



New South Wales

Bega Valley Local Environmental Plan 2013 (Amendment No 13)

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

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Manager Planning Services
Bega Valley Shire Council

17 December 2015

as delegate for the

Minister for Planning

Bega Valley Local Environmental Plan 2013 (Amendment No 13)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bega Valley Local Environmental Plan 2013 (Amendment No 13)*.

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 *Bega Valley Local Environmental Plan 2013* applies.

Schedule 1 Amendment of Bega Valley Local Environmental Plan 2013

Clauses 4.2E and 4.2F

Insert after clause 4.2D:

4.2E Exceptions to minimum subdivision lot size for boundary adjustments

- (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 of a zone.
- (2) Despite clause 4.1, development consent may be granted to the subdivision of 2 or more adjoining lots where one or more lots do not meet the minimum lot size shown on the Lot Size Map if the consent authority is satisfied that 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 that may be erected on any of the lots,
 - (c) increased potential for land use conflicts.
- (3) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) whether or not the development is likely to maintain or improve the environmental values and agricultural viability of the land,
 - (b) the potential impact on the natural and physical constraints affecting the land, taking into account the long-term maintenance, management and protection of the land,
 - (c) the compatibility with existing or potential land uses and measures that are deemed necessary to avoid or minimise any potential for land use conflicts.
- (4) This clause does not apply in relation to a subdivision under the *Community Land Development Act 1989*, the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

4.2F Exceptions to minimum subdivision lot sizes for resulting 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,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to a lot (an **original lot**) that contains land in:
 - (a) a rural or environment protection zone, and
 - (b) one or more other zones.
- (3) Despite clause 4.1, 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 all of the land within a rural or environment protection zone, and:
 - (i) any existing dwelling, or

- (ii) any land within any other zone with an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, 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) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) whether or not the development is likely to maintain or improve the environmental values and agricultural viability of the land,
 - (b) the potential impact on the natural and physical constraints affecting the land, taking into account the long-term maintenance, management and protection of the land,
 - (c) the compatibility with existing or potential land uses and measures that are deemed necessary to avoid or minimise any potential for land use conflicts.



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Bega Valley Local Environmental Plan 2013 (Amendment No 13)

Your ref: Sophie Thomson
Our ref: FHG e2015-293.d04

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
13 November 2015