

# Young Local Environmental Rural Plan 1993

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New South Wales

## Status Information

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### Authorisation

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New South Wales

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# Young Local Environmental Rural Plan 1993



New South Wales

## Part 1 Preliminary

### 1 Name of plan

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

### 2 Aims, objectives etc

The general aims of this plan are:

- (a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Young by protecting, enhancing or conserving:
  - (i) prime crop and pasture land, and
  - (ii) timber, minerals, soil, water and other natural resources, and
  - (iii) areas of significance for nature conservation, and
  - (iv) areas of high scenic or recreational value, and
  - (v) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and
- (b) to institute a plan for the rural areas of the Shire and an area adjoining the town of Young to help facilitate development in a manner consistent with paragraph (a) and which:
  - (i) minimises the cost to the community of fragmented and isolated development of rural land, and
  - (ii) facilitates the efficient and effective delivery of amenities and services, and
  - (iii) facilitates a range of residential and employment opportunities in accordance with demand, and
  - (iv) facilitates farm adjustments, and

- (v) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land.

### 3 Land to which plan applies

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

### 4 Relationship to other environmental planning instruments

This plan complements *Young Local Environmental Plan 1991—Urban Lands*.

### 5 Interpretation

(1) In this plan:

**alter**, in relation to a heritage item, means:

- (a) make structural changes to the outside of the heritage item, building or work, or
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work not including changes that result from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**animal boarding or training establishment** means a place for the commercial boarding, breeding, keeping or training of animals.

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

**aquaculture or mariculture** means the commercial production (breeding, hatching, rearing or cultivation) of marine, estuarine or freshwater animals (such as fin fish, crustaceans, molluscs or other aquatic invertebrates).

**arterial road** means an existing road indicated on the map by continuous red lines.

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

**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 item, in whole or in part.

**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 the appointed day, or
- (b) if, as at the appointed day, 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 at the appointed day.

**hazardous industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**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 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, and
- (b) piggeries, and
- (c) poultry farms,
- (d) (Repealed)

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 land.

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

**offensive industry** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

**prime crop and pasture land** means land within the area identified, on a map

prepared by or on behalf of the Director-General of the Department of Agriculture, deposited in an office of the Department of Agriculture and a copy of which is deposited 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 of the Department of Agriculture 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** 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.

**renovate**, in relation to a building or work, means:

- (a) make structural changes to the inside or outside of the building or work, or
- (b) make 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.

**the map** means the series of maps marked "*Young Local Environmental Rural Plan 1993*", as amended by the maps (or specified sheets of the maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Young Local Environmental Rural Plan 1993 (Amendment No 2)*

*Young Local Environmental Rural Plan 1993 (Amendment No 5)*

*Young Local Environmental Rural Plan 1993 (Amendment No 6)*

*Young Local Environmental Rural Plan 1993 (Amendment No 9)*

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

(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, and
- (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, and
- (d) a reference to the destruction of a tree is a reference to the ringbarking, cutting down, felling, poisoning, topping, removing or otherwise destroying or injuring of a tree.

## 6 Adoption of Model Provisions

(1) The *Environmental Planning and Assessment Model Provisions 1980*, except for:

- (a) the definitions of **map** and **offensive or hazardous industries** in clause 4 (1), and
- (b) clauses 6, 15 and 29,

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 *Young Local Environmental Rural Plan 1993*”.

## 7 Consent authority

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

## Part 2 General restrictions on development

### 8 Zones indicated on the map

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

Zone No 1 (a1) General Rural—edged in black and lettered 1 (a1).

Zone No 1 (a2) Horticultural Rural—edged in black and lettered 1 (a2).



Zone No 1 (a3) Special Horticultural Rural—edged in black and lettered 1 (a3).

Zone No 1 (c1) Rural Residential—edged in black and lettered 1 (c1).

Zone No 1 (c2) Special Rural Residential—edged in black and lettered 1 (c2).

Zone No 1 (f) Rural—Forests—edged in black and lettered 1 (f).

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

Zone No 2 (v) Village Zone—coloured light red and lettered 2 (v).

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

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

Zone No 7 (e) Rural Environmental Protection (Scenic)—coloured orange and lettered 7 (e).

Zone No 8 National Parks and Reserves—coloured dark green.

## **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, and
  - (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 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 (a1) General Rural**

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

The objectives of this zone are to promote the proper management and

utilisation of resources by:

- (a) protecting, enhancing and conserving:
  - (i) agricultural land in a manner which sustains its efficient and effective agricultural production potential, and
  - (ii) soil stability by controlling and locating development in accordance with soil capability, and
  - (iii) forests of existing and potential commercial value for timber production, and
  - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits, and
  - (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, and
  - (vi) water resources for use in the public interest, and
  - (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, and
- (b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and
- (c) facilitating farm adjustments, and
- (d) minimising the cost to the community of:
  - (i) fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services, and
- (e) providing land for future urban development, for rural residential development and for development for other non-agricultural purposes, in accordance with the need for the development.

## **2 Without development consent**

Agriculture (other than aquaculture or mariculture or intensive livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Motor showrooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

### **Zone No 1 (a2) Horticultural Rural**

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

The objectives of this zone are:

- (a) to protect the potential of land for the purposes of prune orcharding as a rural activity contributing significantly to the economy of the locality, and
- (b) to allow for forms of development to be carried out which are in keeping with orchard undertakings and compatible with existing or likely future use of neighbouring land.

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

Agriculture (other than animal boarding or training establishments, aquaculture or mariculture or intensive livestock keeping establishments).

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

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

#### **4 Prohibited**

Motor showrooms; residential flat buildings; shops (other than general stores or local craft outlets).

### **Zone No 1 (a3) Special Horticultural Rural**

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

The objectives of this zone are:

- (a) to protect the potential of the land for use for the purposes of cherry

orcharding as a rural activity contributing significantly to the economy of the locality, and

- (b) to allow for forms of development to be carried out which are in keeping with and compatible with the existing or likely future use of neighbouring land.

## **2 Without development consent**

Agriculture (other than animal boarding or training establishments, aquaculture or mariculture or intensive livestock keeping establishments).

## **3 Only with development consent**

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

## **4 Prohibited**

Abattoirs; animal boarding or training establishments (other than stables or dog kennels); boarding-houses; bulk stores; car repair stations; commercial premises; industries (other than rural industries or home industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; residential flat buildings; sawmills; service stations; shops (other than general stores); stock and sale yards; transport terminals; warehouses; wrecking yards.

## **Zone No 1 (c1) Rural Residential**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for small holdings on land suitable for rural residential use in conjunction with the agricultural use of the land, and
- (b) to provide for development in keeping with the general character of the area and compatible with existing use or likely future use of neighbouring land, and
- (c) to allow for stables in the vicinity of the Young Showground and the Burrangong Racecourse.

### **2 Without development consent**

Agriculture (other than animal boarding or training establishments and

intensive livestock keeping establishments).

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

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

### **4 Prohibited**

Abattoirs; animal boarding or training establishments (other than stables or dog kennels); aquaculture or mariculture; boarding-houses; bulk stores; car repair stations; commercial premises; industries (other than rural industries, or home industries); intensive livestock keeping establishments; junk yards; liquid fuel depots; mines; motor showrooms; residential flat buildings; sawmills; service stations; shops (other than general stores); stock and sale yards; transport terminals; warehouses; wrecking yards.

## **Zone No 1 (c2) Special Rural Residential**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to provide for rural residential development on land not considered as prime agricultural land, and
- (b) to provide for development in keeping with the general character of the area and compatible with the existing character of the area and compatible with the existing use or likely future use of neighbouring land, and
- (c) to allow for stables in the vicinity of the Young Showground and the Burrangong Racecourse.

### **2 Without development consent**

Agriculture (other than animal boarding or training establishments and intensive livestock keeping establishments).

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

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

### **4 Prohibited**

Abattoirs; animal boarding or training establishments (other than stables or dog kennels); aquaculture or mariculture; boarding-houses; bulk stores; car

repair stations; commercial premises; industries (other than rural industries or home industries); intensive livestock keeping establishments; stock and sale yards; transport terminals; warehouses; wrecking yards.

### **Zone No 1 (f) Rural—Forests**

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

The objective of this zone is to enable the continuance or expansion of forestry and development for associated purposes.

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

Any purpose authorised by the *Forestry Act 1916*.

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

Nil.

#### **4 Prohibited**

Any purpose not included in item 2.

### **Zone No 2 (a) Residential**

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

The objective of this zone is to provide land adjacent to town services for the purpose of residential development.

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

Single dwelling-houses.

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

Residential flat buildings; home industries; home occupations.

#### **4 Prohibited**

Any purpose not included in item 2 or 3.

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

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

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

## **2 Without development consent**

Nil.

## **3 Only with development consent**

Any purpose other than a purpose included in item 4.

## **4 Prohibited**

Aquaculture or mariculture; extractive industries; intensive livestock keeping establishments (other than stables or dog kennels); mines; offensive or hazardous industries.

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

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

The objectives of this zone are:

- (a) to provide for industrial use of land in areas adjoining land covered by *Young Local Environmental Plan 1991—Urban Lands* (which relates to the Young town area), and
- (b) to allow for development on land to be carried out that is compatible with industrial uses and not in conflict with the existing or likely future use of neighbouring land.

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

Nil.

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

Any purpose other than a purpose included in item 4.

#### **4 Prohibited**

Extractive industries; residential flat buildings.

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

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

The objectives of this zone are:

- (a) to maintain land for railway purposes, and

(b) to allow for associated and ancillary development.

**2 Without development consent**

Nil.

**3 Only with development consent**

Railway purposes; utility installations (other than gas holders or generating works); any purpose ordinarily incidental or subsidiary to a permissible purpose.

**4 Prohibited**

Any purpose not included in item 3.

**Zone No 7 (e) Rural Environmental Protection (Scenic)**

**1 Objectives of zone**

The objective of this zone is to provide for the protection of areas considered as being of recognised scenic significance.

**2 Without development consent**

Agriculture (other than animal boarding or training establishments, aquaculture or mariculture, intensive livestock keeping establishments, the clearing of land for the purpose of agriculture or the erection of sheds or other buildings associated with agriculture).

**3 Only with development consent**

Animal boarding or training establishments; clearing of land for the purposes of agriculture; community centres; educational establishments; dwelling-houses; home industries; home occupations; logging; picnic grounds; places of public worship; plant nurseries; recreation areas; research establishments; rural industries; utility installations; veterinary surgeons' establishments.

**4 Prohibited**

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

**Zone No 8 National Parks and Reserves**

**1 Objectives of zone**

The objective of this zone is to recognise existing national parks and nature



reserves.

## 2 Without development consent

Any purpose carried out by or on behalf of the National Parks and Wildlife Service under the *National Parks and Wildlife Act 1974*, or any purpose ordinarily incidental or subsidiary to such a purpose.

## 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 *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 Subdivision—generally

- (1) A person may subdivide land to which this plan applies but only with the consent of the Council.

- (2) The Council must not consent to the subdivision of land within Zone No 1 (a1), 1 (a2), 1 (a3) or 7 (e) unless:
  - (a) the Council is satisfied as to the primary purpose for which each allotment to be created by the subdivision will be used, and
  - (b) the Council is satisfied as to the approximate location on the land of any dwellings and other buildings already erected on the land at the date of the application, and
  - (c) the Council is satisfied as to the approximate location on the land at which any proposed dwelling or other building the subject of a development application or of any current building approval will be erected.

**11 Subdivision for the purpose of agriculture or horticulture in Zones Nos 1 (a1), 1 (a2), 1 (a3) and 7 (e)**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3) or 7 (e).
- (2) Except as provided by subclause (3), the Council may consent to the creation of an allotment of any area of land to which this clause applies, if the Council is satisfied that the allotment will be used for the purposes of agriculture or horticulture.
- (3) The Council shall not consent to the creation of an allotment of land to which this clause applies if the Council is satisfied that the allotment will be used for the purposes of agriculture or horticulture and the allotment has an area of less than:
  - (a) in the case of land within Zone No 1 (a1) or 7 (e)—40 hectares, or
  - (b) in the case of land within Zone No 1 (a2)—10 hectares, or
  - (c) in the case of land within Zone No 1 (a3)—4 hectares,and there is a dwelling-house on the allotment.
- (4) Notwithstanding subclause (3), the Council may consent to the creation of one, but not more than one, allotment that the Council is satisfied will be used for the purposes of agriculture or horticulture from an existing holding on which a dwelling-house is erected if that dwelling-house was lawfully erected on that land on or before the appointed day.

**12 Subdivision for the purpose of dwellings in Zones Nos 1 (a1), 1 (a2), 1 (a3) and 7 (e)**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3) or 7 (e).
- (2) Subject to this clause, the Council may consent to the excision of land to which this clause applies from an existing holding to create allotments which the Council is satisfied will be used for the purposes of dwelling-houses.
- (3) The total number of allotments that may be created under subclause (2) whether by

one or more successive subdivision must not exceed:

- (a) in the case of an existing holding with an area less than 20 hectares—one,
- (b) in the case of an existing holding with an area 20 ha to 40 hectares—two, and
- (c) in the case of an existing holding with an area greater than 40 hectares—three.

(4) The Council is not to consent to a subdivision referred to in subclause (2) unless:

- (a) each allotment created has an area of not less than 1.0 hectares and not more than 2 hectares, and
- (b) not more than 5 per cent of the area of each existing holding is subdivided pursuant to one or more development consents granted in accordance with this clause, and
- (c) any allotment created pursuant to this clause does not comprise prime crop and pasture land.

### **13 Subdivision for purposes other than agriculture, horticulture or dwellings**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3) or 7 (e).
- (2) The Council shall not consent to an application to subdivide land to which this clause applies that it is satisfied is not to be used primarily for horticulture, agriculture or dwellings unless, in the opinion of the Council:
  - (a) none of the land the subject of the application is prime crop or pasture land, and
  - (b) the area of any allotment so created is appropriate having regard to the proposed use.
- (3) Nothing in subclause (1) prevents the Council from granting consent to a subdivision application if the Council is satisfied that:
  - (a) the purpose for which the allotment to be created is to be used is the supply of goods or services for which there is a demand and that the demand justifies the creation of the allotment notwithstanding its agricultural value, and
  - (b) no other land in the locality could reasonably be used for that purpose.

### **14 Subdivision in Zones Nos 1 (c1) and 1 (c2)**

- (1) This clause applies to land within Zone No 1 (c1) or 1 (c2).
- (2) The Council shall not consent to an application to subdivide land within Zone No 1 (c1) or 1 (c2) if the area of any allotment to be created by the subdivision:
  - (a) in the case of land within Zone No 1 (c1)—is less than 2 hectares, or

(b) in the case of land within Zone No 1 (c2)—is less than 0.6 hectares.

(3) The Council shall not grant consent to the subdivision of land within Zone No 1 (c2) unless it is satisfied that arrangements have been made for each allotment to be created by the subdivision to be connected to the Council's sewer.

#### **15 Subdivision in other zones**

The Council may consent to the subdivision of land within Zone No 2 (v) or 4 (a) to create an allotment of any size considered by the Council to be adequate for the proposed use.

#### **16 Dwelling-houses—Zones Nos 1 (a1), 1 (a2), 1 (a3), 1 (c1), 1 (c2) and 7 (e)**

(1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3), 1 (c1), 1 (c2) or 7 (e).

(2) The Council must not grant consent to the erection of a dwelling-house on land to which this clause applies unless:

(a) in the case of land within Zone No 1 (a1)—the land has an area of not less than 40 hectares, or

(b) in the case of land within Zone No 1 (a2)—the land has an area of not less than 10 hectares, or

(c) in the case of land within Zone No 1 (a3)—the land has an area of not less than 4 hectares, or

(d) in the case of land within Zone No 1 (c1)—the land has an area of not less than 2 hectares, or

(e) in the case of land within Zone No 1 (c2)—the land has an area of not less than 0.6 hectare, or

(f) in the case of land within Zone No 7 (e)—the land has an area of not less than 40 hectares.

(3) Despite subclause (2), the Council may grant consent to the erection of a dwelling-house on:

(a) an allotment created by a subdivision in accordance with clause 12 or 14, or

(b) an allotment created by a subdivision in accordance with clause 13 if the Council is satisfied that the use of the dwelling-house will be ancillary and subsidiary to the use of the allotment for the purpose for which it was created, or

(c) an existing holding on which no dwelling-house is currently situated.

#### **17 Erection of additional dwelling-houses in Zones Nos 1 (a1) and 1 (a2)**

(1) This clause applies to land within Zone No 1 (a1) or 1 (a2) which is used for the

purpose of agriculture.

- (2) An additional dwelling-house may, with the consent of the Council, be erected on land to which this clause applies if:
  - (a) any additional dwelling-house is erected after the erection of the first dwelling-house on that land is completed, and
  - (b) no additional access to a public road is required from the land, and
  - (c) the Council is satisfied that the dwelling-house will be actually occupied by a person employed or engaged by the owner of the land in the use of the land for the purpose of agriculture, and
  - (d) the additional dwelling-house is located on the same parcel of land as the dwelling-house occupied by the owner.
- (3) The Council shall not consent to the subdivision of land on which an additional dwelling-house is erected in accordance with this clause except as provided by this plan.

#### **18 Applications that must be advertised**

The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for a purpose specified in Schedule 2 in the same way as those provisions apply to and in respect of designated development.

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

The Council shall not consent to an application to carry out development on land which has frontage to an arterial road unless:

- (a) access to that land is provided by a road other than the arterial road, wherever practicable, or
- (b) in the opinion of the Council, the safety and efficiency of the arterial road will not be adversely affected by:
  - (i) the design of the access to the proposed development, or
  - (ii) the emission of smoke or dust from the proposed development, or
  - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.

#### **20 Development within Zone No 7 (e)**

- (1) This clause applies to land within Zone No 7 (e).
- (2) A person shall not, except with the consent of the Council, cause the destruction of

trees on an existing holding which comprises wholly or partly land to which this clause applies where the proposed destruction involves:

- (a) more than 1 hectare of the land within Zone No 7 (e), or
- (b) more than 5 per cent of the area of the existing holding, where that 5 per cent comprises land within Zone No 7 (e),

whichever is the lesser.

(3) 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 and any other land degradation, and
- (b) the loss of scenic amenity, and
- (c) the loss of important vegetation systems and natural wildlife habitats.

## **21 Flood liable land**

The Council may consent to the carrying out of development on land that, in the opinion of the Council, is liable to flooding only if the Council is satisfied that adequate measures have been or will be taken:

- (a) to reduce the incidence of flooding on the land, and
- (b) to prevent structural damage that would otherwise be likely to be caused by flooding to any buildings to be located on the land.

## **22 Land subject to bushfire hazards**

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

- (a) adequate provision is made for access for fire fighting vehicles, and
- (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones, and
- (c) adequate water supplies are available for fire fighting purposes.

## **23 Heritage items**

- (1) A person shall not, in respect of a heritage item:
  - (a) demolish or alter the building or work, or

- (b) damage or move the relic, or
- (c) excavate for the purpose of exposing the relic, or
- (d) damage or despoil the place or tree, or
- (e) erect a building or subdivide land on which the building, work or relic is situated or that comprises the place, or
- (f) 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 required by 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.

#### **24 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 the development will have on the heritage significance of the item and its setting.

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

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

- (a) the proposed use would have little or no adverse effect on the amenity of the area, and
- (b) the conservation of the building depends on the Council granting consent in accordance with this clause.

#### **26 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 25 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.

## **27 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.

## **28 Development in flight path**

(1) This clause applies to land within the flight paths to and from Young Airport, as shown on the map by a broken black line in the breaks of which appear the letters "FP".

(2) A person shall not, on land to which this clause applies, erect a building to a height greater than 2 metres above natural ground level without the consent of the Council.

(3) The Council shall not grant consent as referred to in subclause (2) unless it is satisfied (after consultation with the Commonwealth Department of Aviation) that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

(4) In granting consent as referred to in subclause (2), the Council shall give consideration to any noise exposure forecasts prepared by the Commonwealth Department of Aviation and to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.

## **29 Roadside stalls**

The Council must not grant consent to development for the purposes of roadside stalls on land within Zone No 1 (a1), 1 (a2) or 1 (a3) unless it is satisfied that access to such stalls will be provided in a manner specified by the Council.

## **30 Advertisements**

(1) Nothing in this plan shall prevent the Council from granting consent to the erection of an advertising structure or the display of an advertisement in accordance with this clause.

(2) The Council may erect, or a person may with the consent of the Council erect,



structures, including structures designed to function as roadside information bays, on land within any zone for the purpose of directing the travelling public to tourist areas or the display on such structures of private advertisements of tourist or motorist facilities.

- (3) Where a structure or information bay of a type referred to in subclause (2) is not provided, or is unlikely to be provided, to serve a particular section of an arterial road, or if provided is considered by the Council to be unsuitable for the purpose referred to in that subclause, the Council may grant consent to the erection of advertising structures and the display of advertisements on those structure if:
  - (a) the advertising structures are confined to land that is delineated by the Council having regard to the geometry of the main road to which the land has frontage, sight distances for drivers on the road and the minimising of traffic hazards due to possible distraction to drivers or to any possible obscuring of potential traffic conflict points, and
  - (b) the advertising structures are grouped or clustered so as to minimise any adverse visual impact that might occur if the structures were dispersed, and
  - (c) the Council is satisfied that the size, spacing, design, positioning and colours used in any structure or advertisement displayed on the structure is unlikely to cause any traffic hazard or to create any significant visual impact, and
  - (d) any advertisement to be displayed on such structures is related to local available services or facilities for motorists or tourists.
- (4) A commercial sign or temporary advertisement may be erected or displayed on any land without the consent of the Council provided adequate notice is given to the Council and regard is had to any comments made by the Council.
- (5) An advertising structure larger than a commercial sign may be erected on land within any zone, with the consent of the Council, for the purpose of displaying only notices relating to the purpose for which the land is used.
- (6) In this clause, **commercial sign** has the meaning it has in *Ordinance No 55* under the [Local Government Act 1993](#).

### **31 Dual occupancy**

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (a3), 1 (c1), 1 (c2), 2 (v) or 7 (e).
- (2) The purpose of this clause is:
  - (a) to allow relatives to live with families, but in self-contained accommodation, and
  - (b) to encourage economic use of existing services and community facilities without

overloading any such services and facilities, and

(c) to permit people to convert an existing dwelling-house into 2 separate occupancies, so as to increase the availability of rental accommodation, and

(d) to allow increased population density without reducing the amenity of residential and rural areas.

(3) In this clause, **dual occupancy building** means a building containing 2 dwellings only.

(4) A person may, on land to which this clause applies, with the consent of the Council:

(a) erect a dual occupancy building, or

(b) alter or add to an existing dwelling-house so as to create a dual occupancy building,

except where the erection, alteration or addition will result in more than 2 dwellings on the land.

(5) The Council shall not grant consent as referred to in subclause (4) unless:

(a) in the case of an allotment within Zone No 1 (a1), 1 (a2), 1 (a3), 1 (c1) or 7 (e), the land has an area of not less than 40 hectares, 10 hectares, 4 hectares, 2 hectares or 40 hectares, respectively, or comprises an allotment created pursuant to clause 12 or an allotment on which a dwelling could be erected in accordance with clause 16, and

(b) in the case of an allotment within Zone No 1 (c2), the land has an area of not less than 2 hectares if the sewer is not available, or 0.6 hectares if the sewer is available, and

(c) in the case of an allotment with Zone No 2 (v)—the area of the allotment on which the proposed dual occupancy building is intended to be erected or created is not less than 2 hectares, and

(d) arrangements satisfactory to the Council have been made for the provision of a water supply to each dwelling contained in the proposed dual occupancy building and for the disposal of sewage and stormwater from each dwelling.

(6) Notwithstanding subclause (5) (c), the Council may, in relation to an allotment of land within Zone No 2 (v), grant consent as referred to in subclause (4) where the allotment was in existence as a separate allotment of land on the appointed day.

(7) A dual occupancy building shall not:

(a) if proposed to be erected or created on land within Zone No 1 (a1), 1 (a2), 1 (a3), 1 (c1), 1 (c2) or 7 (e), consist of more than one dwelling having a gross floor area

of more than 50 square metres, and

- (b) if proposed to be erected or created on land within Zone No 2 (v), extend over more than 35 per cent of the site area of the allotment on which it is to be situated, except where:
  - (i) an existing dwelling-house is altered or added to, and
  - (ii) the gross floor area of the proposed additional dwelling does not exceed 30 per cent of the gross floor area of the existing dwelling-house and the dual occupancy building does not contain more than 2 storeys above ground level.

(8) The Council may, in granting consent as referred to in subclause (4), impose a condition requiring:

- (a) where the owner of the allotment is not a corporation—the owner, or
- (b) where the owner of the allotment is a corporation—a director or an employee of the corporation,

to occupy one of the dwellings created pursuant to this clause.

(9) Where a dual occupancy building is erected or created, or proposed to be erected or created, in accordance with this clause, the separate occupation of the proposed lots illustrated by a proposed strata plan relating to the dual occupancy building is prohibited.

(10) The provisions of this plan relating to residential flat buildings do not apply to a dual occupancy building erected or created, or proposed to be erected or created, in accordance with this clause.

## **32 Multiple occupancy**

(1) This clause applies to land within Zone No 1 (a) or 7 (e).

(2) The purpose of this clause is to enable development of residential accommodation which may be described as multiple occupancy or occupation, on a clustered or dispersed basis, of property held in common ownership by means of the use of individual buildings or groups or clusters of buildings which together function as dwelling-houses.

(3) Notwithstanding any other provision of this plan, nothing prevents the carrying out, with the consent of the Council, of development for residential purposes comprising the erection and use of permanent dwellings or living accommodation upon land to which this clause applies, where:

(a) the land on which the development is to be carried out:

- (i) has an area of not less than 200 hectares or is an existing holding capable, in

- the Council's opinion, of supporting the development, and
- (ii) is and remains unsubdivided under the *Conveyancing Act 1919*, the *Strata Titles Act 1973* and the *Community Land Development Act 1989* so as to comprise a single parcel, and
- (b) at least two-thirds of the adult persons residing on the land upon which the development is to be carried out have a share in the ownership of the land, whether or not people not residing on the land also share in that ownership, and
  - (c) the proposed residential accommodation does not exceed:
    - (i) that reasonably required, in the opinion of the Council, to house 1 person for each hectare of land, or
    - (ii) 1 dwelling-house for each 4 hectares of land,whichever is the lesser, and
  - (d) the proposed residential accommodation consists of individual buildings or groups or clusters of buildings which together function as dwelling-houses.
- (4) The Council shall not consent to the carrying out of development on land as referred to in subclause (3) unless:
- (a) it has made an assessment of:
    - (i) the capacity of the land to accommodate additional people, and
    - (ii) the existing and possible future use of the land and of land in the locality, and
    - (iii) the availability of community facilities and services to occupants of the land, and
    - (iv) the availability of an all-weather access road to the land, and
    - (v) potential bushfire risks, and
    - (vi) potential erosion hazards, and
    - (vii) the agricultural suitability of the land, and
    - (viii) the vegetation cover of the land, and
    - (ix) the proposed location of buildings, and
    - (x) the location of the land, and
    - (xi) the area and character of the land, and
  - (b) arrangements satisfactory to it (whether those arrangements will be made by the

imposition of conditions under section 91 of the *Environmental Planning and Assessment Act 1979*, or otherwise) will be or have been made for the provision of adequate water supply and drainage and adequate waste disposal facilities with respect to the proposed development.

- (5) The Council may grant an application for consent to the carrying out of development which, but for the fact that the land the subject of the application consists of more than one parcel, would be permitted by subclause (3) (a) (ii), but only if it imposes, as a condition of the consent, a requirement that the land be consolidated into a single parcel prior to the development being carried out.
- (6) Whenever development is carried out on land in accordance with a consent granted under the *Environmental Planning and Assessment Act 1979* pursuant to this clause, the carrying out of the following development on or with respect to that land is prohibited:
  - (a) development for the purposes of a residential flat building, motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, and
  - (b) subdivision of the land under the *Conveyancing Act 1919* or the *Community Land Development Act 1989*, and
  - (c) the separate occupation of the proposed lots illustrated by a proposed strata plan relating to the land.

### **33 Community land subdivision**

The Council may grant consent to the proposed subdivision of land under the *Community Land Development Act 1989* only if each lot (other than a strata lot) to be created by the subdivision will have an area of not less than the minimum area required by this plan in relation to the subdivision of the land.

### **34 Erection of single dwelling-houses on Lots 3-8, DP 250955, Jasprizza Lane, Young**

Nothing in this plan prevents the erection of a single dwelling-house on each of Lots 3-8, DP 250955, Jasprizza Lane, Young.

### **35 Development for certain additional purposes**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

### **36 Prohibited development—James Lane, Young**

Notwithstanding other provisions of this plan, development for the purpose of the following must not be carried out on Part Lots 1 and 2, DP 713028, James Lane, Young, as shown edged heavy black on the map marked “*Young Local Environmental Rural Plan 1993 (Amendment No 5)*”:

abattoirs; animal boarding or training establishments (other than stables or dog kennels); boarding-houses; hazardous industries; intensive livestock keeping establishments; junk yards; mines; offensive industries; sawmills; stock and sale yards; wrecking yards.

### **Schedule 1 Heritage items**

(Clause 5 (1))

Public School Building	Lots 4/5 & Part Lots 2/6, Section 32, Burrowa Street, Murringo
Church of England Church	Lots 2/4 & Part Lot 1, Section 37, Burrowa Street, Murringo
Catholic Church and Convent	Lot 1 DP 567585, Boreham Street, Murringo

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

(Clause 18)

Boarding-houses; hotel/motels and residential flat buildings.  
Industries, other than rural industries.  
Intensive livestock keeping; junk yards; liquid fuel depots; saw-mills; stock and sale yards.

### **Schedule 3 Development for certain additional purposes**

(Clause 35)

Land being Lot 2, DP 791404, 910 Olympic Way North, Young, as shown edged heavy black on the map marked “*Young Local Environmental Rural Plan 1993 (Amendment No 8)*”—establishment and operation of a hotmix and coldmix production plant (asphalt plant).

Land being Portions 1195, 1196, 1197, 1251 and 1416, Parish of Young, Telegraph Road, Young, as shown edged heavy black on the map marked “*Young Local Environmental Rural Plan 1993 (Amendment No 7)*”—the continuing use and expansion of the existing poultry farm located on the site.