hotel, Hoskins Street, Temora  
Shamrock Hotel, Hoskins street, Temora  
St Paul's Anglican Church including fence, Loftus Street, Temora  
"Terang" and "Mortlake", Victoria Street, Temora  
Pardy's Mill, Polaris Street, Temora  
Railway Station, Park Street, Temora  
"Ellawatta" house at southwest corner Camp and Victoria Streets, Temora  
Uniting Church at southeast corner of De Boos and Polaris Streets, Temora  
Hospital at northeast corner of Gloucester and Loftus Streets, Temora  
Auswilds Group, 115-125 Hoskins Street, Temora  
House, 152 Vesper Street, Temora  
House at northeast corner of Asquith and Anzac Streets, Temora  
House, 1 Victoria Street, Temora  
Terminus Hotel, corner of Loftus and Crowley Streets, Temora

## Schedule 2

(Clause 9)

Agricultural machinery manufacture  
Aluminium products manufacture  
Asbestos cement products manufacture  
Boiler manufacture  
Brick, tile, pipe manufacture  
Cement manufacture  
Cement products manufacture  
Fibrous plaster manufacture  
Grain milling  
Hardboard manufacture  
Heavy engineering  
Hot mix (Bitumen) manufacture  
Machinery manufacture (heavy)



Match manufacture  
 Metal founding  
 Motor body building  
 Motor vehicle manufacture and assembly  
 Offensive or hazardous industries  
 Plastics manufacture  
 Ready mix concrete manufacture  
 Sawmilling products manufacture (heavy)  
 Stone cutting and crushing  
 Wire manufacture  
 Wool scouring

### Schedule 3 Classification or reclassification of public land as community land or operational land

(Clause 30)

Column 1 Property Description	Column 2 Classification
<b>Temora</b>	
Land adjacent to railway line (West), between Victoria and Britannia Streets—Lot 3, DP 867894, as shown edged heavy black on the map marked “ <i>Temora Local Environmental Plan 1987 (Amendment No 9)</i> ”.	Operational

### Schedule 4

(Clause 12 and 31)

Lot Nos 68, 69, 72, 73 & 235-238	DP 750587
Lot No 1	DP 605794

### Schedule 5

(Clause 31)

Portion Nos 213-215, 224-227 & 290	DP 750587
Portion No 179	DP 750587
Portion Nos 26 & 178	DP 750587
Portion Nos 67, 74 & 78	DP 750587
Portion Nos 75-77, 189 & 190	DP 750587
Portion No 191	DP 750587
Lot Nos 5 & 8; Section B	DP 7293 Parish of Bundawarrah
Portion Nos 184 & 185	DP 750603

Lot No 175

DP 750852

Lot No 579-586

DP 750587

Lot No 7; Section B

DP 7293 Parish of Bundawarra