



**JUNEE LOCAL
ENVIRONMENTAL PLAN
2012 “PLAIN ENGLISH”
GUIDE**

Prepared by the Development and Environmental Services Department of Junee Shire Council, October 2013

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INTRODUCTION

The *Junee Local Environmental Plan 2012* (LEP 2012) consists of a written instrument and maps. This document aims to provide a simple explanation of the Junee LEP 2012.

The LEP 2012 guides land use and development by zoning land, identifying appropriate land uses that are permitted or prohibited in each zone and controlling development through various clauses. It also identifies special matters that need to be considered in the development assessment process, such as conservation areas and heritage items.

LEPs are prepared under the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure guidelines. They are legal instruments that need the approval of the Minister for Planning and Infrastructure.

All LEPs have to follow the *Standard Instrument (Local Environmental Plans) Order 2006*, which contains compulsory and optional provisions. The compulsory provisions include standard clauses, zone names, land uses within zones and definitions. Maps must follow standard mapping guidelines.

The Junee LEP 2012 is divided into six parts, with Schedules and a Dictionary.

These Explanatory Notes cannot be used as a legal interpretation of any of the clauses in the LEP.

Junee LEP 2012 “Plain English” Guide

The following is an outline of each clause and schedule contained in the Junee LEP 2012.

PART I PRELIMINARY

Clause 1.1 Name of Plan

This clause identifies the name of the LEP as the *Junee Local Environmental Plan 2012*.

Clause 1.1AA Commencement

This clause clarifies that the Plan takes effect when it is published on the NSW Legislation website.

Clause 1.2 Aims of Plan

This clause sets out the aims of the Plan. The particular aims listed in subclause (2) have been put in by Council to reflect our local character and circumstances

Clause 1.3 Land to which Plan applies

This clause identifies that the Plan applies to all land in the Junee Local Government Area (LGA) as shown on the Land Application Map.

Clause 1.4 Definitions

This clause refers to the Dictionary, located at the end of the Plan, which defines the terms used in the Plan. The standard definitions contained in the Dictionary cannot be altered by Council.

Clause 1.5 Notes

This clause states that the notes in the Plan provide guidance only and do not form part of the LEP legal document.

Clause 1.6 Consent authority

Junee Shire Council is the consent authority for development covered by the Plan.

Clause 1.7 Maps

This clause identifies requirements for maps adopted under the Plan. The following maps are included in the Plan:

- Land Application Map
- Land Zoning Map
- Lot Size Map
- Heritage Map
- Land Reservation Acquisition Map
- Flood Planning Map
- Terrestrial Biodiversity Map

- Groundwater Vulnerability Map
- Watercourse Map
- Wetlands Map
- Salinity Map

Clause 1.8 Repeal of other local planning instruments applying to the land

This clause repeals all existing local environmental plans that formerly applied to the Junee area.

Clause 1.8A Savings provision relating to development approvals

This clause permits development applications (DAs) lodged before commencement of the Plan to be determined as if this Plan had been exhibited but had not commenced. This means that DAs will be assessed on the basis of the controls in place when they are lodged.

Clause 1.9 Application of SEPPs

This clause identifies the State Environmental Planning Policies which do not apply to land to which the Plan applies.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause suspends any agreement, covenant or other similar instrument that restricts the carrying out of development. The clause does not apply to covenants imposed by Council or that Council requires to be imposed, or to other matters under various other Acts as listed in this clause.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

Clause 2.1 Land use zones

This clause identifies the land use zones that apply to land in the June LGA. The zones are as follows:

Rural Zones

- RU1 Primary Production
- RU5 Village

Residential Zone

- R5 Large Lot Residential

Industrial Zone

- IN2 Light Industrial

Special Purpose Zone

- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zone

- EI National Parks and Nature Reserves

Clause 2.2 Zoning of land to which Plan applies

This clause indicates that the land use zones under the Plan are shown on the Land Zoning Map.

Clause 2.3 Zone objectives and land use table

This clause explains the Land Use Table, which specifies for each zone the objectives for development and development that may be carried out without consent, only with consent and what is prohibited. This clause requires that the consent authority must consider the zone objectives when determining a development application.

Some zone objectives and development types listed in the Land Use Table are mandated by the Standard Instrument LEP and cannot be changed by Council. Additional zone objectives and development types have been included in the Plan by Council to reflect local character and circumstances.

Clause 2.4 Unzoned land

This clause requires development consent for any development on land that is not zoned under the Plan. The consent authority is required to consider the objectives of adjoining zones and be satisfied that development is appropriate and compatible with adjoining land uses prior to granting development consent. Although this clause is compulsory, all land within the LGA has been zoned.

Clause 2.5 Additional permitted uses for particular land

This clause allows additional permitted uses on particular land despite anything to the contrary in the Land Use Table or other provision in the Plan. Schedule 1 sets out the properties, land uses and conditions to which Clause 2.5 applies. The Schedule is currently blank.

Clause 2.6 Subdivision – consent requirements

This clause generally requires development consent for subdivision. This includes land subdivision and strata subdivision of a building. It also identifies the circumstances where consent is not required, such as public road widening, minor realignment for boundaries (subject to conditions) and lot consolidations.

Clause 2.7 Demolition requires consent

This clause requires development consent for demolition of buildings and structures unless it is exempt development under the Codes SEPP.

Clause 2.8 Temporary use of land

This clause allows, only with development consent, the temporary use of land for a maximum of 52 days a year, subject to certain requirements.

Land Use Table

For each land use zone, the Land Use Table lists:

- the objectives of the zone,
- development permitted without consent,
- development permitted with consent, and
- prohibited development.

PART 3 EXEMPT AND COMPLYING DEVELOPMENT

The Codes SEPP is known as *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. It lists a number of development types as exempt development, and under certain circumstances, it makes new detached single and two-storey dwelling houses (and alterations and additions, and ancillary development) as complying development.

Clause 3.1 Exempt development

This clause identifies development which is considered to have minimal impact as "exempt development" that may be carried out, so long as the development meets the set standards, without the need for development consent. This clause is supported by Schedule 2 in the Plan.

Clause 3.2 Complying development

This clause identifies development which is considered to be complying development, provided it meets the identified standards and the additional requirements of this clause. Complying development can be approved by either Council Certifiers or by Private Certifiers by the issue of a complying development certificate. This clause is supported by Schedule 3 in the Plan.

Clause 3.3 Environmentally sensitive areas excluded

This clause defines an "environmentally sensitive area" where exempt and complying development must not be carried out.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Clause 4.1 Minimum subdivision lot size

This clause provides objectives and sets out the minimum lot size for subdivision of land as shown on the Lot Size Map.

Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and residential zones.

The aim of this clause is to ensure that strata title subdivision in the RUI Primary Production zone and R5 Large Lot Residential zone meets the minimum lot size specified on the Lot Size Map. In the Standard LEP, a minimum lot size does not apply to strata title subdivision.

Clause 4.1AA Minimum subdivision lot size for community title schemes

This clause was not adopted by Council.

Clause 4.2 Rural subdivisions

This clause allows rural land to be subdivided below the minimum lot size to facilitate primary production. However, any lot created under this clause cannot have, or later be allowed to have, a dwelling on the lot.

Note: The RU2, RU4 and RU6 zones have not been adopted by Council.

Clause 4.2A Erection of dual occupancies (attached) and dwelling houses on land in zone RUI

This clause provides the criteria to be satisfied for consent to be granted for the erection of a dwelling-house or attached dual occupancy in the RUI Primary Production zone.

Clause 4.2B Erection of rural workers' dwellings in zone RUI

This clause allows for the construction of a rural workers' dwelling on land in the RUI zone provided that certain criteria can be satisfied.

Clause 4.6 Exceptions to development standards

This clause sets out where an exception to a development standard (such as lot size and height) may be allowed for development. The purpose of this clause is to provide flexibility in the application of certain development standards in particular circumstances.

PART 5 MISCELLANEOUS PROVISIONS

Clause 5.1 Relevant acquisition authority

This clause applies to land reserved for public purposes (e.g. for State roads or regional open space), identifying the land to be acquired on the Land Reservation Acquisition Map and the relevant authority of the State to acquire such land under the *Land Acquisition (Just Terms Compensation) Act 1991*.

Clause 5.2 Classification and reclassification of public land

All Council land (other than public roads or crown reserves) is required to be classified as "community land" or "operational land" under the *Local Government Act 1993*. This clause enables Council to classify or reclassify public land in the Plan.

Clause 5.3 Development near zone boundaries

This clause provides flexibility to allow a use that is permitted on one side of a zone boundary to occur on the immediate other side if this would enable a more logical and appropriate development of the site. The Plan provides a buffer of 50 metres.

Clause 5.4 Controls relating to miscellaneous permissible uses

This clause sets out numerical standards for various permissible uses including bed and breakfast accommodation, home businesses, home industries, industrial retail outlets, farm stay accommodation, kiosks, neighbourhood shops, roadside stalls and secondary dwellings.

Clause 5.8 Conversion of fire alarms

This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private provider. The clause sets out development that requires consent and where that development is complying development.

Clause 5.9 Preservation of trees or vegetation

This clause aims to protect the amenity of the Junee LGA through the preservation of trees and vegetation and applies to trees or vegetation identified in a Development Control Plan (DCP) made by Council. Council does not currently have a DCP for the preservation of trees or vegetation.

Clause 5.9AA Trees or vegetation not prescribed by a development control plan

This clause provides that damage to, or removal of, any tree or vegetation not prescribed by a DCP under clause 5.9 is permitted without development consent. It was introduced in 2011 to clarify the status of works to trees and vegetation not prescribed under a DCP.

Clause 5.10 Heritage conservation

This clause sets out provisions to conserve the environmental heritage of Junee. It applies to heritage items, heritage conservation areas, archaeological sites and places of Aboriginal heritage significance. It identifies when development consent is required and

not required, and requires the consent authority to consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned.

Under the clause, the consent authority may require a heritage impact assessment and a heritage conservation management plan. This clause also identifies incentives that can assist with the conservation of heritage items, including discounting floor area and waiving car parking.

This clause is supported by Schedule 5 and the Heritage Map which identify heritage items in the Junee LGA. Places of Aboriginal heritage significance are not shown on the publicly available map consistent with common practice to keep this information as confidential, to protect these places from vandalism.

Clause 5.11 Bush fire hazard reduction

This clause enables bushfire hazard reduction authorised by the *Rural Fires Act 1997* to be carried out without consent. "Bushfire hazard reduction work" is defined in the Dictionary at the end of the Plan.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown

This clause enables the carrying out of any development by or on behalf of a public authority that is permitted without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.

Clause 5.13 Eco-tourist facilities

This clause facilitates the development of eco-tourist facilities within the Junee LGA and sets out some of the minimum standards applying to these types of developments.

PART 6 ADDITIONAL LOCAL PROVISIONS

Clause 6.1 Earthworks

This clause sets out the matters that require consideration before granting development consent for earthworks.

Clause 6.2 Flood planning

This clause applies to flood liable land. It prevents development that would be incompatible with flooding, either due to the risk of flooding on the development or the potential for the development to exacerbate flooding. The clause also requires appropriate measures to manage flood related risks as well as environmental impacts such as erosion, siltation, and destruction of riparian vegetation or reduced riverbank and watercourse stability.

Clause 6.3 Stormwater management

This clause applies to all land in residential and industrial zones and requires developments on land to minimise the impacts of stormwater disposal.

Clause 6.4 Terrestrial biodiversity

This clause applies to all land identified as "biodiversity" on the Terrestrial Biodiversity Map. The clause sets out the matters that require consideration before granting development consent on land which is identified as "biodiversity".

Clause 6.5 Groundwater vulnerability

This clause applies to all land identified as "vulnerable" on the Groundwater Vulnerability Map. This clause sets out the matters that require consideration before granting development consent on land which is identified as "vulnerable".

Clause 6.6 Riparian land and watercourses

This clause places additional assessment requirements on proposals that are within 40 metres of a watercourse identified on the Watercourse Map. The requirements are intended to ensure and protect water quality, riparian habitats, ecosystems and water volumes, as well as preventing erosion of the bed, banks and shore while maintaining free passage of fish and other aquatic organisms.

Clause 6.7 Wetlands

This clause applies to all land identified as "wetland" on the Wetlands Map. This clause sets out the matters that require consideration before granting development consent on land which is identified as "wetland".

Clause 6.8 Salinity

This clause applies to land identified as "saline land" on the Salinity Map. This clause sets out the matters that require consideration before granting development consent on land which is identified as "saline land".

Clause 6.9 Essential services

This clause ensures that essential services, including the supply of water, electricity, disposal of sewage, stormwater drainage and suitable road access are available or that provision has been made to make them available when required before development consent is granted.

SCHEDULES

Schedule 1 Additional Permitted Uses

This schedule supports clause 2.5 "Additional permitted uses for particular land". There are no items listed in this Schedule.

Schedule 2 Exempt development

This schedule supports clause 3.1 "Exempt development" and lists development that may be carried out without development consent or other Council approval if the requirements of Part 3 of the Plan and the listed criteria in Schedule 1 are satisfied.

Schedule 2 also lists signage as "Exempt development".

Note: Types of exempt development are listed in various State Environmental Planning Policies (SEPPs) of the State Government.

Schedule 3 Complying development

This schedule supports clause 3.2 "Complying development". Part 1 of the Schedule lists local development which may be approved by Council or an accredited private certifier provided that the requirements of Part 3 of the LEP 2012 and the listed criteria are satisfied, as well as the conditions set out in Part 2 of Schedule 3.

There are currently no items listed in this Schedule.

Note: Types of complying development are listed in various State Environmental Planning Policies (SEPPs) of the State Government.

Schedule 4 Classification and reclassification of public land

This schedule supports clause 5.2 "Classification and reclassification of public land". It lists Council property which has been reclassified from community land to operational land under the *Local Government Act 1993*.

Schedule 5 Environmental heritage

This schedule supports clause 5.10 "Heritage conservation". Part 1 lists heritage items. The heritage items are shown on the Heritage Map.

Part 2 lists the heritage conservation areas which are also shown on the Heritage Map.

Dictionary

The Dictionary defines the mandated terms contained in the Standard Instrument Dictionary.