

Junee Local Environmental Plan 1992

[1992-656]



New South Wales

Status Information

Currency of version

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

Provisions in force

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

Notes—

- **Repeal**

The plan was repealed by cl 1.8 (1) of the [Junee Local Environmental Plan 2012 \(674\)](#) (LW 21.12.2012) with effect from 21.12.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Junee Local Environmental Plan 1992



New South Wales

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Junee Local Environmental Plan 1992



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Junee Local Environmental Plan 1992*.

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 Junee by protecting, enhancing or conserving:
 - (i) prime crop and pasture land,
 - (ii) timber, minerals, soil, water and other natural resources,
 - (iii) areas of significance for nature conservation,
 - (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 replace the existing planning controls applying to the land to which this plan applies with a single local environmental plan to help facilitate growth and development of the Shire of Junee in a manner which is consistent with the aims specified in paragraph (a) and which:
 - (i) minimises the cost to the community of fragmented and isolated development of rural land,
 - (ii) facilitates the efficient and effective delivery of amenities and services,
 - (iii) facilitates a range of residential and employment opportunities in accordance with demand,
 - (iv) facilitates farm adjustments, and

- (v) ensures that the efficiency of arterial roads is not adversely affected by development or subdivision on adjacent land, and
- (c) to provide other means by which existing and future rural land holders can obtain economic benefit in return for their commitment to farming the land and conserving or replenishing natural resources, and
- (d) to allow greater opportunity for public involvement and participation in the environmental planning and assessment process, and
- (e) to reduce the incidence of damage to areas subject to flooding, fire hazard and land degradation by controlling or restricting development, and
- (f) to accommodate the location and operation of the Junee Correctional Centre and other large capital works or commercial endeavours.

3 Land to which plan applies

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

4 Relationship to other environmental planning instruments

- (1) *Interim Development Order No 1—Shire of Illabo* and *Interim Development Order No 1—Municipality of Junee*, and such local environmental plans and other deemed environmental planning instruments as, immediately before the appointed day, applied to the land to which this plan applies, are (to the extent that they applied to that land) repealed.
- (2) This plan amends *State Environmental Planning Policy No 20—Minimum Standards for Residential Flat Development* in the manner set out in clause 5.

5 Amendment of SEPP No 20

State Environmental Planning Policy No 20—Minimum Standards for Residential Flat Development is amended by omitting from Schedule 1 the word “Junee”.

6 Definitions

- (1) In this plan:

agriculture means the use of land for the following, when carried out for commercial purposes:

- (a) the production of crops or fodder,
- (b) horticulture, including fruit, vegetable and flower crop production, or operation of whole plant nurseries,

(c) the grazing of livestock,

(d) the keeping and breeding of cattle, sheep, goats, poultry or other livestock,

but does not include the use of land for an animal boarding or training establishment, intensive horticulture or an intensive livestock keeping establishment.

alter, in relation to a heritage item or to a building or work within a heritage conservation area, 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.

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 or other vehicles used for temporary or permanent accommodation.

community land has the same meaning as in the [Local Government Act 1993](#).

conservation plan means a document establishing the significance of a heritage item and identifying the policies that are appropriate to enable that significance to be retained in its future use and development.

Council means the Council of the Shire of Junee.

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

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

existing holding means:

(a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was as at 16 September 1991, or

(b) if, as at 16 September 1991, 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 as at 16 September 1991.

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

heritage conservation area means an area identified in this plan as a heritage conservation area and shown diagonally cross-hatched with broken lines on the map.

heritage item means a building, work, relic, tree or place described in Schedule 1.

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

intensive horticulture means the use of land to grow a commercial crop of plants, trees or fungi, whether under cover or in the open, using any of the following:

- (a) hydroponics,
- (b) sprinkler systems,
- (c) artificial housing,
- (d) crop protection structures,
- (e) market gardening,
- (f) orcharding,
- (g) the growing of field flowers,

but does not include the growing of produce solely for personal consumption or enjoyment by an owner or occupier of a dwelling on the land on which it is grown.

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) fish farming (including crustaceans and oysters),

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.

land degradation means the decline in the quality of natural land resources, commonly caused by improper use of the land by people, and includes the adverse effects of erosion, sediment deposition, overgrazing, excessive tillage, overclearing,

non-rehabilitated extractive industry sites, decline of plant communities, effects of noxious plants and animals and all aspects of soil degradation.

map means the set of maps marked “*Junee Local Environmental Plan 1992*”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Editorial note—

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

Junee Local Environmental Plan 1992 (Amendment No 1).

Junee Local Environmental Plan 1992 (Amendment No 3)

Junee Local Environmental Plan 1992 (Amendment No 5)

operational land has the same meaning as in the [Local Government Act 1993](#).

prime crop and pasture land means land within an area, identified by or on behalf of the Director-General of the Department of Agriculture and the Council, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, but does not include land which the Director-General has notified the Council in writing is not prime crop and pasture land for the purposes of this plan.

public land has the same meaning as in the [Local Government Act 1993](#).

Note—

The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the [Crown Lands Act 1989](#) applies, or
- (c) a common, or
- (d) land subject to the [Trustees of Schools of Arts Enabling Act 1902](#), or
- (e) a regional park under the [National Parks and Wildlife Act 1974](#).

public reserve has the same meaning as in the [Local Government Act 1993](#).

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 Shire of Junee which is 50 or more years old.

rural industry means handling, treating, processing or packing primary products, and includes:

- (a) the servicing in a workshop of plant or equipment used for rural purposes in the locality, and
- (b) any activity that is considered by the Council to be compatible within a rural area and which satisfies a perceived demand.

tree includes a sapling or a shrub or scrub.

- (2) In this plan, a reference to the destruction of a tree, is a reference to ringbarking, cutting down, felling, poisoning, lopping, removing or otherwise destroying or injuring the tree.
- (3) In this plan:
 - (a) a reference to a map is a reference to a map deposited in the office of the Council, and
 - (b) 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.
- (4) Notes in this plan are provided for guidance and do not form part of this plan.

7 Adoption of Model Provisions

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

- (a) the definitions of **agriculture**, **arterial road**, **map** and **rural industry** in clause 4 (1), and
- (b) clause 29,

are adopted for the purposes of this plan.

8 Consent authority

The Council is the consent authority for the purposes of this plan.

Part 2 Zones

9 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) (General Rural Zone)—edged heavy black and lettered “1 (a)”.

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

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

10 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) (General Rural Zone)

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,
 - (ii) soil stability by controlling and locating development in accordance with land capability,
 - (iii) forests of existing and potential commercial value for timber production,
 - (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,
 - (v) trees and other vegetation in environmentally sensitive localities where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,
 - (vi) water resources for use in the public interest,
 - (vii) places of significance for nature conservation, including localities with rare plants, wetlands and significant wildlife habitat, and
 - (viii) places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places,
- (b) preventing any unjustified development of prime crop and pasture land for purposes other than agriculture,
 - (c) facilitating farm adjustments,
 - (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,
 - (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 that development,
 - (f) providing for the need of farmers and their families to have alternative means of economic benefit and still retain farm holding flexibility, and
 - (g) providing a means to allow for increasing the population in the rural

areas of the Shire of Junee.

2 Without development consent

Agriculture (other than ancillary dwellings); forestry (other than ancillary dwellings and pine plantations).

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 (c) (Rural Small Holdings Zone)

1 Objectives of Zone

The objective of this zone is to promote development of land identified as suitable for:

- (a) rural residential or hobby farm development, or
- (b) purposes which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect the land or development in the vicinity.

2 Without development consent

Agriculture (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; caravan parks; commercial premises; dog breeding and dog keeping; hotels; intensive livestock keeping establishments; motels; motor showrooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area).

Zone No 2 (v) (Village or Urban Zone)

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 2 or 4.

4 Prohibited

Agriculture; extractive industries; intensive horticulture; intensive livestock keeping establishments; mines; offensive and hazardous industries.

10A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Junee Development Control Plan No 1* as adopted by the Council on 16 March 2000 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Junee Development Control Plan No 1* as adopted by the Council on 16 March 2000 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 *Junee Development Control Plan No 1* as adopted by the Council on 16 March 2000.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Junee Development Control Plan No 1* adopted by the Council, as in force when the certificate is issued.

Part 3 Special provisions

11 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 taken into consideration the effect of the carrying out of that development on:

- (a) the present use of the land, the potential use of the land for the purposes of agriculture and the potential of any land for sustained agricultural production,
 - (b) vegetation, timber production, land capability (including soil resources and soil stability), land degradation and water resources (including the quality and stability of water courses and ground water storage and riparian rights),
 - (c) the future recovery from known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - (d) the protection of places of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,
 - (e) the cost of providing, extending and maintaining public amenities and services for the development,
 - (f) future expansion of settlements in the locality, and
 - (g) providing a means to allow for increasing the population in the rural areas of the Shire of Junee.
- (2) As well as the matters referred to in subclause (1), the Council shall take into consideration the relationship of the proposed development to development on adjoining land or on other land in the locality.
- (3) Subclause (1) does not apply to development, being:
- (a) an addition to a building or work,
 - (b) development ancillary to a purpose for which development may be carried out with the consent of the Council under this plan, or
 - (c) the erection of a dwelling-house on an allotment of land that the Council is satisfied was created in accordance with this plan primarily for the purpose of a dwelling.

12 Subdivision of land generally

- (1) A person shall not subdivide land to which this plan applies except with the consent of the Council.
- (2) The Council shall not consent to the subdivision of land within Zone No 1 (a) or 1 (c) 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) in respect of any proposed allotment which the Council is satisfied will be used

primarily for the purposes of a dwelling-house, the Council is also satisfied as to the approximate location on the land at which the dwelling-house will be erected.

13 Subdivision for the purposes of agriculture within Zone No 1 (a)

- (1) This clause applies to land within Zone No 1 (a).
- (2) The Council may consent to the creation of an allotment of any size if the Council is satisfied that the proposed allotment will be used for the purposes of agriculture.
- (3) The Council shall not consent to the creation of an allotment which the Council is satisfied will be used for the purposes of agriculture if the proposed allotment has an area of less than 100 hectares and there is already a dwelling-house on the proposed allotment.
- (4) Notwithstanding subclause (3), the Council may consent to the creation of one (but not more than one) allotment having an area of less than 100 hectares, which the Council is satisfied will 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 the proposed allotment on or before the appointed day.

Note—

Clause 9 of the [State Environmental Planning Policy \(Rural Lands\) 2008](#) also enables the subdivision of lots for the purposes of primary production.

14 (Repealed)

15 Subdivision for other purposes within Zone No 1 (a)

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (a) if the Council is satisfied that any allotment to be created by the subdivision will be used primarily for a purpose other than agriculture or a dwelling-house unless, in the opinion of the Council:
 - (a) none of the land the subject of the application is prime crop and pasture land, and
 - (b) the area of each allotment to be created by the subdivision is appropriate having regard to the purpose for which it is being created.
- (2) Nothing in subclause (1) prevents the Council from granting consent to an application to subdivide land to create an allotment which the Council is satisfied will be used for a purpose other than agriculture or a dwelling-house if the Council is satisfied that:
 - (a) the purpose for which the allotment is to be used involves the supply of goods or services for which there is a demand in the locality,
 - (b) no other land in the locality could reasonably be used for that purpose, and
 - (c) the level of demand for the goods or services which are to be supplied from the

allotment and the extent to which that allotment is proposed to be used to meet that demand justifies the creation of the allotment notwithstanding its agricultural value.

16 Subdivision for the purposes of dwellings within Zone No 1 (c)

- (1) The Council shall not consent to an application to subdivide land within Zone No 1 (c) unless the area of each proposed allotment which the Council is satisfied will be used primarily for the purposes of a dwelling-house has an area of 0.5 hectares or more (but less than 100 hectares).
- (2) The Council shall not grant 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 density 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 of on site waste disposal.

17 Subdivision of land within Zone No 2 (v)

A person shall not subdivide land within Zone No 2 (v) to create an allotment which the Council is satisfied will be used for the purposes of a dwelling-house unless the allotment has an area, frontage and depth which is (in the opinion of the Council) appropriate to the urban land capability and character of the locality.

18 Dwellings within Zone No 1 (a)—vacant land

- (1) 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
 - (b) the land comprises:
 - (i) an existing holding,
 - (ii) an allotment created under this plan primarily 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 have been erected immediately before the appointed day.
- (2) In this clause, **vacant land** means land on which no dwelling-house is erected.

18A 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.

19 Erection of additional dwellings within Zone No 1 (a)

- (1) The Council may consent to the erection of one additional dwelling for each 100 hectares on land within Zone No 1 (a) if:
 - (a) a dwelling could be erected on the land in accordance with clause 18,
 - (b) no additional access to a public road is required from the land,
 - (c) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land, and
 - (d) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land is being used.
- (2) The Council shall not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause, except in accordance with this plan.
- (3) Nothing in subclause (1) prevents the Council from granting consent to an application to construct one additional dwelling (including the alteration of an existing dwelling-house to create 2 dwellings) on an allotment of land of less than 100 hectares.

20 Erection of additional dwellings within Zone No 1 (c)

- (1) The Council may consent to the erection of one additional dwelling (including the alteration of an existing dwelling to create 2 dwelling) on land within Zone No 1 (c) if:
 - (a) a dwelling could be erected on the land in accordance with clause 16,
 - (b) no additional access to a public road is required from the land,
 - (c) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land, and
 - (d) in the opinion of the Council, the dwelling to be erected on the land will not interfere with the purpose for which the land or land in the locality is being used.
- (2) The Council shall not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause, except under this plan.

21 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.

22 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, and
 - (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development.
- (2) The Council shall not consent to the carrying out of development on or with respect to any land within Zone No 1 (a) or 1 (c) for any purpose listed in Schedule 3 if the granting of that consent will result in direct access, by persons using the land, to:
 - (a) an arterial road, or
 - (b) a road connecting an arterial road, if access to the land is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the arterial road.

23 Environmentally sensitive land

- (1) A person shall not, except with the consent of the Council, carry out development on environmentally sensitive land for the purposes of:
 - (a) agriculture,
 - (b) commercial forestry,
 - (c) extractive industry,
 - (d) intensive livestock keeping,
 - (e) junk yards,
 - (f) liquid fuel depots,

(g) offensive or hazardous industries,

(h) sawmills, or

(i) stock and sale 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 within an existing holding, or

(b) more than 5 percent of the area of an existing holding, where that 5 percent comprises environmentally sensitive land,

whichever is less.

(3) The Council shall not grant a consent required by subclause (1) or (2) unless, in the opinion of the Council, the nominated use of the land or the destruction of trees on the land will be carried out in a manner which, in respect of that land and adjacent land, satisfactorily minimises:

(a) the risk of any land degradation,

(b) the loss of scenic amenity, and

(c) the loss of important vegetation systems and natural wildlife habitats,

and adequate measures will be taken to rehabilitate existing land degradation occurrences.

24 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.

25 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 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 fire breaks, reserves and fire radiation zones, and

(c) adequate water supplies are available for fire fighting purposes.

26 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.

27 Minor variations of zoning boundaries

- (1) This clause applies to land which is within 50 metres of a boundary between any 2 zones or of a boundary between a zone and environmentally sensitive land.
- (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, or on the environmentally sensitive land on the other side of the boundary.
- (3) The Council shall not 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, minimising land degradation or similar requirements relating to the optimum development of land to which this plan applies.

27A Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note—

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this plan to discharge trusts on which public reserves are held if the land is reclassified under this plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.

- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (6) Before a description of any land was inserted into Part 2 of Schedule 4, the Governor approved of subclause (5) applying to the land.

Part 4 Heritage provisions

28 Heritage aims and objectives

The aims and objectives of this Part are:

- (a) to conserve the environmental heritage of the Shire of Junee,
- (b) to integrate heritage conservation into the planning and development control processes,
- (c) to provide for public involvement in matters relating to the conservation of the area's environmental heritage, and
- (d) to ensure that new development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and their settings, as well as streetscapes and landscapes and the distinctive character that they impart to the Shire of Junee.

29 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,
 - (c) excavate for the purpose of exposing the relic,
 - (d) damage or despoil the place or tree,
 - (e) erect a building on 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 of its setting.
- (3) The Council may require that a conservation plan accompany a development application required by this clause to enable the Council to fully consider the heritage significance of the item and the impact of the proposed development on the significance of the item and 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*).

30 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 of the carrying out of that development will have on the heritage significance of the item and its setting.

31 Heritage conservation areas

- (1) A person shall not, in respect of a heritage conservation area:
- (a) demolish or alter a building or work within the area,
 - (b) damage or move a relic within the area,
 - (c) excavate for the purpose of exposing a relic within the area,
 - (d) damage or despoil a place within the area, or
 - (e) erect a building on or subdivide land within the area,
- except with the consent of the Council.
- (2) The Council shall not grant consent to a development application required by this clause unless it has taken into consideration the extent to which the carrying out of the proposed development would effect the heritage significance of the heritage conservation area.
- (3) The Council shall not grant consent to an application made in pursuance of subclause

(1), being an application to erect a new building or to alter an existing building, unless the Council has made an assessment of:

- (a) the pitch and form of the roof,
- (b) the style, size, proportion and position of the openings for windows and doors, and
- (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area.

32 Heritage advertisements

(1) Except as provided by this clause, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:

- (a) the demolition of a heritage item,
- (b) the demolition of a building, work, relic or place within a heritage conservation area, and
- (c) the use of a building or land referred to in clause 33 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.

(2), (3) (Repealed)

33 Conservation incentives

(1) Nothing in this plan prevents the Council from granting consent to an application for consent to:

- (a) the use, for any purpose, of a building that is a heritage item or the land on which the building is erected, or
- (b) the use, for any purpose, of a building within a heritage conservation area or of the land on which the building is erected,

if it is satisfied that:

- (c) the proposed use would have little or no adverse effect on the amenity of the area, and
- (d) the conservation of the building depends on the Council granting consent as provided by this clause.

(2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the Council may:

(a) for the purpose of determining the floor space ratio, and

(b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation the floor place of the item, but only if the Council is satisfied that the conservation of the building depends on the Council making that exclusion.

Schedule 1 Heritage items

(Clause 6 (1))

| | | |
|-----|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Ulandra Nature Reserve | 3930ha, 4km south east of Bethungra |
| 2. | Junee Court House | Belmore Street, Junee |
| 3. | Town Group | Comprising Bank of NSW (Westpac) Commercial Hotel, Loftus Hotel, Railway Station, Railway Work Shops—Lisgar, Lorne & Main Streets. |
| 4. | Westpac—Bank of NSW | Lisgar Street, Junee |
| 5. | Commercial Hotel | Lorne Street, Junee |
| 6. | Junee Post Office | 119 Lorne Street, |
| 7. | Loftus Hotel | Main Street |
| 8. | Junee Railway Station | Main Street |
| 9. | Junee Railway Workshops (formerly Railway Hotel) | Main Street |
| 9. | Junee Hotel Group | Comprising Universal Provider, Hotel Junee and EA Commins building—Seignior Street |
| 10. | Junee Hotel | Seignior Street |
| 11. | Universal Provider (General Store) | Seignior Street |
| 12. | EA Commins | Seignior Street |
| 13. | ANZ Bank | The Broadway |
| 14. | Broadway Hotel | The Broadway |
| 15. | Broadway Stores Group | The Broadway |
| 16. | Junee Broadway Stores | The Broadway |
| 17. | Broadway Builders Supplies | The Broadway |

- | | | |
|-----|---------------|-----------------|
| 18. | Monte Cristo | Off Olympic Way |
| 19. | Yathella Park | Off Olympic Way |

Schedule 2 Development which must be advertised

(Clause 21)

- 1 The demolition of a building or work that is a heritage item, or is within a heritage conservation area (not being a partial demolition which, in the opinion of the Council, is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of the Shire of Junee).
- 2 Boarding houses; hotels; motels; residential flat buildings.
- 3 Intensive livestock keeping; junk yards; liquid fuel depots; saw-mills; stock and sales yards.

Schedule 3 Restricted development

(Clause 22 (2))

Bulk stores
Caravan parks
Car repair stations
Clubs
Commercial premises
Educational establishments
Hospitals
Hotels
Industries (other than home or rural industries)
Institutions
Junk yards
Liquid fuel depots
Mines
Motels
Places of public assembly
Places of public worship
Recreation establishments
Recreation facilities
Refreshment rooms
Retail plant nurseries
Roadside stalls
Saw mills
Service stations
Stock and sales yards
Transport terminals
Warehouses

Schedule 4 Classification and reclassification of public land

(Clause 27A)

Part 1 Land classified, or reclassified, as operational land—no interests changed

| Column 1 | Column 2 |
|----------|-------------|
| Locality | Description |

Part 2 Land classified, or reclassified, as operational land—interests changed

| Column 1 | Column 2 | Column 3 |
|----------|-------------|-------------------------------|
| Locality | Description | Any trusts etc not discharged |

Junee

| | | |
|--------------------------------------|----------------------------------------------------|-----|
| Corner of William and Ducker Streets | Lots 1-8, Section 3, DP 946, known as Wrights Oval | Nil |
|--------------------------------------|----------------------------------------------------|-----|

Part 3 Land classified, or reclassified, as community land

| Column 1 | Column 2 |
|----------|-------------|
| Locality | Description |