



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Kyogle Local Environmental Plan 2012 (Amendment No 2)

Your ref: Lachlan Black
Our ref: LP e2014-208-d06

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
26 August 2014



New South Wales

Kyogle Local Environmental Plan 2012 (Amendment No 2)

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

Reg Meyer. 27th AUGUST 2014.

Reg Meyer

*Acting General Manager
Kyogle Council*

Kyogle Local Environmental Plan 2012 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kyogle Local Environmental Plan 2012 (Amendment No 2)*.

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 the land to which *Kyogle Local Environmental Plan 2012* applies.

Schedule 1 Amendment of Kyogle Local Environmental Plan 2012

[1] Clauses 4.1A and 4.1B

Insert after clause 4.1AA:

4.1A Boundary adjustments of land in certain zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.
- (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,
 - (d) Zone R5 Large Lot Residential.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after subdivision will be the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) if the land is in a rural zone, the agricultural viability of the land will not be adversely affected as a result of the subdivision.

4.1B Minimum subdivision lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but that cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential zone or Zone RU5 Village, and
 - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential zone or Zone RU5 Village that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

- (ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

[2] Clause 4.2A Erection of dwelling houses and dual occupancies (attached) on land in certain rural zones

Insert at the end of clause 4.2A (3) (e):

, or

- (f) is a lot created by a boundary adjustment in accordance with clause 4.1A and on which the erection of a dwelling house or dual occupancy (attached) would have been permissible immediately before the adjustment of the boundary.