



New South Wales

Clarence Valley Local Environmental Plan 2011 (Amendment No 29)

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 handwritten signature in black ink, appearing to read 'David Morrison'.

DAVID MORRISON
Manager Strategic and Economic Planning
Clarence Valley Council

as delegate for the Minister for Planning

1/2/2017

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1 Name of Plan

This Plan is *Clarence Valley Local Environmental Plan 2011 (Amendment No 29)*.

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 *Clarence Valley Local Environmental Plan 2011* applies.

Schedule 1 Amendment of Clarence Valley Local Environmental Plan 2011

[1] Clauses 4.1A and 4.1B

Insert after clause 4.1AA:

4.1A Exceptions to minimum lot size for certain split zone lots

- (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 suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clauses 4.1, 4.1AA and 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, business or industrial zone 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, Zone E2 Environmental Conservation or Zone E3 Environmental Management 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.
- (4) Despite subclause (3), development consent may only be granted to subdivide an original lot to create a lot referred to in subclause (3) (a) (ii) that is less than the minimum size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that the lot is suitable for the erection of a dwelling house.

4.1B Boundary adjustments between lots in certain rural, residential and environment protection zones

- (1) The objective of this clause is to permit boundary adjustments between 2 or more lots where one or more of those lots is less than the minimum lot size shown on the Lot Size Map in relation to that land.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone E2 Environmental Conservation,
 - (e) Zone E3 Environmental Management.

- (3) Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies by way of an adjustment of boundaries between adjoining lots where the size of at least one of the adjoining lots is less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in:
 - (a) an increase in the number of lots, or
 - (b) an increase in the number of lots that have an area that is less than the minimum size shown on the Lot Size Map in relation to that land, or
 - (c) an increase in the number of dwellings or opportunities for dwellings on each lot.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) if the land is in a rural zone—whether or not the subdivision is likely to have an adverse impact on the agricultural viability of the land,
 - (b) whether or not the subdivision is likely to increase the potential for land use conflict,
 - (c) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (d) whether or not the subdivision is likely to have an adverse impact on the environmental values of the land.

[2] Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environment protection zones

Insert at the end of clause 4.2B (3) (d):

, or

- (e) a lot created under clause 4.1A (4), or
- (f) a lot created following a boundary adjustment, but only if a dwelling house or dual occupancy could be erected on the lot immediately before that boundary adjustment under paragraph (a), (b), (c), (d) or (e).

[3] Clause 4.2B (4)

Omit “or (c)”. Insert instead “, (c) or (f)”.