



New South Wales

**PARLIAMENTARY COUNSEL**

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Deniliquin Local Environmental Plan 2013 (Amendment No 5)

Your ref: J. Rogers  
Our ref: MA e2016-009.d03

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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  
9 February 2016



New South Wales


## Deniliquin Local Environmental Plan 2013 (Amendment No 5)

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



DESMOND JOHN BILSKE  
GENERAL MANAGER  
29.02.2016.

## **Deniliquin Local Environmental Plan 2013 (Amendment No 5)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Deniliquin Local Environmental Plan 2013 (Amendment No 5)*.

### **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 *Deniliquin Local Environmental Plan 2013*:

- (a) Zone RU1 Primary Production,
- (b) Zone R5 Large Lot Residential,
- (c) Zone E3 Environmental Management.

## **Schedule 1      Amendment of Deniliquin Local Environmental Plan 2013**

### **Clause 4.2D**

Insert after clause 4.2C:

#### **4.2D    Boundary changes between lots in certain rural, residential and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives for development in a zone.
- (2) This clause applies to land in any of the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone R5 Large Lot Residential,
  - (c) Zone E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:
  - (a) an increase in the number of lots,
  - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) In determining whether to grant development consent to the subdivision of land under this clause, the consent authority must consider the following:
  - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
  - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
  - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
  - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
  - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply:
  - (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.