

Intended Amends to Schedule 5 Environmental Heritage:

Amend Items I25 and I150 in *Part 1 Heritage items* as follows:

Suburb	Item Name	Address	Property description	Significance	Item No
Jerrys Plains	Police station Jerry Plains Public School	27–31 Doyle Street	Lot 4, Section 7, DP 758542	Local	I25
Whittingham	“Neotsfield”	Neotsfield Lane	Lot 36, DP 876398	Local State	I150

Amend *Part 3 Archaeological sites* by including the following item:

Suburb	Item Name	Address	Property description	Significance	Item No
Milbrodale	Baime Cave	Welshs Road	Lot 13, DP 1114589	State	A6

Intended Amendments to Clause 4.2A(3):

- (3) Development consent must not be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies unless the land:
- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot created under this Plan (other than under clause 4.2 (3)), or
 - (c) is a lot created on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house was permissible immediately before that commencement, or
 - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted on or after 7 January 1966, but before this Plan commenced, and on which the erection of a dual occupancy or dwelling house would have been permissible if the plan of subdivision had been registered before that commencement., ~~or~~
 - ~~(e) is an existing holding, or~~
 - ~~(f) is a 1980 holding.~~

Note.

A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
- (a) no dual occupancy or dwelling house has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dual occupancy or dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and

- (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dual occupancy or dwelling house on land to which this clause applies if there is a lawfully erected dual occupancy or dwelling house on the land and the dual occupancy or dwelling house to be erected is intended only to replace the existing dual occupancy or dwelling house.
- ~~(6) Land ceases to be an existing holding or a 1980 holding for the purposes of subclause (3) (e) or (f), respectively, if an application for development consent referred to in that subclause is not made in relation to that land before 12 months after the commencement of this Plan.~~
- ~~(7) In this clause:~~

~~1980 holding means land that:~~

- ~~(a) is a lot that was created before 7 January 1966 and that has an area of at least 10 hectares, but not more than 40 hectares, and~~
- ~~(b) is a lot that was owned on 17 December 1980 by a person who on that date did not own any lot, portion or parcel of land adjoining or adjacent to the lot,~~

~~whether or not there has been a change in the ownership of the lot since 17 December 1980.~~

~~existing holding means land that:~~

- ~~(a) was a holding on 7 January 1966, 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 7 January 1966, and includes any other land adjoining that land acquired by the owner since 7 January 1966.~~

~~holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.~~