



# Yass Local Environmental Plan 1987

[1987-388]



## 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. See [Historical notes](#)

**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 15 December 2008.

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New South Wales

## Part 1 Preliminary

### 1 Name of plan

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

### 2 Aims, objectives etc

This plan aims:

- (a) to consolidate the provisions of *Interim Development Order No 1—Shire of Goodradigbee* and *Yass Local Environmental Plan No 1* within a single local environmental plan,
- (b) to simplify the general restrictions on development of land by reducing the number of zones into which land within the Shire of Yass is divided,
- (c) to define additional land suitable for semi-rural residential development in the vicinity of the township of Yass,
- (d) to incorporate into the plan provisions whereby the Council may grant development consent to dual occupancies in rural areas,
- (e) to incorporate into the plan provisions whereby the Council may grant development consent to medium density development in residential areas,
- (f) to co-ordinate the development of rural parts of the Shire of Yass that will enable the objectives established for each zone to be satisfactorily implemented,
- (g) to include savings provisions to ensure that the expectations of landowners are not unreasonably disadvantaged by the implementation of planning controls, and
- (h) to facilitate a more environmentally compatible and less costly form of rural subdivision by permitting a range of lot sizes within each zone, but in a manner that protects the density of development as specified by each zone.

### 3 Land to which plan applies

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

### 4 Relationship to other environmental planning instruments

This plan repeals the following environmental planning instruments:

- (a) *Interim Development Order No 1—Shire of Goodradigbee*,
- (b) *Yass Local Environmental Plan No 1*, and
- (c) any other deemed environmental planning instrument or local environmental plan which, immediately before the appointed day, applied to the land to which this plan applies, but to the extent only to which that

instrument or plan so applied to that land.

## 5 Interpretation

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

**advertising structure** has the meaning ascribed to it in *Ordinance No 55* under the *Local Government Act 1919*.

**animal boarding, breeding or training establishment** means a building or place used for the purposes of boarding, breeding or training animals for fee or reward, other than purposes relating to agriculture.

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

**bed and breakfast establishment** means a lawfully approved dwelling-house, occupied by its permanent residents, that provides temporary paid accommodation for a maximum of twelve guests at any one time, and which offers breakfast and may offer other meals.

**bore** means any bore or well or any excavation or other work connected or proposed to be connected with sources of sub-surface water and used, or proposed to be used, or capable of being used, to obtain a supply of sub-surface water in circumstances in which such water does not flow naturally but has to be raised either wholly or at times by pumping or other artificial means.

**catchment yield analysis** means the principle of a subdivision design in accordance with which the adequacy of allotment sizes for a farm dam catchment area having a specified drought reliability is determined.

**cluster housing** means a group of detached dwelling-houses on one parcel of land, the number of which must not exceed the area of the parcel divided by the number of allotments which may be created on the parcel in accordance with clauses 12 and 12A.

**community dam** means a central water supply dam within a subdivision and includes reticulation to allotments within the subdivision with the overall scheme being managed by the owners of those allotments.

**Council** means the Council of the Shire of Yass.

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

**dual occupancy building** means a building or group of buildings on 1 allotment of land containing 2 dwellings.

**existing parcel**, where occurring in conjunction with a particular date, means the total area of all adjoining or adjacent land held in the same ownership at that date.

**feed lot** means a building or place in which or on which cattle, sheep or other livestock are held for the purpose of nurturing either wholly or partly by a feeding method other than natural grazing, but does not

include a piggery, poultry farm or animal boarding, breeding or training establishment.

**highway service centre** means an integrated development providing on the one site a variety of facilities intended for the provision of services required by the travelling public and commercial highway users, including provision for:

- (a) refreshment, and
- (b) motor vehicle services facilities,

which development may also include advertising signs, advertising structures, bus stations, drive-in take-away food outlets, dwellings occupied in conjunction with uses permissible on the site, emergency repair facilities (including towing facilities), facilities for commercial vehicles, information centres, parking areas for cars, buses and trucks, playgrounds, refreshment rooms, rest areas, rest rooms, roads, road transport terminals, service stations, toilets and showers and utility installations.

**item of the environmental heritage** means a building, work or relic which is:

- (a) situated on land shown edged heavy black on the sheet of the map marked “items of the environmental heritage”, and
- (b) designated as an item of the environmental heritage for the purposes of this plan by a development control plan in force under section 72 of the Act in respect of the whole or any part of the land to which this plan applies.

**medium density housing** means a building or a group of buildings on 1 allotment of land containing 3 or more dwellings.

**parcel** means the total area of all adjoining or adjacent land held in the same ownership.

**piggery** means a building or place where 3 or more pigs over 8 months of age are kept, but does not include an abattoir or slaughterhouse.

**poultry farm** means:

- (a) a building or place in which or on which more than 20 hens are kept, or
- (b) a building or place which is used for commercial poultry breeding purposes.

**recreation area** means:

- (a) a children’s playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons

within the community, being facilities provided by:

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

but does not include a racecourse or a showground, or a place used for the activity of paintball or other sporting games involving shooting.

**relic** means any deposit, object or material evidence relating to the settlement (including aboriginal habitation) prior to 1 January 1900, of the land to which this plan applies.

**renovation**, in relation to a building or work, means the making of structural changes to the inside or outside of the building or work, including changes that involve the repair, or the painting, plastering or other decoration, of the building or work.

**road** means a road, street, lane, highway, pathway or thoroughfare, including a bridge, culvert, causeway, road-ferry, ford, crossing and the like on the line of a road through or over a watercourse.

**the map** means the series of maps marked “Yass Local Environmental Plan 1987”, as amended by 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.

Yass Local Environmental Plan 1987 (Amendment No 3)

Yass Local Environmental Plan 1987 (Amendment No 4)

Yass Local Environmental Plan 1987 (Amendment No 6)

Yass Local Environmental Plan 1987 (Amendment No 7)

Yass Local Environmental Plan 1987 (Amendment No 10)

Yass Local Environmental Plan 1987 (Amendment No 11)

Yass Local Environmental Plan 1987 (Amendment No 13)

Yass Local Environmental Plan 1987 (Amendment No 15)

Yass Local Environmental Plan 1987 (Amendment No 17)

Yass Local Environmental Plan 1987 (Amendment No 18)

Yass Local Environmental Plan 1987 (Amendment No 19)

Yass Local Environmental Plan 1987 (Amendment No 20)

Yass Local Environmental Plan 1987 (Amendment No 23)

Yass Local Environmental Plan 1987 (Amendment No 25)

Yass Local Environmental Plan 1987 (Amendment No 27)

Yass Local Environmental Plan 1987 (Amendment No 30)

Yass Local Environmental Plan 1987 (Amendment No 31)

Yass Local Environmental Plan 1987 (Amendment No 32)

Yass Local Environmental Plan 1987 (Amendment No 40)

Yass Local Environmental Plan 1987 (Amendment No 49)

Yass Local Environmental Plan 1987 (Amendment No 57)

Yass Local Environmental Plan 1987 (Amendment No 63)

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

- (a) a reference to a building or place used for a purpose includes a reference to 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) Notes included in this plan do not form part of this plan.

## 6 Adoption of 1980 Model Provisions

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

- (a) the definitions of *advertising structure*, *airline terminal*, *bus depot*, *bus station*, *map*, *mineral sand mine* and *residential flat building* in clause 4 (1), and
  - (b) clauses 4 (2), 5 (2)–(5), 6, 11–16, 19–24, 26–32 and 36,
- are adopted for the purposes of this plan.

## 7 Consent authority

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

## Part 2 General restrictions on development of land

### 8 Zones indicated on the map

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

Zone No 1 (a) (Rural Agriculture Zone)—coloured light brown and lettered “1

(a)".

Zone No 1 (b) (Rural Highway Zone)—coloured light brown and lettered "1 (b)".

Zone No 1 (c) (Rural Residential Zone)—coloured light brown and lettered "1 (c)".

Zone No 1 (c1) (Rural Residential Zone)—coloured light brown and lettered "1 (c1)".

Zone No 1 (c2) (Rural Residential—Hobby Farms Zone)—coloured light brown and lettered "1 (c2)".

Zone No 1 (d) (Rural Small Holdings Zone)—coloured light brown and lettered "1 (d)".

Zone No 1 (e) (Rural Village Zone)—edged heavy black and lettered "1 (e)".

Zone No 2 (a) (Residential Zone)—coloured pink and lettered "2 (a)".

Zone No 2 (v) (Village Zone)—edged black and lettered "V".

Zone No 3 (a) (Business Zone)—coloured light blue and lettered "3 (a)".

Zone No 3 (b) (Highway Services Zone)—coloured dark blue and lettered "3 (b)".

Zone No 4 (a) (Industrial Zone)—coloured purple and lettered "4 (a)".

Zone No 5 (a) (Special Uses Zone)—coloured blue-purple or yellow and lettered "5 (a)" with black lettering.

Zone No 6 (a) (Open Space Zone)—coloured dark green and lettered "6 (a)".

Zone No 6 (b) (Proposed Open Space Zone)—coloured light green with dark green edging and lettered "6 (b)".

Zone No 7 (c) (Environmental Protection—Water Catchment Zone)—coloured orange and lettered "7 (c)".

Zone No 7 (d) (Environmental Protection—Scenic Zone)—coloured orange and lettered "7 (d)".

Zone No 9 (b) (Proposed Road Zone)—broken red band between black lines.

## 9 Zone objectives and development control table

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

(c) development is prohibited,

are specified under the headings “Without development consent”, “Only with development consent” and “Prohibited”, respectively, appearing in the matter relating to the zone.

- (3) Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.

## **Table**

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

#### **1 Objective of zone**

The objective of this zone is to set aside certain land for agricultural purposes and purposes incidental thereto.

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

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); dams; forestry.

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

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

#### **4 Prohibited**

Boarding-houses; car repair stations; commercial premises; hotels; industries (other than extractive industries, home industries or rural industries); medium density housing; motor showrooms; professional consulting rooms; road transport terminals; service stations; shops; taverns; transport terminals; warehouses.

### **Zone No 1 (b) (Rural Highway Zone)**

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

The objective of this zone is to maintain a corridor along major National and State highways so as to protect those roads from traffic-generating developments which may affect the efficient and safe movement of the travelling public, and from those developments which would have an adverse impact on the amenity of the rural countryside.

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

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); dams; forestry.

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

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

### **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; caravan parks; commercial premises; general stores; generating works; hotels; industries (other than home industries or rural industries); junk yards; liquid fuel depots; medium density housing; mines; motels; motor showrooms; professional consulting rooms; recreation facilities; retail plant nurseries; roadside stalls; road transport terminals; sawmills; service stations; shops; taverns; transport terminals; warehouses.

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

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to set aside certain land for the purposes of residential development in a rural setting within areas that are suitable for that type of development,
- (b) to provide for a co-ordination of development to achieve a range of allotment sizes to satisfy community demands and maximise public service facilities,
- (c) to ensure that protection and maximum public benefit is derived from certain areas of high environmental, aesthetic or recreational value, and
- (d) to ensure development is carried out in a way that provides for the efficient distribution of community associated services and facilities.

### **2 Without development consent**

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); forestry.

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

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

### **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; clubs; commercial premises; feed lots; general stores; heliports; hospitals; hotels; industries (other than home industries and rural industries); junk yards; liquid fuel depots; medium density housing; mines; motels; motor showrooms; piggeries; poultry farms; recreation establishments; road transport terminals; roadside stalls; rural workers' dwellings; sawmills; service stations; shops; stock

and sale yards; taverns; tourist facilities; transport terminals; warehouses.

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

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to set aside certain land for the purposes of residential development in a rural setting in a manner that preserves the existing environment, amenity and character of the locality,
- (b) to ensure the provision of household and allotment water supply to lots by subdivision design of adequate lot size which are based on catchment yield analysis,
- (c) to protect the amenity of the area through design and development standards,
- (d) to ensure that traffic movement along the Barton Highway between Yass and Canberra is not unnecessarily restricted by increased access points or congestion caused by vehicles turning off and onto the Highway,
- (e) to ensure that development does not create unreasonable demands for provision or extension of public amenities or services,
- (f) to ensure that development does not interfere with the rural character of the locality and to minimise disturbance to the landscape caused by clearing, earthworks and access roads,
- (g) to protect the quality and quantity of groundwater resources within the locality,
- (h) to regulate the impact of further demand on groundwater users,
- (i) to implement a “user pays” system in relation to development so far as the provision or upgrading of public utilities and community services are concerned,
- (j) to permit development which is in the overall social and economic interest of the Shire with a lower priority being given to the interests of the individual or developer,
- (k) to minimise the social and economic costs to the community which are associated with isolated rural residential holdings,
- (l) to ensure that safe and efficient measures are adopted in relation to rural development by requiring that developers and intending residents fully consider bushfire risk, and
- (m) to ensure that the principles of erosion control are applied to all development on or under the surface of the land.

### **2 Without development consent**

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments).

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

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

### **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; clubs; commercial premises; feed lots; general stores; heliports; hospitals; hotels; industries (other than home industries or rural industries); junk yards; liquid fuel depots; medium density housing; mines; motels; motor showrooms; piggeries; poultry farms; recreation establishments; road transport terminals; roadside stalls; rural workers' dwellings; sawmills; service stations; shops; stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.

## **Zone No 1 (c2) (Rural Residential—Hobby Farms Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to set aside certain land for the purposes of rural retreats and hobby farms within areas that are suitable for that type of development,
- (b) to provide for a co-ordination of development to achieve a range of allotment sizes to satisfy community demands and maximise public service facilities,
- (c) to ensure the protection of, and that maximum public benefit is derived from, certain areas of high environmental, aesthetic or recreation value, and
- (d) to ensure development is carried out in a way that provides for the efficient distribution of community associated services and facilities.

### **2 Without development consent**

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); forestry.

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

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

### **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises; feed lots; general stores; generating works; helipads; heliports; hotels; industries (other than home industries and rural industries); junk yards; liquid fuel

depots; medium density housing; mines; motels; motor showrooms; piggeries; poultry farms; road transport terminals; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses.

### **Zone No 1 (d) (Rural Small Holdings Zone)**

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

The objectives of this zone are:

- (a) to set aside certain land for the purposes of rural retreats and hobby farms within areas that are suitable for that type of development,
- (b) to provide for a co-ordination of development to achieve a range of allotment sizes to satisfy community demands and maximise public service facilities,
- (c) to ensure that protection and maximum public benefit is derived from certain areas of high environmental, aesthetic or recreation value, and
- (d) to ensure development is carried out in a way that provides for the efficient distribution of community associated services and facilities.

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

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); forestry.

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

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

#### **4 Prohibited**

Boarding-houses; bulk stores; car repair stations; commercial premises; feed lots; general stores; generating works; helipads; heliports; hotels; industries (other than home industries and rural industries); junk yards; liquid fuel depots; medium density housing; mines; motels; motor showrooms; piggeries; poultry farms; road transport terminals; roadside stalls; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses.

### **Zone No 1 (e) (Rural Village Zone)**

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

The objectives of this zone are:

- (a) to set aside certain land for the purpose of village development within a rural setting on existing allotments surrounding the village zone, and

- (b) to provide for a co-ordination of development on allotments with a range of sizes to satisfy community demands and maximise public service facilities, and
- (c) to protect the amenity of the area through design and development standards which do not interfere with the rural character of the locality, and
- (d) to protect the quality of the environment by protecting groundwater resources, soil erosion, habitat and vegetation and by minimising bushfire risk in the locality.

## **2 Without development consent**

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); forestry.

## **3 Only with development consent**

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

## **4 Prohibited**

Animal Boarding, Breeding and Training Establishments, Boarding-houses; bulk stores; bus stations; car repair stations; clubs; commercial premises; extractive industries; feed lots; general stores; generating works; heliports; hospitals; hotels; industries (other than home industries, light industries and rural industries); junk yards; liquid fuel depots; medium density housing; motor showrooms; piggeries; poultry farms; recreation facilities; road transport terminals; sawmills; service stations; shops; transport terminals; units for aged persons; warehouses.

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

### **1 Objectives of zone**

The objective of this zone is to set aside certain land for housing within acceptable living areas of the Shire of Yass.

### **2 Without development consent**

Dwelling-houses.

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

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

### **4 Prohibited**

Agriculture; bulk stores; car repair stations; commercial premises; feed lots; forestry; helipads; heliports; hotels; industries (other than home industries); junk yards; liquid fuel depots; mines; motels; motor showrooms; piggeries;

poultry farms; recreation establishments; refreshment rooms; retail plant nurseries; road transport terminals; roadside stalls; rural workers' dwellings; sawmills; service stations; shops; stock and sale yards; taverns; tourist facilities; transport terminals; warehouses.

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

### **1 Objectives of zone**

The objective of this zone is to set aside land for rural villages to allow for future development of a residential, commercial or light industrial nature associated with residents of the village, surrounding rural communities, tourists and travellers.

### **2 Without development consent**

Dwelling-houses.

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

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

### **4 Prohibited**

Feed lots; forestry; generating works; helipads; heliports; industries (other than home industries, light industries or rural industries); junk yards; mines; piggeries; poultry farms; recreation establishments; roadside stalls; rural workers' dwellings; sawmills; stock and sale yards.

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

### **1 Objectives of zone**

The objective of this zone is to set aside certain land for retail, commercial, restricted light industry and warehousing purposes.

### **2 Without development consent**

Nil.

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

Any purpose other than a purpose included in Item 4.

### **4 Prohibited**

Agriculture; animal boarding, breeding and training establishments; bulk stores; dwelling-houses (other than dwellings used in conjunction with purposes permissible in the zone); feed lots; forestry; generating works; helipads; home occupations; hospitals; industries (other than light industries); junk yards; liquid fuel depots; mines; piggeries; poultry farms;

recreation establishments; road transport terminals; roadside stalls; rural workers' dwellings; sawmills; stock and sale yards; transport terminals; units for aged persons.

### **Zone No 3 (b) (Highway Services Zone)**

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

The objective of this zone is to set aside certain land for the provision of services required by the travelling public and for the development of refreshment, accommodation and vehicle service facilities.

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

Nil.

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

Advertising structures; bulk stores; car repair stations; dams; dwelling-houses used in conjunction with purposes permissible within the zone; helipads; heliports; hotels; light industries; liquid fuel depots; motels; recreation facilities; recreation areas; refreshment rooms; roads; road transport terminals; service stations; taverns; tourist facilities; transport terminals; utility installations; any other purpose specifically designed to cater for the travelling public.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

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

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

The objective of this zone is to set aside certain land for the purposes of industries within convenient proximity to the central business district of Yass and to sources of employment.

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

Nil.

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

Any purpose other than a purpose included in Item 4.

#### **4 Prohibited**

Boarding-houses; child care centres; commercial premises; dual occupancy buildings; dwelling-houses (other than dwelling-houses used in conjunction with purposes permissible within the zone); extractive

industries; feed lots; forestry; general stores; generating works; helipads; home industries; home occupations; hospitals; hotels; medium density housing; mines; motels; motor showrooms; piggeries; places of assembly; places of public workshop; poultry farms; professional consulting rooms; public buildings; recreation establishments; refreshment rooms; roadside stalls; rural workers' dwellings; sawmills; service stations; shops; stock and sale yards; taverns; tourist facilities; units for aged persons.

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

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

The objective of this zone is to set aside land for community related facilities.

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

Nil.

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

The particular purpose indicated on the map or any purpose ordinarily incidental or subsidiary to that purpose; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 6 (a) (Open Space Zone)**

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

The objective of this zone is to protect certain land for the purposes of active and passive recreation and drainage.

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

Nil.

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

Agriculture (other than feed lots; piggeries; poultry farms or animal boarding, breeding or training establishments); child care centres; clubs; dams; educational establishments; places of assembly; public car parking; recreation areas; recreation facilities; roads; tourist facilities; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 6 (b) (Proposed Open Space Zone)**

### **1 Objectives of zone**

The objectives of this zone are:

- (a) to identify land which is suitable for future public recreation use and which can be brought into public ownership, generally as a consequence of contributions derived from rural residential development,
- (b) to provide additional land to meet the objectives specified in respect of land within Zone No 6 (a), and
- (c) to ensure that there is provision of adequate open space to meet the needs of all residents and to provide opportunities to enhance the total environmental quality of the Shire.

### **2 Without development consent**

Nil.

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

Any purpose ordinarily incidental or subsidiary to a purpose included in Item 3; agriculture; bowling greens; camping grounds; caravan parks; child care centres; community centres; drainage; forestry; commons; picnic grounds; public grounds; public grounds; public buildings; roads; sports grounds; tourist facilities; utility installations (other than gas holders or generating works).

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

## **Zone No 7 (c) (Environmental Protection Water Catchment Zone)**

### **1 Objectives of zone**

The objective of this zone is to restrict development of land to such uses as are compatible with the protection of the immediate catchment area of a public water supply.

### **2 Without development consent**

Nil.

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

Works ancillary to the use of the land for environmental protection purposes, or works ancillary to the provision of a public water supply.

### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 7 (d) (Environmental Protection—Scenic Zone)**

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

The objectives of this zone are to identify areas of high natural and scenic value within the Shire of Yass and to encourage development of areas in a manner compatible with their environmental significance.

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

Nil.

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

Agriculture (other than feed lots, piggeries, poultry farms or animal boarding, breeding or training establishments); dams; dual occupancy buildings; dwelling-houses; home industries; home occupations; recreation areas; roads; utility installations.

#### **4 Prohibited**

Any purpose other than a purpose included in Item 3.

### **Zone No 9 (b) (Proposed Road Zone)**

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

The objective of this zone is to set aside land (being land that the Council or a Government instrumentality intends to acquire) for various proposed roads.

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

In the case of land acquired for the purpose of arterial roads—arterial roads.

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

In the case of land acquired for the purpose of local roads or local road widening—drainage; local roads; open space; utility installations (other than gas holders or generating works).

#### **4 Prohibited**

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

## **Part 3 Special provisions**

### **Division 1 Subdivision**

## 10 General

A person shall not subdivide land to which this plan applies except with the consent of the Council.

## 11 Land within Zone No 1 (a) or 1 (b)

- (1) This clause applies to land within Zone No 1 (a) or (b).
- (2) The Council shall not consent to the subdivision of land to which this clause applies otherwise than in accordance with subclause (3), (4), (7) or (8).
- (3) The Council may consent to the subdivision of land to which this clause applies if it is satisfied that:
  - (a) the average area of the allotments having an area of greater than 60 per cent and less than 200 per cent of the area shown on the map proposed to be created by the subdivision is not less than the area shown on the map and the area of all other allotments proposed to be created by the subdivision is not less than 200 per cent of the area shown on the map,
  - (b) each of those allotments is compatible in shape with the likely use of the land, adjoining land uses and the physical environment generally, and
  - (c) if such an allotment has a frontage to a main or arterial road, that frontage is not less than 400 metres.
- (4) The Council may consent to the subdivision of land to which this clause applies so as to create an allotment having an area of not less than 2 hectares if it is satisfied that:
  - (a) the allotment is to be used for the purposes of an intensive agricultural enterprise,
  - (b) the shape of the allotment is compatible with the likely use of the land, adjoining land uses and the physical environment generally, and
  - (c) the frontage of the allotment to a main or arterial road is not less than 200 metres.
- (5), (6) (Repealed)
- (7) The Council may consent to the subdivision of land to which this clause applies so as to create an allotment having an area of not less than 2 hectares if it is satisfied that:
  - (a) the allotment is to be created to enable the exchange of agricultural land between neighbouring landowners, and
  - (b) the shape of the allotment is compatible with the likely use of the land, adjoining land uses and the physical environment generally.

- (8) The Council may consent to the subdivision of land to which this clause applies so as to create an allotment of land having an area of less than that shown on the map in relation to that land if it is satisfied that:
- (a) the allotment is intended to be used for a purpose (other than agriculture or a dwelling-house) that may be carried out only with the consent of the Council,
  - (b) the shape of the allotment is compatible with the intended use of the land, adjoining land uses and the physical environment generally, and
  - (c) the frontage of the allotment to a main or arterial road is not less than 200 metres.

**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.

## 12 Land within Zone No 1 (c) or 1 (d)

- (1) This clause applies to land within Zone No 1 (c) or 1 (d).
- (2) The Council shall not consent to the subdivision of land to which this clause applies otherwise than in accordance with subclause (3).
- (3) The Council may consent to the subdivision of land to which this clause applies if it is satisfied that:
  - (a) the average area of the allotments having an area of greater than 60 per cent and less than 200 per cent of the area shown on the map proposed to be created by the subdivision is not less than the area shown on the map and the area of all other allotments proposed to be created by the subdivision is not less than 200 per cent of the area shown on the map,
  - (b) each of those allotments:
    - (i) is compatible in shape with the likely use of land, adjoining land uses and the physical environment generally, and
    - (ii) has no direct vehicle access to a main road.
- (4) If, on the appointed day, a parcel of land is:
  - (a) partly within Zone No 1 (c), 1 (d), and
  - (b) partly within Zone No 6 (a) or 7 (c),
 the Council may, as a condition of its consent to the subdivision of the land, require the dedication of such part of the land as is within Zone No 6 (a) or 7 (c) to the Council for public recreation and conservation purposes compatible with the zone.
- (5) If, on the date on and from which *Yass Local Environmental Plan 1987 (Amendment No 4)* takes effect, a parcel of land is within Zone No 1 (c1), the Council may, as a condition of its consent to the subdivision of the

land, require the dedication of land for the provision of open space corridors or buffer areas and drainage reserves.

### **12A Land within Zone No 1 (c1) at Murrumbateman**

- (1) This clause applies to land within Zone No 1 (c1).
- (2) The Council shall not consent to the subdivision of land to which this clause applies otherwise than in accordance with subclause (3).
- (3) The Council may consent to the subdivision of land to which this clause applies if it is satisfied that:
  - (a) each allotment shall:
    - (i) have a minimum farm dam catchment area sufficient to ensure a 1:10 year drought reliability, determined by catchment yield analysis and site soil analysis which must be submitted with the development application, or
    - (ii) have access to a reticulated water supply from a community dam of sufficient capacity to ensure that all lots within the subdivision will have a 1:10 year drought reliability, determined by catchment yield analysis and site soil analysis which must be submitted with the development application, and
  - (b) the Council is satisfied that adequate measures are proposed in any development of the land to mitigate the likelihood of the commencement of bushfires, and
  - (c) each allotment:
    - (i) is compatible in shape with the likely use of the land, the adjoining land uses and the physical environment generally,
    - (ii) is consistent in size with the rural residential character of the locality, and
    - (iii) has no direct vehicle access to a main road.
- (4) This clause shall not apply to allotments that the Council is satisfied were created or are intended to be created for the following purposes: public open space; private open space; access; drainage; public utility undertakings; wildlife corridors; landscape buffer areas.

### **12B Land within Zone No 1 (c2)**

- (1) This clause applies to land within Zone No 1 (c2).
- (2) The Council shall not consent to the subdivision of land to which this clause applies otherwise than in accordance with subclause (3) or (4).
- (3) The Council may consent to the subdivision of land to which this clause applies if it is satisfied that each allotment proposed to be created by the subdivision will have:

- (a) an area of not less than 8 hectares, and
  - (b) an adequate ratio of depth to frontage, having regard to the purpose for which the allotment is likely to be used, and
  - (c) boundaries that are appropriately located, having regard to the topography of the land proposed to be subdivided.
- (4) The Council may consent to the subdivision of land of which this clause applies if it is satisfied that:
- (a) the average area of the allotments proposed to be created by the subdivision (excluding any allotments having an area of more than 16 hectares or less than 4 hectares) will be not less than 8 hectares, and
  - (b) none of the allotments proposed to be created by the subdivision will have an area of less than 2 hectares, and
  - (c) not more than 15 per cent of the land (excluding any part of the land consisting of allotments having an area of more than 16 hectares) will consist of allotments having an area of less than 4 hectares, and
  - (d) allotments having an area of less than 4 hectares will not be clustered in groups of more than 3 such allotments, and
  - (e) each allotment having an area of less than 4 hectares will have frontage to a public road other than a main or arterial road, and
  - (f) allotments having direct frontage to the Yass River will be not less than 10 hectares in size, and
  - (g) adequate measures will be incorporated in any development of the land to mitigate the likelihood of the commencement of bushfires.

### **12C Land within Zone No 1 (e)**

- (1) This clause applies to land within Zone No 1 (e).
- (2) The Council must not consent to the subdivision of land to which this clause applies.

### **13 Land within Zone No 7 (d)**

- (1) This clause applies to land within Zone No 7 (d).
- (2) The Council shall not consent to the subdivision of land to which this clause applies otherwise than in accordance with subclause (3).
- (3) The Council may consent to the subdivision of land to which this clause applies if it is satisfied that:
  - (a) the average area of the allotments having an area of greater than 60 per cent and less than 200 per cent of the area shown on the

map proposed to be created by the subdivision is not less than the area shown on the map and the area of all other allotments proposed to be created by the subdivision is not less than 200 per cent of the area shown on the map,

(b) each of those allotments:

(i) is compatible in shape with the likely use of the land, adjoining land uses and the physical environment generally, and

(ii) has no direct vehicle access to a main road.

(4) If, on the appointed day, a parcel of land is:

(a) partly within Zone No 7 (d), and

(b) partly within Zone No 6 (a) or 7 (c),

the Council may, as a condition of its consent to the subdivision of land, require the dedication of such part of the land as is within Zone No 6 (a) or 7 (c) to the Council for public recreation and conservation purposes compatible with the zone.

## **Division 2 Residential development**

### **14 Dwelling-houses**

(1) A dwelling-house may, with the consent of the Council, be erected on a parcel of land within Zone No 1 (a) or 1 (b) if:

(a) the land comprises an allotment created by a subdivision in accordance with clause 11 (3) or (4), or

(b) (Repealed)

(c) the parcel:

(i) has a minimum area of not less than 80 hectares and has a minimum frontage of 200 metres to a road maintained by a public authority,

(ii) occupies an area of not less than 80 hectares and comprises an existing parcel on 15 December 1986,

(iii) occupies an area of not less than 16 hectares and comprises an existing parcel on 16 October 1970,

(iv) occupies an area of not less than 40 hectares and comprises an existing parcel on 20 September 1974, or

(v) is certified by the Shire Clerk as being an existing parcel on 15 April 1966, and which, in the opinion of the Council, was likely to be intended for the erection of a dwelling at that time.

(2) A dwelling-house may, with the consent of the Council, be erected on an

allotment of land within Zone No 1 (c), 1 (c1), 1 (c2) or 1 (d) if the land comprises an allotment:

- (a) created by a subdivision in accordance with clause 12, 12A or 12B, or
  - (b) created in accordance with a previous lawful subdivision pursuant to an environmental planning instrument.
- (3) A dwelling-house may, with the consent of the Council, be erected on a parcel of land within Zone No 7 (d) if:
- (a) the land comprises an existing parcel as at 15 December 1986, or a parcel created in accordance with clause 13, and
  - (b) the dwelling-house is sited and constructed in a manner that is unlikely to detract from the natural and scenic character of the area.
- (4) Nothing in this plan operates so as to require the consent of the Council to be obtained for the carrying out of development for the purpose of the extension of a dwelling house lawfully erected on land within Zone No 1 (a), 1 (b), 1 (c) or 1 (d).
- (5) The Council may consent to the erection of a dwelling-house on an allotment within Zone No 1 (e) only if the Council is satisfied that the characteristics of the land comprising the allotment make it suitable for use as the site for a dwelling-house.

#### **14A 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.

#### **15 Dual occupancy**

A dual occupancy building may, with the consent of the Council, be erected on an allotment of land within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 1 (d), 1 (e) or 7 (d) if it is erected on an allotment on which a dwelling-house may be erected in accordance with clause 14.

### **Division 3 Conservation of items of the environmental heritage**

#### **16 Items of the environmental heritage**

- (1) A person shall not, in respect of a building, work or relic that is an item of the environmental heritage:
  - (a) demolish or renovate the building or work,

- (b) damage or despoil the relic, or any part of the relic,
  - (c) excavate any land for the purpose of exposing or removing the relic, or
  - (d) carry out any development in relation to land on which any such building, work or relic is situated,
- except with the consent of the Council.
- (2) The Council shall not grant consent as referred to in subclause (1) in respect of an item of the environmental heritage unless it has made an assessment of:
- (a) the significance of the item as an item of the environmental heritage of the Shire of Yass,
  - (b) the extent to which the carrying out of development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site,
  - (c) whether any stylistic, horticultural or archaeological features of the item or its site should be retained, and
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to public.
- (3) Without limiting the generality of subclause (2), the Council shall not grant consent as referred to in subclause (1) to the renovation of a building that is an item of the environmental heritage unless it has made an assessment of:
- (a) the colour, texture, style and type of finish of any materials to be used on the exterior of the building and the effect which the use of those materials will have on the appearance of the exterior of the building and of any other building in its vicinity,
  - (b) the style, size, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the renovations, and
  - (c) the pitch and form of the roof, if any, of the building.

## **17 Advertising of applications to demolish an item of the environmental heritage**

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of the demolition of an item of the environmental heritage in the same manner as those provisions apply to and in respect of designated development.

## **18 Development in the vicinity of an item of the environmental heritage**

The Council shall not consent to the carrying out of development in the vicinity of an item of the environmental heritage unless it has made an assessment of the effect

which the carrying out of that development will have on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site.

## **Division 4 Miscellaneous**

### **19 Hotels, motels and caravan parks**

A person shall not carry out development for the purposes of a hotel, motel or caravan park on an allotment of land within Zone No 1 (a) unless the allotment has an area of not less than 4 hectares.

### **19A Bed and breakfast establishments**

Development for the purpose of bed and breakfast establishments:

- (a) may, with development consent, be carried out on land within Zone No 1 (a), 1 (b), 1 (c), 1 (c1), 1 (c2), 1 (d), 1 (e), 2 (a), 2 (v) or 3 (a), and
- (b) is prohibited in all other zones.

### **20 (Repealed)**

### **21 Height of buildings**

A person shall not erect a building containing more than 2 floors above ground level without the consent of the Council.

### **22 Provision of services**

The Council shall not consent to the carrying out of any development on any allotment of land unless it is satisfied that adequate arrangements have been made for the provision of vehicle access, electricity, water, landscaping, sewerage and drainage facilities to the allotment.

### **22A Bores within Zone No 1 (c1)**

- (1) The Council shall not consent to the development of land within Zone No 1 (c1) for the purposes of a bore unless it is satisfied that an adequate assessment has been made of the groundwater resource within the locality.
- (2) Nothing in this plan shall require consent to be obtained for development of land for the purposes of a bore within any zone other than Zone No 1 (c1).

### **23 Advertising of certain applications**

An application for consent to carry out development on land within Zone No 2 (a) or 2 (v) for the purposes of medium density housing shall be publicly notified for a period of not less than 14 days before the determination of the application.

## 24 Development for 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 1 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 that development.

### 24A Acquisition and development of land reserved for roads

**Note.** Nothing in this clause is to be construed as requiring a public authority to acquire land—see section 27 (3) of the Act.

- (1) The owner of any land within Zone No 9 (b) which is proposed to be acquired for the purpose of an arterial road or a main road may, by notice in writing, require the RTA to acquire the land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
  - (a) the land is vacant, or
  - (b) the land is not vacant but:
    - (i) the land is included in a publicly notified 5 year works program of the RTA current at the time of the receipt of the notice, or
    - (ii) the RTA has decided not to give concurrence to an application for consent to the carrying out of development on the land, or
    - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time,

but the RTA is not required to acquire the land if it might reasonably be required to be dedicated as a condition of consent to a development application.

- (3) A person may, with the consent of the Council, carry out development on land with Zone No 9 (b):
  - (a) for a purpose for which development may be carried out on land in an adjoining zone, or
  - (b) for any other purpose which is compatible with development which may be carried out on land in an adjoining zone.
- (4) (Repealed)
- (5) The owner of land within Zone No 9 (b) which is proposed to be acquired for the purpose of a local road, may, by notice in writing, require the Council to acquire the land.

- (6) On receipt of a notice referred to in subclause (5), the Council shall, subject to subclause (7), acquire the land.
- (7) The Council shall not be required to acquire land, the subject of a notice referred to in subclause (5), if the land is required to be dedicated to the Council as a condition of development consent (including consent to subdivision).
- (8) Land acquired under this clause may be developed, with the consent of the Council, for any purpose, until such time as it is required for the purpose for which it was acquired.
- (9) In this clause:

*the RTA* means the Roads and Traffic Authority constituted under the Transport Administration Act 1988.

*vacant land* means land on which, immediately before the day on which a notice under subclause (1) is given, there were no buildings other than fences.

## 26 Development near zone boundaries

Where land in a zone is located within 50 metres of a zone boundary, the Council may consent to development on that land for a purpose permissible in the adjoining zone on the other side of the boundary where, in the Council's opinion, the development is desirable due to design, ownership, servicing or other planning considerations.

## 27 Classification and reclassification of public land as operational land

The public land described in Schedule 2 is classified, or reclassified, as operation land for the purposes of the Local Government Act 1993.

### 27A Development of land—"Mt View", Good Hope Road

- (1) This clause applies to:
  - (a) Lots 37, 71, 87, 90, 121 and 241, DP 754917 and Lot 1, DP 577333 (*existing parcel A*), and
  - (b) Lots 67, 68, 76, 173, 212 and 242, DP 754917, Lot 1, DP 440511 and Lot 2 DP 577333 (*existing parcel B*),

being land known as "Mt View", Good Hope Road, Parish of Warroo, as shown edged heavy black on the map marked "Yass Local Environmental Plan 1987 (Amendment No 79)".
- (2) Despite clause 11 (4) and (5), existing parcel A may not be subdivided under either of those subclauses.
- (3) Despite clause 11 (6), the total number of allotments that may be created by a subdivision of existing parcel B pursuant to clause 11 (4) or (5) is 4.
- (4) This clause ceases to have effect on the second anniversary of the day on

which *Yass Local Environmental Plan 1987 (Amendment No 79)* took effect or such later date as the Minister may, before the second anniversary, notify by order published in the Gazette.

**Editorial note.** This clause ceased to have effect on 8.4.2007.

**Note.** If this clause ceases to have effect without existing parcel B having been subdivided, existing parcels A and B will from then on be subdividable under clause 11 in the same way as they were subdividable under clause 11 before this clause took effect.

## Division 5 Exempt and complying development

### 28 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Yass Shire Council Development Control Plan (DCP)—Exempt and Complying Development* adopted by the Council on 22 September 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Yass Shire Council Development Control Plan (DCP)—Exempt and Complying Development* adopted by the Council on 22 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 *Yass Shire Council Development Control Plan (DCP)—Exempt and Complying Development* adopted by the Council on 22 September 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Yass Shire Council Development Control Plan (DCP)—Exempt and Complying Development* adopted by the Council, as in force when the certificate is issued.

### Schedule 1 Development for additional purposes

(Clause 24)

Lot 85, DP 608230, fronting McIntosh Circuit, Murrumbateman—refreshment room.

Lot 1, DP 570658, lot 4, DP 150413 and lot A, DP 157651—restaurant and caretaker's residence.

Lots 1, 2 and 3, section 64, Green Street, Yass—erection of a dwelling-house on the combined area.

Lot 2, DP 618828, Morton Avenue, Yass—erection of a dwelling-house.

Lots 1 and 2, DP 220551, and part lot 3, DP 715743, Laidlaw Street, Yass, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 1)” —motel, including restaurant and manager’s residence.

Lot 24, DP 808121, and part portions 6 and 56, Parish of Yass, Hume Highway, Yass, as shown edged heavy black unhatched on the map marked “Yass Local Environmental Plan 1987 (Amendment No 22)” —a highway service centre.

Lot 20, DP 804565, Parish of Yass, Hume Highway, Yass, as shown edged heavy black and hatched on the map marked “Yass Local Environmental Plan 1987 (Amendment No 22)” —advertising signs; advertising structures; bus stations; dwellings occupied in conjunction with uses permissible on the site; emergency repair facilities (including towing facilities); parking areas for cars, buses and trucks; playgrounds; rest areas; rest rooms; roads; road transport terminals; toilets and showers; utility installations.

Land, being Lot 201, DP 816557, Lot 1, DP 114005 and Portion 27, Parish of West Goodradigbee—subdivision into allotments (each having an area of not less than 700m<sup>2</sup>) and common property, under the *Community Land Development Act 1989*, and use of the land for the purpose of erecting holiday cabins for short term recreational accommodation and for open space purposes, subject to the condition that consent to the carrying out of that development is granted within two years from the day on which *Yass Local Environmental Plan 1987 (Amendment No 24)* took effect or within such longer period as the Minister may, before the expiration of that period of two years, notify by order published in the Gazette.

Portion 147, Parish of Manton, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 26)” —development consisting of:

- (a) the subdivision of the land into lots (each having an area of not less than 800 square metres) and the creation of neighbourhood property for open space purposes under the *Community Land Development Act 1989*, and
- (b) the erection of one dwelling-house on each lot so created, and
- (c) the use of the land for a replica medieval village and associated tourist facilities,

subject to the condition that consent to the carrying out of the development must not be granted by the Council after the second anniversary of the day on which *Yass Local Environmental Plan 1987 (Amendment No 26)* took effect or such later date as the Minister may, before that second anniversary, notify by order published in the Gazette.

Lot 3, DP 819058, Parish of Bedulluck, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 34)” —the activity of paintball.

Land, being Lot 2, DP 258717, Parish of Jeir, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 47)” —development consisting of:

- (a) the subdivision of the land into two allotments comprising areas of approximately 16 hectares and 80 hectares, and
- (b) the resubdivision of the approximately 16 hectare allotment into a maximum of 4 allotments comprising:
  - (i) not more than 3 lots for the purposes of dwellings, and

- (ii) 1 residue allotment for the purposes of an intensive agricultural enterprise, all of which are subject to a neighbourhood scheme under the *Community Land Management Act 1989*, and
- (c) the erection of one dwelling-house on each of the allotments created under paragraph (b) (i) subject to the use of the dwellings being restricted to use that is ancillary to the intensive agricultural enterprise,

subject to the following conditions:

- (d) the Council must not consent to dual occupancy in association with any additional dwellings on any of the allotments created under paragraph (b) (i),
- (e) the use of the allotment created under paragraph (b) (ii) is limited to an intensive agricultural enterprise associated with the growing of medicinal herbs and fragrance oils,
- (f) consent to the carrying out of the development is not granted by the Council after the second anniversary of the day on which *Yass Local Environmental Plan 1987 (Amendment No 47)* took effect or such later date as the Minister may, before the second anniversary, notify by order published in the Gazette.

Lot 13, DP 38410, Parish of Yass, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 54)”—warehouse.

Land, being Lot 118 DP 754868 Parish of Bedulluck and Lot 3 DP 855219 Parish of Bedulluck—development consisting of:

- (a) the subdivision of Lot 118 DP 754868 Parish of Bedulluck into two allotments comprising areas of approximately 20 hectares and 80 hectares respectively, and
- (b) the subdivision of Lot 3 DP 855219 Parish of Bedulluck into two allotments comprising areas of approximately 8 hectares each, and
- (c) the erection of a dwelling-house with the consent of the Council on each of the allotments created under paragraphs (a) and (b).

Lot 31 DP 786226, Macdonald Street, Yass as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 70)”—a single residential building containing four dwelling.

Lot 1, DP 38166, known as 60 Laidlaw Street, Yass, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 75)”—development consisting of the use of an existing dwelling-house for the purpose of an architect’s office.

Lot X, DP 395971, Rossi Street, Yass, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 76)”—development consisting of the use of an existing dwelling-house for the purpose of an office.

Sections 65 and 67 and part Sections 66 and 68–74, Parish of Yass, as shown edged heavy black on the map marked “Yass Local Environmental Plan 1987 (Amendment No 78)”—erection of a dwelling-house on the combined area, subject to the following conditions being complied with to the satisfaction of the Council:

- (a) the preparation of a vegetation management plan which includes the creation and management of a riparian protection area,

- (b) the preparation of an effluent disposal report by a suitably qualified geotechnical expert substantiating that the proposed location and underlying soil properties for the on-site disposal system are suitable for effluent disposal,
- (c) the adequate provision of on-site potable water, not being water taken directly from the Yass River.

## Schedule 2 Classification and reclassification of public land as operational land

(Clause 27)

### YASS

Part of Riverbank Park

Lot B, DP 158973, as shown edged heavy black on the map marked "Yass Local Environmental Plan 1987 (Amendment No 41)".

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

## Table of amending instruments

Yass Local Environmental Plan 1987 published in Gazette No 131 of 14.8.1987, p 4582 (see also Gazette No 140 of 4.9.1987, p 5085) and amended in Gazettes No 118 of 15.7.1988, p 3791, No 31 of 2.3.1990, p 1872, No 8 of 11.1.1991, p 380, No 106 of 12.7.1991, p 5669, No 167 of 29.11.1991, p 9993, No 60 of 15.5.1992, p 3365, No 72 of 19.6.1992, p 4202, No 112 of 4.9.1992, p 6643, No 140 of 27.11.1992, p 8541, No 17 of 19.2.1993, p 676, No 19 of 26.2.1993, p 800, No 119 of 29.10.1993, p 6525, No 142 of 24.12.1993, p 7504, No 24 of 21.1.1994, p 278, No 50 of 25.3.1994, p 1360, No 102 of 5.8.1994, pp 4197, 4198, No 113 of 2.9.1994, p 5592, No 156 of 25.11.1994, p 6956, No 3 of 13.1.1995, p 312 (see also Gazette No 5 of 20.1.1995, p 420), No 11 of 3.2.1995, p 690, No 57 of 12.5.1995, p 2428, No 116 of 22.9.1995, pp 6886, 6887, No 145 of 1.12.1995, p 8300, No 156 of 22.12.1995, p 8760, No 66 of 20.6.1997, p 4625, No 149 of 19.12.1997, p 10301, No 79 of 15.5.1998, p 3544, No 123 of 21.8.1998, p 6373, No 178 of 24.12.1998, p 10270, No 66 of 4.6.1999, p 3833, No 120 of 15.10.1999, p 9995 and No 144 of 24.12.1999, p 12494 and as follows:

Yass Local Environmental Plan 1987 (Amendment No 52) (GG No 22 of 11.2.2000, p 919)

Yass Local Environmental Plan 1987 (Amendment No 64) (GG No 22 of 11.2.2000, p 921)

Yass Local Environmental Plan 1987 (Amendment No 67) (GG No 46 of 14.4.2000, p 3316)

Yass Local Environmental Plan 1987 (Amendment No 70) (GG No 73 of 23.6.2000, p 5180)

Yass Local Environmental Plan 1987 (Amendment No 63) (GG No 85 of 7.7.2000, p 6190)

Yass Local Environmental Plan 1987 (Amendment No 75) (GG No 57 of 8.3.2002, p 1540)

Yass Local Environmental Plan 1987 (Amendment No 76) (GG No 178 of 7.11.2003, p 10440)

Yass Local Environmental Plan 1987 (Amendment No 78) (GG No 77 of 30.4.2004, p 2263)

**2005** (147) Yass Local Environmental Plan 1987 (Amendment No 79). GG No 42 of 8.4.2005, p 1298.  
Date of commencement, on gazettal.

No 64 Statute Law (Miscellaneous Provisions) Act 2005. Assented to 1.7.2005.  
Date of commencement of Sch 2.77, assent, sec 2 (2).

**2008** (128) State Environmental Planning Policy (Rural Lands) 2008. GG No 50 of 9.5.2008, p 3734.  
Date of commencement, on gazettal.

(571) State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008.  
GG No 157 of 12.12.2008, p 11946.  
Date of commencement, 15.12.2008, cl 3.

## Table of amendments

Cl 5	Am 2.3.1990; 11.1.1991; 12.7.1991; 29.11.1991; 15.5.1992; 19.6.1992; 4.9.1992; 27.11.1992; 19.2.1993; 26.2.1993; 29.10.1993; 25.3.1994; 5.8.1994; 13.1.1995 (see also 20.1.1995); 12.5.1995; 22.9.1995; 1.12.1995; 20.6.1997; 15.5.1998; 4.6.1999; 15.10.1999; 11.2.2000; 7.7.2000; 2005 No 64, Sch 2.77.
Cl 8	Am 11.1.1991; 29.10.1993; 4.6.1999.
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Cl 14A	Ins 2008 (128), Sch 1.71 [6].
Cl 15	Am 11.1.1991; 4.6.1999.
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Cl 22A	Ins 11.1.1991.
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Cl 26	Ins 22.12.1995.
Cl 27	Ins 24.12.1998.
Cl 27A	Ins 2005 (147), Sch 1.
Part 3, Div 5 (cl 28)	Ins 24.12.1999.
Sch 1, heading	Subst 30.4.2004.
Sch 1	Am 15.7.1988; 15.5.1992; 24.12.1993; 2.9.1994; 25.11.1994; 3.2.1995; 19.12.1997; 21.8.1998; 11.2.2000; 23.6.2000; 8.3.2002; 7.11.2003; 30.4.2004.
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