

# Urana Local Environmental Plan 1990

[1990-321]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2008 to 22 September 2011 (accessed 18 July 2024 at 2:37)

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—

- **Repeal**

The plan was repealed by cl 1.8 (1) of the [Urana Local Environmental Plan 2011 \(508\)](#) (LW 23.9.2011) with effect from 23.9.2011.

### 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](#).

File last modified 23 September 2011

# Urana Local Environmental Plan 1990



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of plan .....	4
2 Aims, objectives etc.....	4
3 Land to which plan applies .....	5
4 Relationship to other environmental planning instruments .....	5
5 Definitions .....	5
6 Adoption of model provisions .....	7
7 Consent authority .....	8
<b>Part 2 Zones</b> .....	8
8 Zones indicated on the map.....	8
9 Zone objectives and development control table.....	8
<b>Part 3 Special provisions</b> .....	12
10 General considerations for development within rural zones.....	12
10A What is exempt and complying development?.....	13
11 Subdivision of land generally.....	13
12 Subdivision for the purposes of agriculture in Zone No 1 (a).....	14
13 Subdivision for the purposes of intensive agriculture in Zone No 1 (a) .....	14
14 Subdivision for the purposes of dwelling-houses in Zone No 1 (a) .....	14
15 Subdivision for other purposes in Zone No 1 (a) .....	14
16 Dwelling-houses in Zone No 1 (a).....	15
16A Dwelling entitlements on existing concessional lots .....	16
17 Subdivision for the purposes of dwelling-houses in Zone No 1 (c) .....	16

18	Erection of additional dwelling-houses in Zone No 1 (a) or 1 (c)	16
19	Subdivision of land in Zone No 2 (v)	17
20	Dwelling-houses in Zone No 2 (v)	17
21	Temporary accommodation	17
22	Applications that must be advertised	17
23	Development along arterial roads	18
24	Environmentally sensitive land	18
25	Flood liable land	19
26	Land subject to bushfire hazards	19
27	Heritage items	20
28	Development in the vicinity of a heritage item	20
29	(Repealed)	20
30	Conservation incentives relating to heritage items	20
31	Roads, drainage, recreation areas and parking	21
	<b>Schedule 1 Heritage items</b>	<b>21</b>
	<b>Schedule 2 Development which must be advertised</b>	<b>21</b>
	<b>Schedule 3 Development along arterial roads</b>	<b>21</b>

# Urana Local Environmental Plan 1990



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan may be cited as *Urana Local Environmental Plan 1990*.

### 2 Aims, objectives etc

The aims of this plan are:

- (a) to update and provide flexible planning controls to assist the Council in its administration of planning,
- (b) to preserve good agricultural land and to encourage the location of non-agricultural development in rural areas on less productive land,
- (c) to encourage the continuation of agricultural enterprise while accommodating new types of agricultural activity, land uses which support agriculture and changes to agriculture due to economic conditions,
- (d) to provide for expanded urban development needs associated with the Oaklands mine and power station project,
- (e) to accommodate the Oaklands mine and power station project and other development that may be required as a consequence,
- (f) to encourage further development in the main villages in the Shire of Urana and the maintenance of their facilities and services,
- (g) to provide a range of housing opportunities, including temporary accommodation, urban infill and expansion and rural-residential development,
- (h) to ensure that the Council has adequate power to deal with inappropriate development, particularly development likely to degrade the land, and
- (i) to conserve the environmental heritage of the Shire of Urana, including the protection of Aboriginal relics and places.

### 3 Land to which plan applies

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

### 4 Relationship to other environmental planning instruments

This plan repeals:

- (a) *Interim Development Order No 1—Shire of Urana*, and
- (b) 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 applied to that land.

### 5 Definitions

(1) In this plan:

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

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

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

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

**arterial road** means an existing road indicated on the map by heavy broken black lines.

**caravan park** means land used as a site for movable dwellings, including tents and caravans and other vehicles used for temporary accommodation, and includes any kiosk or other similar facility situated on the land.

**Council** means the Council of the Shire of Urana.

**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.

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

**existing holding** means:

- (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was 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 area of those lots, portions or parcels as they were as at the appointed day.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or any similar substance, but does not include any pure metal or any substance extracted for the purpose of refinement to obtain a metal or mineral.

**flood liable land** means land shown diagonally hatched with black lines on the map.

**good agricultural land** means land which, in the opinion of the Council (based on information available to it), is land of merit for agricultural uses.

**heritage item** means a building, work, relic or place of heritage significance to the Shire of Urana:

- (a) situated on land shown edged heavy black and numbered on the map, and
- (b) described in Schedule 1.

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

**intensive agriculture** means market gardening, mushroom growing, fruit growing, flower growing, or similar agriculture.

**intensive livestock keeping establishment** means a building or place in which or on which cattle, sheep, goats, poultry or other livestock are held for the purpose 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) similar places,

but does not include an animal boarding or training establishment or land used for the keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land, or the supplementary feeding of stock during a period of drought or following a bush fire or flood.

**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, or
- (d) an area used by a body of persons associated for the purpose of providing recreational facilities for the physical, cultural or intellectual welfare of the community,

but does not include a racecourse or a showground.

**relic**, means any deposit, object or material evidence relating to the settlement (including Aboriginal habitation) of the Shire of Urana which is 50 or more years old.

**the map** means the set of maps marked "*Urana Local Environmental Plan 1990*", as amended by the maps, or sheets of 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.

*Urana Local Environmental Plan 1990 (Amendment No 1)*

(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 of the zone so specified.

(3) Where shown on the map, the lettering:

**Defence Communications Facility** means the buildings and equipment of the Defence Receiver Station established by the Commonwealth Department of Defence.

(4) Notes in this plan do not form part of this plan.

## **6 Adoption of model provisions**

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

- (a) the definitions of **arterial road**, **extractive material** and **map** in clause 4 (1), and

(b) clauses 15, 23, 29 and 34,

are adopted for the purposes of this plan.

(2) The definition of **commercial premises** in clause 4 (1) of the *Environmental Planning and Assessment Model Provisions 1980* is adopted as if there were inserted after the word “clause” wherever occurring in the definition the words “or in clause 5 of the *Urana Local Environmental Plan 1990*”.

(3) For the purposes of this plan, a reference in the *Environmental Planning and Assessment Model Provisions 1980* to land within:

(a) a residential zone, a business zone, an industrial zone, a special use zone or an open space zone, or

(b) land zoned for residential purposes, business purposes, commercial purposes, industrial purposes, special use purposes, open space purposes or proposed new road purposes,

shall be taken to be a reference to land within Zone No 2 (v).

## 7 Consent authority

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

## Part 2 Zones

### 8 Zones indicated on the map

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

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

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

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

Zone No 5 (a) (Special Uses)—edged heavy black and lettered “5 (a)” and with the particular use allowed on a parcel of land within the zone.

### 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 has considered the objectives of the zone within which the development is proposed to be carried out, and the extent to which the proposed development is consistent with those objectives.

Table

**Zone No 1 (a) (Rural)**

**1 Objectives of zone**

The objectives of this zone are:

(a) to allow development for purposes that are:

(i) appropriate in a rural location, and

(ii) sympathetic with the environmental characteristics of the land and the costs of providing public services and amenities,

(b) to promote the efficient and effective use of agricultural land within its capability,

(c) to facilitate farm adjustment,

(d) to conserve good agricultural land by ensuring that it is not unnecessarily converted to non-agricultural purposes,

(e) to protect, enhance and conserve:

(i) soil stability by controlling and locating development in accordance with soil capability,

(ii) forests of existing and potential commercial value for timber production,

(iii) 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,

(iv) trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is likely to reduce land degradation,

(v) water resources for use in the public interest,

(vi) areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats,

(vii) heritage items, including the protection of Aboriginal relics and places, and

(viii) the operational efficiency of main and arterial roads, and

(f) to minimise the cost to the community of:

(i) fragmented and isolated development of rural land, and

(ii) providing, extending and maintaining public amenities and services.

## **2 Without development consent**

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments); forestry (other than ancillary dwellings).

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

### **1 Objectives of zone**

The objectives of this zone are to promote the development of land identified as suitable for:

(a) rural residential or hobby farm development, or

(b) a range of industrial or storage purposes which are compatible with the

environmental capabilities of the land and which are unlikely to adversely affect land or development in the vicinity.

**2 Without development consent**

Agriculture (other than ancillary dwellings and intensive livestock keeping establishments).

**3 Only with development consent**

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

**4 Prohibited**

Boarding houses; caravan parks; commercial premises; hotels; motels; motor showrooms; refreshment rooms; residential flat buildings; shops (other than general stores).

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

**1 Objectives of zone**

The objectives of this zone are:

- (a) to identify existing villages and to allow future development in a manner which is compatible with their function, and
- (b) to provide for growth of villages associated with potential mining and related development in the Shire of Urana.

**2 Without development consent**

Nil.

**3 Only with development consent**

Any purpose other than a purpose included in item 4.

**4 Prohibited**

Extractive industries; institutions; intensive livestock keeping establishments; junk yards; mines; offensive or hazardous industries.

**Zone 5 (a) (Special Uses)**

## **1 Objectives of zone**

The objective of this zone is to allow development for the purpose of a particular use nominated for each parcel of land within the zone.

## **2 Without development consent**

The particular use indicated on the map and any use ordinarily incidental or ancillary to that use.

## **3 Only with development consent**

Nil.

## **4 Prohibited**

Any purpose other than a purpose included in item 2.

# **Part 3 Special provisions**

## **10 General considerations for development within rural zones**

- (1) The Council shall not consent to an application to carry out development on land within Zone No 1 (a) or 1 (c) unless it has made an assessment, where relevant, of the effect of the carrying out of that development on:
  - (a) the present and potential use of the land for the purposes of agriculture,
  - (b) vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
  - (c) the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum resources, sand, gravel or other extractive materials,
  - (d) the protection of areas of significance for nature conservation or of high scenic or recreational value, and heritage items including Aboriginal relics and places,
  - (e) the cost of providing, extending and maintaining public infrastructure and services to the development, and
  - (f) future expansion of settlements in the locality.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the development to development on adjoining land and on such other land in the locality as, in the opinion of the Council, is appropriate for consideration.

- (3) Subclause (1) does not apply to development, being:
- (a) an addition to a building or work (except where that building or work is a heritage item),
  - (b) development ancillary to a purpose for which development may be carried out, with or without the consent of the Council, under this plan, or
  - (c) the erection of a dwelling-house on an allotment of land created in accordance with this plan for the purposes of a dwelling-house.

#### **10A What is exempt and complying development?**

- (1) Development of minimal environmental impact listed in *Development Control Plan No 13* as adopted by the Council on 21 September 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in *Development Control Plan No 13* as adopted by the Council on 21 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 *Development Control Plan No 13* as adopted by the Council on 21 September 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 13* adopted by the Council, as in force when the certificate is issued.

#### **11 Subdivision of land generally**

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) A person who makes an application to subdivide land within Zone No 1 (a) or 1 (c) must before the Council consents to the application:
  - (a) state the primary purpose for which each allotment created by the subdivision is intended to be used,
  - (b) state whether it is intended to erect a dwelling-house on any allotment created by the subdivision and, if so, on which allotment, and
  - (c) show the approximate location of any dwelling-house erected on the land as at the date of the application.

## **12 Subdivision for the purposes of agriculture in Zone No 1 (a)**

- (1) The Council may consent to the creation of an allotment of land within Zone No 1 (a) of any size if the allotment is intended to be used for the purposes of agriculture.
- (2) The Council shall not consent to the creation of an allotment of land within Zone No 1 (a) that is intended to be used for the purposes of agriculture if:
  - (a) the allotment has an area of less than 100 hectares and there is a dwelling-house on the allotment, and
  - (b) in the opinion of the Council, the allotment is physically incapable of sustaining agricultural food or fibre production of a form common in the area.
- (3) Notwithstanding subclause (2), the Council may consent to the creation of one, but not more than one, allotment intended to be used for the purposes of agriculture from an existing holding on which a dwelling-house stands if that dwelling-house was lawfully erected on that land on or before the appointed day.

### **Note—**

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) enables subdivision of lots smaller than allowed by this plan for the purposes of primary production.

## **13 Subdivision for the purposes of intensive agriculture in Zone No 1 (a)**

The Council shall not consent to an application to subdivide land within Zone No 1 (a) unless each allotment created that is intended to be used for the purposes of intensive agriculture in the opinion of the Council:

- (a) has an adequate area having regard to the location and characteristics of the proposed intensive agricultural use,
- (b) is physically capable of sustaining a range of intensive agricultural uses, and
- (c) has an adequate water supply available to service the proposed intensive agricultural use.

## **14 Subdivision for the purposes of dwelling-houses in Zone No 1 (a)**

The Council shall not consent to the creation of an allotment of land in Zone No 1 (a) intended to be used primarily for the purposes of a dwelling-house unless the allotment has an area of not less than 100 hectares.

## **15 Subdivision for other purposes in Zone No 1 (a)**

- (1) Subject to subclauses (2) and (3), the Council shall not consent to an application to subdivide land within Zone No 1 (a) where any allotment to be created by the subdivision is intended to be used primarily for purposes other than agriculture or a dwelling-house unless, in the opinion of the Council:

- (a) the land does not comprise good agricultural land or any land that is or could be used for a form of agriculture common in the area, and
  - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) The Council may consent to an application to subdivide land to create an allotment intended to be used primarily for a purpose other than agriculture or a dwelling-house where, in the opinion of the Council:
- (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,
  - (b) no other land in the locality could reasonably be used for that purpose, and
  - (c) the level of demand for the goods or services which are to be supplied from the allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.
- (3) Nothing in this clause shall operate so as to restrict the Council from consenting to an application to subdivide land to be used for the purposes of mining or generating works or of development ancillary to those purposes.

**16 Dwelling-houses in Zone No 1 (a)**

- (1) Subject to subclause (2), a person shall not erect a dwelling-house on vacant land within Zone No 1 (a) unless:
- (a) the land has an area of 100 hectares or more or is an existing holding, or
  - (b) the land comprises:
    - (i) (Repealed)
    - (ii) an allotment created under this plan for a purpose other than agriculture, or
    - (iii) an allotment created in accordance with a consent granted before the appointed day, being an allotment on which a dwelling-house could lawfully have been erected immediately before the appointed day.
- (2) The Council may consent to the erection of a dwelling-house on vacant land within Zone No 1 (a) where:
- (a) the dwelling-house is ancillary to the use of the land for a purpose other than agriculture, and
  - (b) the Council is satisfied that:
    - (i) the land could not reasonably be used for that purpose without the erection of

a dwelling-house, and

- (ii) the dwelling-house is to be located on the land so as to minimise any adverse effect on the use of that or any adjoining or adjacent land.

(3) In this clause, ***vacant land*** means land on which no dwelling-house is erected.

#### **16A Dwelling entitlements on existing concessional lots**

The amendment of this plan by the [State Environmental Planning Policy \(Rural Lands\) 2008](#) does not affect any entitlement arising under a provision of this plan (as in force before that amendment) to erect a dwelling-house on a lot, if:

- (a) the lot was created before that commencement, or
- (b) development consent to the creation of the lot was applied for, or granted, before that commencement.

#### **17 Subdivision for the purposes of dwelling-houses in Zone No 1 (c)**

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (c) unless each allotment to be created that is intended to be used primarily for the purposes of a dwelling-house has an area of not less than 1 hectare.
- (2) The Council shall not consent to the subdivision of land as referred to in subclause (1) unless it has taken into consideration:
  - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the number and boundaries of the allotments proposed to be created,
  - (b) the desirability of providing a range and mixture of allotment, sizes, and
  - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and the physical suitability for on-site disposal of wastes.

#### **18 Erection of additional dwelling-houses in Zone No 1 (a) or 1 (c)**

- (1) The Council may consent to the erection of one, but not more than one, additional dwelling-house on land within Zone No 1 (a) or 1 (c) (including the alteration of an existing dwelling-house to create 2 dwelling-houses) where:
  - (a) a dwelling-house could (if the land were vacant) be lawfully erected on the land in accordance with clause 16 where the land is within Zone No 1 (a),
  - (b) no additional access to a public road is required from the land,
  - (c) separate ownership of the proposed dwelling-house could only be achieved by a subdivision of the land, and



(d) in the opinion of the Council, the dwelling-house to be erected on the land will not interfere with the purpose for which the land and adjacent land is being used.

(2) The Council shall not consent to the subdivision of land on which an additional dwelling-house is erected under this clause except in accordance with this plan.

### **19 Subdivision of land in Zone No 2 (v)**

A person shall not subdivide land within Zone No 2 (v) to create an allotment to be used for the purposes of a dwelling-house unless the allotment has an area of 1,000 square metres or more.

### **20 Dwelling-houses in Zone No 2 (v)**

(1) Nothing in this plan requires the Council to consent to an application to erect a dwelling-house on vacant land in Zone No 2 (v).

(2) Except as provided by subclause (3), the Council shall not consent to the erection of a dwelling-house on land within Zone No 2 (v) unless the land has an area of 1,000 square metres or more.

(3) The Council may consent to the erection of a dwelling house on land within Zone No 2 (v) which has an area of less than 1,000 square metres where the land comprises an allotment created before the appointed day and is vacant land.

(4) In this clause, **vacant land** means land on which no dwelling-house is erected.

### **21 Temporary accommodation**

The Council may consent to the carrying out of development for the purposes of temporary accommodation (including a hostel, caravan park or construction camp) on any land to which this plan applies if the Council is satisfied that:

- (a) the development, by virtue of its location, scale, site landscaping and treatment, and temporary nature, is unlikely to significantly conflict with the objectives of the zone applying to the land on which the development is proposed to be carried out,
- (b) appropriate arrangements have been made for water supply, sewage disposal and stormwater drainage facilities, other utility services, access and parking, and
- (c) the development is unlikely to interfere with the amenity of any residential neighbourhood in the vicinity.

### **22 Applications that must be advertised**

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

### **23 Development along arterial roads**

- (1) 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, and
  - (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,
    - (ii) the emission of smoke or dust from the proposed development, or
    - (iii) the nature, volume and frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) The Council shall not consent to the development of land within Zone No 1 (a) for any purpose listed in Schedule 3 if the development of the land for the purpose will have direct access to:
  - (a) an arterial road, or
  - (b) a road connecting with an arterial road, and the access to that road is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.
- (3) (Repealed)
- (4) The Council must not consent to an application to carry out development on land which has frontage to the Newell Highway (State Highway 17) unless it has taken the following matters into consideration:
  - (a) Whether access to the land is provided by a road other than the Newell Highway,
  - (b) Whether the safety and efficiency of the Newell Highway will be adversely affected by:
    - (i) the design of the access to the proposed development,
    - (ii) the emission of smoke or dust from the proposed development, or
    - (iii) the nature, volume or frequency of vehicles using the Newell Highway to gain access to the proposed development.

### **24 Environmentally sensitive land**

- (1) A person shall not carry out development on environmentally sensitive land for the purposes of:

- (a) an intensive livestock keeping establishment,
  - (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, except with the consent of the Council, cause the destruction of trees on:
- (a) more than one hectare of environmentally sensitive land of an existing holding, or
  - (b) more than 5 per cent of the area of an existing holding, where that 5 per cent comprises environmentally sensitive land,
- whichever is less.
- (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 or other land degradation,
  - (b) the loss of scenic amenity, and
  - (c) the loss of important vegetation systems and natural wildlife habitats.

## **25 Flood liable land**

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

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

The Council shall not consent to the subdivision of land or to the erection of a building on land which is 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,
- (b) adequate safeguards are adopted in the form of firebreaks and reserves, and
- (c) adequate water supplies are available for fire fighting purposes.

## **27 Heritage items**

- (1) A person shall not, in respect of a building, work, relic or place that is a heritage item:
- (a) demolish or alter the building or work,
  - (b) damage or remove the relic, or excavate for the purpose of exposing the relic,
  - (c) damage or despoil the place,
  - (d) clear, drain or fill the place or construct a levee on the place,
  - (e) erect a building on the land on which the building, work or relic is situated or on the land which comprises the place, or
  - (f) subdivide the land on which the building, work or relic is situated or the land which comprises the place,
- except with the consent of the Council.
- (2) The Council shall not consent to a development application required by subclause (1) unless it has taken into consideration the effect of the development on the heritage significance of the item and any stylistic or horticultural feature of its setting.

### **Note—**

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

## **28 Development in the vicinity of a heritage item**

The Council shall not consent to a development application to carry out development within 100 metres of the land on which a heritage item is situated unless the Council has made an assessment of the effect which the carrying out of that development will have on the heritage significance of the item and its setting.

## **29 (Repealed)**

## **30 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 or land that is or is associated with a heritage item where, in the opinion of the Council:

- (a) the use is consistent or justifiably inconsistent with the objectives of the zone or zones within which the heritage item is located,
- (b) the use will have little or no adverse effect on the amenity of the area, and
- (c) conservation, protection or restoration of the heritage item depends on the Council granting consent in pursuance of this clause.

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

- (1) Nothing in this plan shall prevent the Council or require the Council to obtain its own consent to carry out development on land within any zone for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, amenities buildings or parking.
- (2) A person may, with the consent of the Council (except in the case of landscaping and gardening which may be carried out without consent), carry out development on land within any zone for a purpose referred to in subclause (1).
- (3) The reference in subclause (1) to the carrying out of development for the purposes of roads includes a reference to the winning of extractive material by the Council for the purpose of road construction.

### **Schedule 1 Heritage items**

(Clause 5 (1))

- 1 Post Office, Anna Street, Urana.
- 2 Court House, William Street, Urana.
- 3 Returned Soldiers Hall, Anna Street, Urana.

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

(Clause 22)

- 1 The demolition of a building or work that is a heritage item, but not a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the heritage significance of the Shire of Urana.
- 2 Residential flat buildings.
- 3 Development for the purpose of conserving, protecting or restoring a heritage item under clause 30 that, in the opinion of the Council, warrants public comment.
- 4 Development for purposes other than those listed above which, in the opinion of the Council, requires advertisement.

### **Schedule 3 Development along arterial roads**

(Clause 23 (2))

Clubs  
Commercial premises  
Educational establishments  
Hospitals  
Hotels  
Industries (other than home or rural industries)  
Institutions

Junk yards  
Liquid fuel depots  
Mines  
Places of public assembly  
Places of public worship  
Roadside stalls  
Saw mills  
Stock and sales yards  
Transport terminals  
Warehouses