



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Albury Local Environmental Plan 2010 (Amendment No 17)

Your ref: PP 2015 ALBUR 002 00
Our ref: DG e2015-225-d04

In my opinion the attached draft environmental planning instrument may legally be made.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel

25 August 2015



New South Wales

Albury Local Environmental Plan 2010 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

**Frank Zaknich
General Manager
AlburyCity Council**

Date **25.8.15**

signed under delegation for **Albury City Council**

As delegate for the Minister for Planning

Albury Local Environmental Plan 2010 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Albury Local Environmental Plan 2010 (Amendment No 17)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land within Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots under *Albury Local Environmental Plan 2010*.

Schedule 1 Amendment of Albury Local Environmental Plan 2010

Clause 4.2C

Insert after clause 4.2B:

4.2C Exceptions to minimum lot sizes for certain rural subdivisions

- (1) The objective of this clause is to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than for a dwelling house or a dual occupancy) permitted under the existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
 - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
 - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
 - (c) the subdivision will not increase rural land use conflict in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.