



New South Wales

# **Kyogle Local Environmental Plan 2012 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the  
*Environmental Planning and Assessment Act 1979*.

.....

A handwritten signature in black ink, appearing to be 'Craig Diss'.

7 March 2022

Craig Diss  
Acting Director, Northern Region  
Local and Regional Planning

Delegate of the Minister for Planning and Homes

## **Kyogle Local Environmental Plan 2012 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Kyogle Local Environmental Plan 2012 (Amendment No 14)*.

### **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 in the following zones under *Kyogle Local Environmental Plan 2012*—

- (a) Zone B2 Local Centre,
- (b) Zone B4 Mixed Use.

### **4 Maps**

The maps adopted by *Kyogle Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Kyogle Local Environmental Plan 2012**

### **[1]    Land Use Table**

Insert at the end of the matter relating to Zone B2 Local Centre, item 1—

- To encourage a mix of residential, public and commercial land uses to enhance the vitality of the local centre and to encourage efficient use of land, buildings and infrastructure.
- To ensure residential development does not compromise the development or operation of commercial uses and the local centre retains a sufficient area of commercial floor space to meet demand.

### **[2]    Land Use Table, Zone B2 Local Centre, item 3**

Insert in alphabetical order—

Attached dwellings;  
Light industries;  
Multi dwelling housing;  
Residential flat buildings;

### **[3]    Land Use Table, Zone B2 Local Centre, item 3**

Omit “Home industries;”.

### **[4]    Land Use Table, Zone B4 Mixed Use, item 3**

Insert in alphabetical order—

Attached dwellings;  
Multi dwelling housing;

### **[5]    Clauses 6.8 and 6.9**

Insert after clause 6.7—

#### **6.8    Active street frontages in Zone B2 Local Centre**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) An active street frontage is not required for a part of a building used for the following—
  - (a) entrances and lobbies, including as part of mixed use development,
  - (b) access for fire services,
  - (c) vehicle access.

#### **6.9 Residential development in Zone B2 Local Centre**

- (1) The objective of this clause is to minimise land use conflicts between residential development and commercial uses in the local centre.
- (2) This clause applies to development for the following purposes on land in Zone B2 Local Centre—
  - (a) attached dwellings,
  - (b) boarding houses,
  - (c) multi dwelling housing,
  - (d) residential flat buildings,
  - (e) shop top housing.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied of the following—
  - (a) the development will not adversely affect existing commercial premises,
  - (b) the resulting residential accommodation will not be adversely affected by noise or other emissions associated with existing land uses on the site and surrounding land,
  - (c) the development will not result in a decrease in the gross floor area of commercial premises in a building on the land on which the development is carried out.
- (4) Subclause (3)(c) does not apply to development for the purposes of shop top housing.

#### **[6] Schedule 2 Exempt development**

Insert in appropriate order—

##### **Temporary use for retail and exhibition of regional goods**

- (1) Must be on land identified as “Active street frontage” on the Active Street Frontages Map.
- (2) Must be for the retail or exhibition of the following—
  - (a) agricultural produce,
  - (b) packaged food and drink products produced principally in the Kyogle local government area,
  - (c) art and craft products,
  - (d) community and tourism services.
- (3) Must be located within an existing building.
- (4) Must not involve building works.
- (5) Must only be open to the public between the following hours—
  - (a) Monday to Friday—8am–6pm,
  - (b) Saturday—8am–4pm,
  - (c) Sunday—9am–1pm.
- (6) Must not be for more than 12 consecutive months.

#### **[7] Dictionary**

Insert in alphabetical order—

***Active Street Frontages Map*** means the Kyogle Local Environmental Plan 2012 Active Street Frontages Map.