

Reference: SH: LLEPA2



11 January 2016

NSW Department of Planning and Environment
PO Box 58
DUBBO NSW 2830

ATTENTION: Megan Jones

Dear Megan

Planning Proposal – LLEP2014 Amendment 2 – Minimum lot sizes for certain split zones

I refer to the Planning Proposal for the abovementioned matter forwarded to your Department on 2 December 2016. Following discussions with yourself relating to the potential Issues related to the subjectivity of proposed 4.1B (4) (b), Council now wishes to proceed through Gateway with the following revised version of the new clause:

4.1B Minimum lot sizes for certain split zones

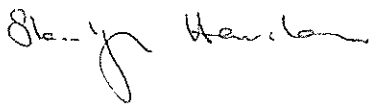
- (1) The objectives of this clause are as follows:
 - (a) to provide for subdivision of lots that are within more than one zone but cannot be subdivided under Clause 4.1; 4.1AA or 4.2C.
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot(an original lot) that contains:
 - (a) land in a residential, village; business or industrial zone , and
 - (b) land in a rural or environmental zone.
- (3) Despite clause 4.1,4.1AA or 4.2C, 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; village; business or industrial zone that has an area not less than the minimum lot size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in any rural or environmental zone 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 lot size shown on the Lot Size Map in relation to that land.
- (4) Despite subclause (3) development consent may be granted to subdivide an original lot to create a resulting lot/s that contains land within an environmental zone that is less than the minimum lot size shown on the Lot Size Map where:
 - (a) the resulting lot/s are created for a public purpose and dedicated to Council.
- (5) Before granting consent to development to which this clause applies the consent authority must be 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 and long-term maintenance of any land in an environmental zone, and
 - (c) is not likely to have a significant adverse impact on the primary production value of land in a rural zone.

The justifications and remaining parts of the Planning Proposal forwarded in December remain relevant. Please note there is typographical error at the beginning of the third last paragraph of Page 5, it should read "Sub-clause (4)....

If you require any further information or clarification please do not hesitate to contact me on 02 63549906.

Yours sincerely



Sherilyn Hanrahan
STRATEGIC LAND USE PLANNER