



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Griffith Local Environmental Plan 2014 (Amendment No 1)

Your ref: 14/15624 Vincent Ramos
Our ref: AM/VH e2015-157.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
14 September 2015



New South Wales

Griffith Local Environmental Plan 2014 (Amendment No 1)

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

a.w. alb
Ashley Albury
General Manager - Western Region
Date: 22 September 2015
Delegate of the Minister for
Planning & Infrastructure

Griffith Local Environmental Plan 2014 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Griffith Local Environmental Plan 2014 (Amendment No 1)*.

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 to which *Griffith Local Environmental Plan 2014* applies.

Schedule 1 Amendment of Griffith Local Environmental Plan 2014

[1] Land Use Table

Insert “Water supply systems;” in alphabetical order in item 3 of the matter relating to Zone RU5 Village.

[2] Land Use Table, Zone RU5 Village

Omit “Water reticulation systems;” from item 4.

[3] Land Use Table, Zone B7 Business Park

Insert “Shops;” in alphabetical order in item 3.

[4] Land Use Table, Zone B7 Business Park

Omit “Shops;” from item 4.

[5] Land Use Table, Zone E3 Environmental Management

Omit “Home-based child care;” from item 3.

[6] Clause 4.1 Minimum subdivision lot size

Omit the sentence before the table to clause 4.1 (3A). Insert instead:

Despite subclause (3), the size of each lot resulting from the subdivision of land identified as “Area A”, “Area B” or “Area C” on the Lot Size Map, if the lot is connected to a reticulated sewer or the consent authority is satisfied that it will be connected to a reticulated sewer, must not be less than the area shown in Column 2 of the Table to this subclause opposite the relevant area.

[7] Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development

Omit clause 4.1A (3). Insert instead:

- (3) Development consent may be granted to the subdivision of land to which this clause applies on which is lawfully erected multi dwelling housing or a dual occupancy if:
 - (a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and
 - (b) the size of each lot resulting from the subdivision is equal to or greater than:
 - (i) for a semi-detached dwelling or an attached dwelling—300 square metres, or
 - (ii) for a dwelling house—400 square metres.
- (4) Development consent may be granted to a single development application for the erection of multi dwelling housing or a dual occupancy on land to which this clause applies and the subdivision of that land into 2 or more lots if:
 - (a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and

- (b) the size of each lot resulting from the subdivision is equal to or greater than:
 - (i) for a semi-detached dwelling or an attached dwelling—300 square metres, or
 - (ii) for a dwelling house—400 square metres.

[8] Clause 4.2C

Omit the clause. Insert instead:

4.2C Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones

- (1) The objective of this clause is to minimise unplanned rural residential development in rural and environment protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry,
 - (d) Zone RU4 Primary Production Small Lots,
 - (e) Zone RU6 Transition,
 - (f) Zone E3 Environmental Management,
 - (g) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land is:
 - (a) a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) a lot resulting from a subdivision for which development consent has been granted under clause 4.1B, or
 - (e) an existing holding.

Note. A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.
- (4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if:
 - (a) the dwelling house or dual occupancy will wholly replace another dwelling or dual occupancy that was lawfully erected on that land; or
 - (b) that land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or

- (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.
- (5) In this clause:
- existing holding* means land that:
- (a) was a holding on 18 November 1998, and
 - (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since 18 November 1998.
- holding* means all adjoining land, even if separated by a road, railway or irrigation channels, held by the same person or persons.

[9] Clause 5.4 Controls relating to miscellaneous permissible uses

Omit “40” from clause 5.4 (2). Insert instead “100”.

[10] Clause 5.4 (3)

Omit “80”. Insert instead “100”.

[11] Clause 5.4 (5)

Omit “4”. Insert instead “12”.

[12] Schedule 5 Environmental heritage

Omit “Noorilla” from the address for Item No AH1 in Part 4. Insert instead “Noorla”.