



New South Wales

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 2)

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*. (D08/00057/PC)

KRISTINA KENEALLY, MP
Minister for Planning

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 2)*.

2 Aims of Plan

The aims of this Plan are to amend the *Mid-Western Regional Interim Local Environmental Plan 2008*:

- (a) to enable the subdivision of land in the Agriculture Zone with development consent, and
- (b) to prescribe the matters that are relevant to consideration of an application for development consent for subdivision within that zone.

3 Land to which Plan applies

This Plan applies to the land to which *Mid-Western Regional Interim Local Environmental Plan 2008* applies.

Schedule 1 Amendment of Mid-Western Regional Interim Local Environmental Plan 2008

**[1] Clause 36 Consent not to be given to subdivision of land within the
Agriculture Zone**

Omit the clause.

**[2] Clause 37 Subdivision of land within Agriculture, Intensive Agriculture,
Rural Small Holdings and Investigation Zones—general requirements**

Insert “Agriculture,” after “within the”.

**[3] Clause 38 Subdivision of land within Agriculture Zone or Intensive
Agriculture Zone for agricultural uses or dwellings**

Omit clause 38 (1). Insert instead:

- (1) Subclause (2) applies to the subdivision of land within the:
 - (a) Agriculture Zone if, in the opinion of the consent authority, it is intended that a lot created by the subdivision is to be used for the purpose of agriculture, intensive plant agriculture or aquaculture, and
 - (b) Intensive Agriculture Zone if, in the opinion of the consent authority, it is intended that a lot created by the subdivision is to be used for the purpose of intensive plant agriculture or aquaculture.

[4] Clause 38 (3) and (4)

Omit the subclauses. Insert instead:

- (3) Subclause (4) applies to the subdivision of land within the Agriculture Zone or Intensive Agriculture Zone where it is intended that a lot created by the subdivision will be used for the erection of a dwelling.
- (4) The consent authority must not grant consent for development to which this subclause applies unless it is satisfied that:
 - (a) the use of the dwelling will be ancillary to, and is necessary for, the use of the land for the purposes of agriculture, intensive plant agriculture or aquaculture, and
 - (b) the land will be provided with adequate vehicular access, and
 - (c) adequate public utility services will be available to the land, and

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- (d) the land will have an adequate water supply and is suitable for an on-site effluent disposal system, and
- (e) an adequate area is available on the land to permit the erection of a dwelling that will be free from the hazards of bush fire, flooding, soil erosion, landslip and similar hazards, and
- (f) in the case of the erection of a dwelling on land that is used for intensive plant agriculture or aquaculture, the erection of the dwelling will not commence until the following are in place:
 - (i) the connection of electricity,
 - (ii) completed irrigation works with a right to water for irrigation,
 - (iii) completed buildings required by the use.

Note. Clause 10 of *State Environmental Planning Policy (Rural Lands) 2008* specifies additional matters to be considered in determining applications for the subdivision of land for the purpose of a dwelling or the erection of a dwelling in rural zones.