



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Snowy River Local Environmental Plan 2013 (Amendment No 1)

Your ref: Rochelle Crowe
Our ref: FHG e2016-131.d09

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

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(D COLAGIURI)
Parliamentary Counsel
21 June 2016



New South Wales

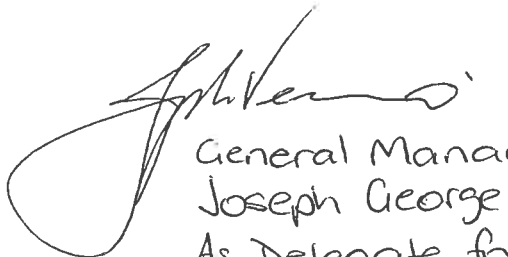
Snowy River Local Environmental Plan 2013 (Amendment No 1)

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


General Manager
Joseph George Vescio
As Delegate for The Minister For Planning

7 July 2016
Date.

Snowy River Local Environmental Plan 2013 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Snowy River Local Environmental Plan 2013 (Amendment No 1)*.

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 *Snowy River Local Environmental Plan 2013* applies.

4 Maps

The maps adopted by *Snowy River Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Snowy River Local Environmental Plan 2013

[1] Clause 1.2 Aims of Plan

Omit “Snowy River” from clause 1.2 (1).

Insert instead “that part of Snowy Monaro Regional local government area to which this Plan applies (in this Plan referred to as *Snowy River*)”.

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

Omit the definition of *existing holding* from clause 4.2D (6). Insert instead:

existing holding means land that:

- (a) was a holding on 26 September 1985, and
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 26 September 1985, and includes any other land adjoining that land acquired by the owner since 26 September 1985.

[3] Clause 4.2E

Insert after clause 4.2D:

4.2E Boundary changes between lots in certain rural and environment protection zones

- (1) The objective of this clause is to permit the boundary between 2 lots to be altered in certain circumstances to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots to which this clause applies if the subdivision will not result in:
 - (a) an increase in the number of lots, and
 - (b) an increase in the number of dwelling houses, secondary dwellings or dual occupancies on, or dwelling houses, secondary dwellings or dual occupancies that may be erected on, any of the lots.
- (4) Before determining a development application for 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, heritage vistas or landscapes 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.

[4] Schedule 5 Environmental heritage

Omit “St Mary’s Catholic Church” from the matter relating to item no 26 in Part 1.

Insert instead “St John’s Anglican Church”.

[5] Schedule 5, Part 1

Insert in appropriate order:

Moonbah	Remains of hut (and associated plantings), grave and well	687 Big Yard Road	Lot 2, DP 1195630	Local	206
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[6] Dictionary

Omit the definition of *Council*. Insert instead:

Council means the Snowy Monaro Regional Council.