

2006 No 564



New South Wales

Kyogle Local Environmental Plan No 17

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*. (GRA6323192/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 564

Clause 1 Kyogle Local Environmental Plan No 17

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under the

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1 Name of plan

This plan is *Kyogle Local Environmental Plan No 17*.

2 Aims of plan

This plan aims:

- (a) to insert a sunset provision in clause 12 of *Interim Development Order No 1—Shire of Kyogle* and clause 12 of *Interim Development Order No 1—Shire of Terania* to the effect that land within Zone No 1 (a) or 1 (b) under those Orders may not be subdivided in accordance with clause 12 (2) or (3) pursuant to an application for consent by Kyogle Council made after 4 February 2007, and
- (b) to insert a provision in clause 12 of each of those Orders to the effect that the Council must not consent to an application made in pursuance of clause 12 (2) or (3) unless it has taken certain matters into consideration.

3 Land to which plan applies

This plan applies to all land in the local government area of Kyogle within Zone No 1 (a) or 1 (b) under *Interim Development Order No 1—Shire of Kyogle* and *Interim Development Order No 1—Shire of Terania*.

4 Amendment of Interim Development Order No 1—Shire of Kyogle

Interim Development Order No 1—Shire of Kyogle is amended as set out in Schedule 1.

5 Amendment of Interim Development Order No 1—Shire of Terania

Interim Development Order No 1—Shire of Terania is amended as set out in Schedule 2.

**Schedule 1 Amendment of Interim Development
Order No 1—Shire of Kyogle**

(Clause 4)

Clause 12

Insert after clause 12 (3):

- (3A) Land within Zone No 1 (a) or 1 (b) may not be subdivided in accordance with subclause (2) or (3) pursuant to an application for consent made after 4 February 2007.
- (3B) The Council must not consent to an application made on or before 4 February 2007 in pursuance of subclause (2) or (3) unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:
 - (a) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of land in the vicinity, including the need for separation and buffers to avoid land use conflicts,
 - (b) whether the land is subject to a risk of flooding, bush fires, landslip or erosion and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations and land adjoining the development from any such hazard,
 - (c) the availability and standard of public road access to the land,
 - (d) the availability and standard of electricity and telephone services to the land,
 - (e) the visual impact of the proposed development on the landscape,
 - (f) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be impacted on by the proposed development,
 - (g) the impact of the proposed development on any relic or site, or on their curtilages.

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Schedule 2 Amendment of Interim Development Order No 1—Shire of Terania

Schedule 2 Amendment of Interim Development Order No 1—Shire of Terania

(Clause 5)

Clause 12

Insert after clause 12 (3):

- (3A) Land within Zone No 1 (a) or 1 (b) may not be subdivided in accordance with subclause (2) or (3) pursuant to an application for consent made after 4 February 2007.
- (3B) The Council must not consent to an application made on or before 4 February 2007 in pursuance of subclause (2) or (3) unless it has taken into consideration such of the following matters as are of relevance to the development the subject of the application:
 - (a) the effect of the proposed development on the present and potential use, including agricultural use, of the land and of land in the vicinity, including the need for separation and buffers to avoid land use conflicts,
 - (b) whether the land is subject to a risk of flooding, bush fires, landslip or erosion and, if so, the adequacy of any measures proposed to protect occupants, buildings, internal access roads, service installations and land adjoining the development from any such hazard,
 - (c) the availability and standard of public road access to the land,
 - (d) the availability and standard of electricity and telephone services to the land,
 - (e) the visual impact of the proposed development on the landscape,
 - (f) whether resources of coal, sand, gravel, petroleum or other mineral or extractive deposits will be impacted on by the proposed development,
 - (g) the impact of the proposed development on any relic or site, or on their curtilages.

BY AUTHORITY