

2009 No 341



New South Wales

Kyogle Local Environmental Plan No 19

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*. (G06/00061/PC)

KRISTINA KENEALLY, MP
Minister for Planning

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Clause 1 Kyogle Local Environmental Plan No 19

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under the

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1 Name of plan

This plan is *Kyogle Local Environmental Plan No 19*.

2 Aims of plan

This plan aims to rezone certain land under:

- (a) *Interim Development Order No 1—Shire of Kyogle* from partly Zone No 1 (a) (Non-urban “A” Zone) and partly Zone No 1 (b) (Non-urban “B” Zone) to Zone No 1 (c) (Non-urban 1 (c) (Small Holdings) Zone), and
- (b) *Interim Development Order No 1—Shire of Terania* from partly Zone No 1 (a) (Non-urban “A” Zone) and partly Zone No 1 (b) (Non-urban “B” Zone) to Zone No 1 (c) (Non-urban “C” Zone), to cater for projected population growth in the local government area of Kyogle by providing additional rural lots in accordance with the *Kyogle Structure Plan* as adopted by Kyogle Council on 17 December 2007.

3 Land to which plan applies

This plan applies to certain land in the local government area of Kyogle, being the Preferred Areas known as:

- (a) Homeleigh, Runnymede Road, Geneva, Bonalbo, Mallanganee, Old Bonalbo, Tabulam/Bottle Creek, Wiangaree, Woodenbong and Mummulgum, as shown coloured light brown with dark scarlet edging and lettered “1 (c)” on Sheets 1–10 of the map marked “Kyogle Local Environmental Plan No 19” (*the amending map*) deposited in the office of Kyogle Council, and
- (b) Cawongla and Cawongla/Oxbow Road, as shown coloured light brown with dark scarlet edging and lettered “1 (c)” on Sheets 11 and 12 of the amending map.

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

[1] Clause 2

Insert in appropriate order in the definition of *I.D.C. Map* in clause 2 (1):

Kyogle Local Environmental Plan No 19—Sheets 1–10

[2] Clause 17A

Insert “, other than land to which clause 17AA applies” after “Zone No 1 (c)” in clause 17A (1).

[3] Clause 17AA

Insert after clause 17A:

17AA Development of land in Zone No 1 (c) in Preferred Areas

- (1) This clause applies to land that is in both:
 - (a) Zone No 1 (c), and
 - (b) a Preferred Area to which both this Order and the Structure Plan apply.
- (2) Except as provided by subclause (4), land to which this clause applies is not to be subdivided without the consent of the Council.
- (3) The Council must not consent to the subdivision of land to which this clause applies unless the Council is satisfied that:
 - (a) each lot that will be created by the subdivision will have an appropriate ratio of depth to frontage having regard to the purpose for which the lot is intended to be used, and
 - (b) the minimum size of each lot and the lot yield of the subdivision of each Preferred Area is in accordance with the Structure Plan, and
 - (c) there is vehicular ingress to and egress from each lot, and
 - (d) there is an electricity supply, or satisfactory arrangements have been made for providing that supply, to each lot, and
 - (e) all roads in the subdivision are sealed, or satisfactory arrangements have been made for sealing the roads, and
 - (f) there is a sealed road connecting the subdivision to a commercial centre, and
 - (g) provision has been made for the retention of natural water courses on the land.

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

(4) The consent of the Council to the subdivision of land to which this clause applies is not required if the subdivision is for the purpose of opening a public road.

(5) In this clause:

Preferred Area means one of 10 Preferred Areas known as Homeleigh, Runnymede Road, Geneva, Bonalbo, Mallanganee, Old Bonalbo, Tabulam/Bottle Creek, Wiangaree, Woodenbong and Mummulgum, as shown coloured light brown with dark scarlet edging and lettered “1 (c)” on Sheets 1–10 of the map marked “Kyogle Local Environmental Plan No 19” deposited in the office of the Council.

Structure Plan means the document titled *Kyogle Structure Plan: For Twelve Preferred Areas (Version C December 2007)* approved by the Council on 17 December 2007, a copy of which is deposited in the office of the Council.

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

[1] Clause 3

Omit the definition of *I.D.C. Map* from clause 3 (1). Insert instead:

I.D.C. Map means a series of maps bounded in a book titled *Shire of Terania Interim Development Control Map referred to in Interim Development Order No 1—Shire of Terania* deposited in the office of the Council, as amended by the maps (or sheets of maps) so deposited and marked as follows:

Amendment No 2 of the map referred to in Interim Development Order No 1—Shire of Terania

Kyogle Local Environmental Plan No 19—Sheets 11 and 12

[2] Clause 12A

Omit the clause. Insert instead:

12A Development of land in Zone No 1 (c) in Preferred Areas

- (1) This clause applies to land that is in both:
 - (a) Zone No 1 (c), and
 - (b) a Preferred Area to which both this Order and the Structure Plan apply.
- (2) Except as provided by subclause (4), land to which this clause applies is not to be subdivided without the consent of the Council.
- (3) The Council must not consent to the subdivision of land to which this clause applies unless the Council is satisfied that:
 - (a) each lot that will be created by the subdivision will have an appropriate ratio of depth to frontage having regard to the purpose for which the lot is intended to be used, and
 - (b) the minimum size of each lot and the lot yield of the subdivision of each Preferred Area is in accordance with the Structure Plan, and
 - (c) there is vehicular ingress to and egress from each lot, and
 - (d) there is an electricity supply, or satisfactory arrangements have been made for providing that supply, to each lot, and
 - (e) all roads in the subdivision are sealed, or satisfactory arrangements have been made for sealing the roads, and
 - (f) there is a sealed road connecting the subdivision to a commercial centre, and

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- (g) provision has been made for the retention of natural water courses on the land.
- (4) The consent of the Council to the subdivision of land to which this clause applies is not required if the subdivision is for the purpose of opening a public road.
- (5) In this clause:
Preferred Area means one of 2 Preferred Areas known as Cawongla and Cawongla/Oxbow Road, as shown coloured light brown with dark scarlet edging and lettered “1 (c)” on Sheets 11 and 12 of the map marked “Kyogle Local Environmental Plan No 19” deposited in the office of the Council.
Structure Plan means the document titled *Kyogle Structure Plan: For Twelve Preferred Areas (Version C December 2007)* approved by the Council on 17 December 2007, a copy of which is deposited in the office of the Council.