



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Gloucester Local Environmental Plan 2010 (Amendment No 4)

Your ref: Aaron Kelly 17.2016.3.1; PP_2016_MCOAS_001_00
Our ref: SP e2017-047.d05

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 and a small flourish.

(D COLAGIURI)

Parliamentary Counsel

2 March 2017



New South Wales

Gloucester Local Environmental Plan 2010 (Amendment No 4)

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

Gloucester Local Environmental Plan 2010 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Gloucester Local Environmental Plan 2010 (Amendment No 4)*.

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 *Gloucester Local Environmental Plan 2010* applies.

Schedule 1 Amendment of Gloucester Local Environmental Plan 2010

[1] Land Use Table, Zone RU1 Primary Production

Insert “Eco-tourist facilities;” after “Dwelling houses;” in item 3.

[2] Clause 4.1A

Insert after clause 4.1AA:

4.1A Boundary adjustments between lots in Zones RU1 and E3

- (1) The objective of this clause is to facilitate boundary adjustments between adjoining lots where one or more resulting lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more resulting lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that:
 - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not increase as a result of the subdivision, and
 - (d) the subdivision will not have a significant adverse effect on the agricultural viability of the land.

[3] Clause 5.13

Omit the clause. Insert instead:

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and

- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

[4] Clause 6.7

Insert in appropriate order:

6.7 Restrictions on certain development in Zones RU1 and E3

- (1) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (2) Development consent must not be granted to the erection of eco-tourist facilities, residential accommodation or tourist and visitor accommodation on land to which this clause applies unless the erection of a dwelling house is permitted on that land under clause 4.2A.