

Young Local Environmental Plan 1991—Urban Lands (1991 EPI 53)

[1991-53]



New South Wales

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New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Young Local Environmental Plan 1991—Urban Lands*.

2 Aims, objectives etc

(1) The general aims of this plan are:

- (a) to repeal all existing local planning controls which apply to the land and to replace those controls with a single local environmental plan,
- (b) to simplify the general restrictions on development by reducing the number of zones into which land is divided,
- (c) to give the Council greater responsibility for environmental planning by creating only a broad framework of controls, and
- (d) to speed up the planning process by allowing the Council to exercise maximum discretion in dealing with local planning matters consistent with sound environmental planning principles.

(2) The particular aims of this plan are:

- (a) to divide land into the zones referred to in clause 8 and to achieve in respect of land within each of those zones the objectives specified for that zone in the Table to clause 9,
- (b) to ensure that development is carried out in such a way as to allow the economic and efficient provision of public services and amenities,
- (c) to identify the central business district as the commercial and retail focus of the town and the surrounding region,
- (d) to promote the town as a tourist base and a centre for sporting, leisure,

conference and convention activities,

(e) to develop a safe, convenient and economic movement system for public and private motor vehicles, cyclists and pedestrians,

(f) to identify and improve significant landscape and townscape elements within the town, and

(g) to conserve the environmental heritage of the town.

3 Land to which plan applies

This plan applies to the Town of Young and its environs, shown by distinctive colouring, edging and lettering on the map and with the boundaries as indicated on the map.

4 Relationship to other environmental planning instruments

This plan repeals:

(a) the *Young Planning Scheme Ordinance*,

(b) Interim Development Orders Nos 1–7—Municipality of Young, and

(c) such other deemed environmental planning instruments and local environmental plans as, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which they so apply to that land.

5 Definitions

(1) In this plan:

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

alter, in relation to a heritage item, means:

(a) the making of structural changes to the outside of the heritage item, or

(b) the making of non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, not including the maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item.

Council means the Council of the Shire of Young.

demolition, in relation to a heritage item, means the damaging, defacing, destruction, pulling down or removal of the heritage item, in whole or in part.

flood liable land means land hatched on the map and shown as flood liable land.

heritage item means a building, work, relic, tree or place of heritage significance to the Shire of Young, described in Schedule 1.

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

intensive livestock keeping establishment means a building or place used or intended to be used for the purposes of intensive husbandry, boarding, training or keeping of animals, birds, fish, insects and the like, which requires the importing of feed from sources outside the land on which the building or place is situated, and includes the intensive housing, feeding or breeding of animals, birds, fish, insects and the like in pens, cages or sheds.

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

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) the Council, or
 - (ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

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

the map means the map marked “*Young Local Environmental Plan 1991—Urban Lands*”, as amended by the maps marked as follows:

Young Local Environmental Plan 1991—Urban Lands (Amendment No 1)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 2)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 3)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 4)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 5)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 6)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 7)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 8)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 9)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 10)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 11)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 12)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 13)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 14)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 15)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 16)

Young Local Environmental Plan 1991—Urban Lands (Amendment No 19)

(2) In this plan:

- (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 within 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 clause 15) 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)—coloured light brown.

Zone No 1 (c) (Rural “C” Zone)—coloured light brown, edged red and lettered “1 (c)”.

Zone No 2 (a) (Residential Zone)—coloured light scarlet.

Zone No 3 (a) (General Business Zone)—coloured light blue.

Zone No 4 (a) (General Industrial Zone)—coloured purple.

Zone No 5 (a) (Special Uses “A” Zone)—coloured yellow.

Zone No 5 (b) (Special Uses “B” (Railways) Zone)—coloured blue-purple.

Zone No 6 (a) (Open Space “A” (Existing Recreation) Zone)—coloured dark green.

Zone No 6 (b) (Open Space “B” (Private Recreation) Zone)—coloured dark green, edged yellow and lettered “6 (b)”.

Zone No 7 (h) (Environmental Protection (Scenic) Zone)—coloured orange, edged red and lettered “7 (h)”.

9 Zone objectives and development control table

- (1) The objectives of a zone are set out in the Table to this clause under the heading “Objectives of zone” appearing in the matter relating to the zone.
- (2) Except as otherwise provided by this plan, in relation to land within a zone specified in the Table to this clause, the purposes (if any) for which:
 - (a) development may be carried out without development consent,
 - (b) development may be carried out only with development consent, and
 - (c) development is prohibited,are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.
- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

Table

Zone No 1 (a) (Rural “A” Zone)

1 Objectives of zone

The objectives are:

- (a) to enable development for the purposes of small holdings or hobby farms to be carried out on land which is suitable for those purposes and is not of prime agricultural value,
- (b) to encourage those persons planning the size and shape of small holdings or hobby farms to have regard to existing stands of trees, views, soils, topography, winds and location of services,
- (c) to ensure that allotments created in a small holdings or hobby farms subdivision do not hinder the proper and orderly development of future urban areas and to establish a land bank to enable future residential expansion to occur when and as required,
- (d) to ensure that development maintains the rural character of the locality, minimises disturbances to the landscape through clearing, earthworks and access roads and is in harmony with the environment, 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 with existing or likely future small holdings or hobby farms.

2 Without development consent

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

3 Only with development consent

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

4 Prohibited

Boarding-houses; commercial premises; intensive livestock keeping establishments; motor showrooms; residential flat buildings containing more than 2 dwellings; shops (other than general stores).

Zone No 1 (c) (Rural “C” Zones)

1 Objectives of zone

The objectives are:

- (a) to provide land to enable the building of houses on blocks larger than the normal residential allotment,

- (b) to encourage those persons planning the size and shape of small holdings or hobby farms to have regard to existing stands of trees, views, soils, topography, winds and location of services,
- (c) to ensure that allotments created in a small holdings or hobby farms subdivision do not hinder the proper and orderly development of future urban areas and to establish a land bank to enable future residential expansion to occur when and as required,
- (d) to ensure that development maintains the rural character of the locality, minimises disturbances to the landscape through clearing, earthworks and access roads and is in harmony with the environment, 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 with existing or likely future small holdings or hobby farms.

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

Boarding-houses; commercial premises; intensive livestock keeping establishments; residential flat buildings containing more than 2 dwellings; shops (other than general stores).

Zone No 2 (a) (Residential Zone)

1 Objectives of zone

The objectives are:

- (a) to set aside land to be used for the purposes of housing and associated facilities,
- (b) to set aside specific areas within the zone for medium density housing as well as an area where only single dwelling-houses and dual occupancy buildings are permitted and areas for future residential development,
- (c) to allow a variety of housing types within existing and new residential

areas,

- (d) to encourage greater visual amenity by encouraging landscaping and permitting a greater variety of building materials and flexibility of design, and
- (e) to allow development for purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.

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

Abattoirs; car repair stations; gas holders or generating works; helipads; industries (other than light, home or rural industries); intensive livestock keeping establishments; junkyards; liquid fuel depots; mines; panel beating and spray painting workshops; plant depots; sawmills; stock and sale yards; stock transport terminals; transport terminals.

Zone No 3 (a) (General Business Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the town,
- (b) to encourage a wide range of retail, commercial and tourist facilities within the central business district,
- (c) to ensure there is adequate provision for car parking facilities in the vicinity of the central business district, and
- (d) to minimise conflicts between pedestrians and vehicular movement systems within the central business district.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Extractive industries; generating works; intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries; stock and sale yards.

Zone No 4 (a) (General Industrial Zone)

1 Objectives of zone

The objectives are:

- (a) to encourage the establishment of industries outside areas used or zoned for residential or business purposes by making general provision to set aside an area of land to be used for a broad range of industrial purposes,
- (b) to set aside different areas within the zone for offensive or hazardous industries, general industries and light industries,
- (c) to ensure industrial development creates areas which are pleasant to work in, safe and efficient in terms of transportation, land utilisation and service distribution,
- (d) to enhance and improve the physical environment of the town by minimising disturbances caused by air pollutants, water pollutants, noise pollutants and other pollutants, and
- (e) to allow commercial or retail development only where it relates to the use of land within the zone for industrial purposes.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Boarding-houses; hospitals; intensive livestock keeping establishments; residential flat buildings containing more than 2 dwellings.

Zone No 5 (a) (Special Uses “A” Zone)

1 Objectives of zone

The objectives are to identify areas which were, on the appointed day, owned or used or intended to be used for public or community purposes.

2 Without development consent

The particular purpose indicated by red lettering on the map.

3 Only with development consent

Any public or community purpose (other than a purpose included in Item 2).

4 Prohibited

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

Zone No 5 (b) (Special Uses “B” (Railways) Zone)

1 Objectives of zone

The objective is to identify land required for railway purposes.

2 Without development consent

Nil.

3 Only with development consent

Railway purposes authorised under the [Transport Administration Act 1988](#).

4 Prohibited

Any purpose other than a purpose included in Item 3.

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

1 Objectives of zone

The objectives are:

(a) to ensure that there is provision of adequate open space areas to meet

the needs of all residents and to provide opportunities to enhance the total environmental quality of the town,

- (b) to identify land which was, on the appointed day, owned by the Council or which will be dedicated as a condition of development consent or subdivision approval to the Council for open space of public recreational purposes, and
- (c) to identify land which will be acquired by the Council in the future for open space or public recreational purposes.

2 Without development consent

Works for the purposes of landscaping, gardening or bush fire hazard reduction.

3 Only with development consent

Agriculture (other than intensive livestock keeping establishments); buildings for the purposes of landscaping, gardening or bushfire hazard reduction; drainage; utility installations (other than gas holders or generating works); recreation areas; roads; showgrounds.

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 restrict recreational uses on private land to the existing use or other uses ancillary or complementary to the existing use.

2 Without development consent

Nil.

3 Only with development consent

Bowling greens; golf courses; recreation areas; any purpose incidental to these uses.

4 Prohibited

Any purpose other than a purpose included in Item 3.

Zone No 7 (h) (Environmental Protection (Scenic) Zone)

1 Objectives of zone

The objective is to identify and protect land which is environmentally sensitive and, in particular, to promote the preservation, conservation and enhancement of major landscape features and indigenous flora and fauna in the town.

2 Without development consent

Nil.

3 Only with development consent

Any purpose other than a purpose included in Item 4.

4 Prohibited

Abattoirs; car repair stations; commercial premises; gas holders or generating works; industries (other than home or rural industries); intensive livestock keeping establishments; liquid fuel depots; motor showrooms; plant depots; residential flat buildings; road transport terminals; service stations; stock and sale yards; timber yards.

Part 3 Special provisions

9A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Young Development Control Plan No 9—Exempt and Complying Development*, adopted by the Council on 15 August 2001 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Young Development Control Plan No 9—Exempt and Complying Development* as adopted by the Council on 15 August 2001 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 *Young Development Control Plan No 9—Exempt and Complying Development* as adopted by the Council on 15 August 2001.

- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Young Development Control Plan No 9—Exempt and Complying Development* adopted by the Council on 15 August 2001 as in force when the certificate is issued.

10 Advertising of certain development applications

- (1) This clause applies to development carried out on land:
 - (a) within Zone No 2 (a), or
 - (b) within Zone No 6 (a) and owned by the Council,other than development involving alterations or additions to any existing development which are of a minor nature and do not to any significant extent adversely affect the existing or likely future amenity of the neighbourhood.
- (2) The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development to which this clause applies in the same way as those provisions apply to and in respect of designated development.

11 Subdivision

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) Land within Zone No 1 (a) shall not be subdivided unless each separate allotment to be created by the subdivision has an area of not less than 4 hectares.
- (3) Land within Zone No 1 (c) shall not be subdivided unless each separate allotment to be created by the subdivision has an area of not less than 0.6 hectares.

12 Industrial development

- (1) The Council shall not grant consent to the carrying out of development for any purpose permitted within Zone No 4 (a) (other than light industry) on or with respect to land within Zone No 4 (a) which adjoins or is adjacent to land within Zone No 2 (a), unless it has made an assessment of the likely impact of the development on the residential amenity of the land within Zone No 2 (a).
- (2) Subject to subclause (1), the Council may grant consent to development within Zone No 4 (a) for any purpose which by virtue of its nature, the services provided or the products produced, distributed or sold is, in the opinion of the Council, appropriately located on land within that zone.

13 Development on arterial roads

The Council shall not grant consent to an application to carry out development within Zone No 1 (a) or 1 (c) where the Council is of the opinion that the development will

constitute a traffic hazard by reason of its proximity to an arterial road.

14 Minor variation of zoning boundaries

- (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.
- (3) The Council shall not grant consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar requirements relating to the optimum development of the land to which this clause applies.

15 Heritage items

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
 - (a) demolish or alter the building or work,
 - (b) damage or move the relic, including excavation for the purpose of exposing the relic,
 - (c) damage or despoil the place or tree,
 - (d) erect a building on or subdivide land on which the building, work or relic is situated or that comprises the place, or
 - (e) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,except with the consent of the Council.
- (2) The Council shall not grant consent to a development application under subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features and its setting.

16 Development in the vicinity of heritage items

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

17 Conservation incentives relating to heritage items

- (1) 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 the land on which that building is erected if it is satisfied that:
 - (a) the proposed use would have little or no adverse affect on the amenity of the area, and
 - (b) the conservation of the building depends on the Council granting consent under this clause.

18 Heritage advertisements and notifications

- (1) Except as provided by subclause (2):
 - (a) the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
 - (i) the demolition of a building or work that is a heritage item, and
 - (ii) the use of a building or land referred to in clause 17 for a purpose which, but for that clause, would be prohibited under this plan,in the same way as those provisions apply to and in respect of designated development, and
 - (b) 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 Secretary of the Heritage Council of its intention to do so.
- (2) Subclause (1) does not apply to the partial demolition of a heritage item if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, in relation to the environmental heritage of the Shire of Young.

19 Development within Open Space (Existing Recreation) Zone

Where the Council owns land within Zone No 6 (a), the Council shall not grant consent to an application to carry out development on that land unless it has made an assessment of:

- (a) the need for the proposed development of the 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.

20 Community use of schools and halls etc

Notwithstanding any other provision of this plan, where land to which this plan applies is used for public and community purposes (including an educational establishment), the site and facilities of any establishment on that land may, with the consent of the Council, be used for the purposes of meeting rooms, public halls, public libraries, entertainment, sport or recreation, or for any other community purpose, whether or not any such use is a commercial use of the land.

21 Acquisition of land

- (1) The owner of any land within Zone No 6 (a) may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), the Council shall acquire the land.
- (3) Land to which this clause applies may be developed for any purpose, with the consent of the Council, until that land is acquired by the Council where the Council is satisfied that the carrying out of that development will not adversely affect the usefulness of the land for the purposes for which it has been zoned.

22 Flood liable land

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

23 Demolition in the Central Area Precinct

- (1) This clause applies to buildings within the area described in Schedule 2 other than buildings that are a heritage item.
- (2) A person shall not demolish a building to which this clause applies except with the consent of the Council.
- (3) The Council may only grant consent to a development application under subclause (2) after it has taken into consideration the desirability of retaining the character and visual integrity of the built environment in the locality.

Schedule 1 Heritage items

(Clause 5 (1))

- Tourist Information Centre (former CBA Bank), cnr Boorowa and Lynch Streets.
- The Millard Centre (former Millard's Department Store), 192 Boorowa Street.
- Assembly Hall, Young High School (former Court House, Campbell Street).
- Young Co-op Flour Mill, Lovell Street.

- Former Gaol, including wall and gatehouse (now Technical College) facing Caple Street.
- Former Public School, Dundas Street.
- Jim Morris' Empire Hotel, Main Street.
- St. Mary's Catholic Church, cnr Ripon and Campbell Streets.
- Newton's Young Hotel, Lynch Street.
- Railway Station.
- 54 McLerie Street—old Court House.
- St Mary's Presentation Convent, Ripon Street.
- The Chapel at the western end of St Mary's Catholic Church, Ripon Street.
- The Band Rotunda in Carrington Park, Ripon Street.

Schedule 2 Central Area Precinct

(Clause 23)

Commencing at a point at the north west corner of Lot 10, DP 590135, Section 38, Parish of Young, proceeding east along Lighting Lane to the east side of Main Street, the north to the southern side of Levell Street, then east to a point on the eastern side of Lots 1-3, DP 5354, Section 23, Parish of Young, then south to Lighting Lane, then east along Lighting Lane to a point west of corner Lot 5, Section 22, Parish of Young, then north to the boundary of that property, then east to the eastern boundary of that property, then south to the southern boundary, then west to Zouch Street, then south to the southern side of Boorowa Street, then west to Lynch Street, then south to Rosemary Lane, then west to Zouch Street, then south to the northern side of Cloete Street, then west to the eastern side of Main Street, then north west to Rosemary Lane, then south west to Short Stree Lane, then north west to Rosemary Lane, then west to the western side of Clarke Street, then north to the south east corner of Lot 10, DP 590135, then west following the southern boundary of that lot to the southwestern corner of that lot, then north following the boundary of that lot to the commencement point.