



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Lithgow Local Environmental Plan 2014 (Amendment No 2)

Your ref: PP 2017 LITHG 001 _00
Our ref: DG e2017-168.d08

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

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line.

(D COLAGIURI)
Parliamentary Counsel

10 October 2017



New South Wales

Lithgow Local Environmental Plan 2014 (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

Lithgow Local Environmental Plan 2014 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Lithgow Local Environmental Plan 2014 (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 *Lithgow Local Environmental Plan 2014* applies.

Schedule 1 **Amendment of Lithgow Local Environmental Plan 2014**

Clause 4.1B

Insert after clause 4.1A:

4.1B Minimum subdivision lot size 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 cannot be subdivided under clause 4.1, 4.1AA or 4.2C,
 - (b) to ensure that the subdivision occurs in a manner that promotes sustainable land uses and development.
- (2) This clause applies to any lot (an *original lot*) that contains:
 - (a) land in Zone RU5 Village or in a residential, business or industrial zone, and
 - (b) land in a rural zone or environment protection zone.
- (3) Development consent may be granted to the subdivision of an original lot to create other lots if:
 - (a) one of the resulting lots will contain:
 - (i) all of the land of the original lot that is in a rural zone or environment protection zone, and
 - (ii) land in Zone RU5 Village, or in a residential, business or industrial zone, that has an area not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (b) each of the other resulting lots will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Development consent may be granted to the subdivision of an original lot to create another lot that:
 - (a) contains land in an environment protection zone, and
 - (b) is less than the minimum size shown on the Lot Size Map in relation to that land,but only if the consent authority is satisfied that the resulting lot will be used for a public purpose.
- (5) Subclauses (3) and (4) have effect despite clauses 4.1, 4.1AA and 4.2C.
- (6) Land identified as “Area 1” or “Area 2” on the Lot Size Map may not be subdivided under this clause.
- (7) Development consent may only be granted under this clause if the consent authority is satisfied that the subdivision:
 - (a) is not likely to have a significant adverse impact on the environmental values of the land, and
 - (b) will not compromise the continued protection or long-term maintenance of any land in an environment protection zone, and
 - (c) is not likely to have a significant adverse impact on the primary production value of land in a rural zone.
- (8) In this clause, *rural zone* means Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry.