



New South Wales

Nambucca Local Environmental Plan 2010 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

NEIL McGAFFIN

As delegate for the Minister for Planning and Infrastructure

2013 No 113

Clause 1 Nambucca Local Environmental Plan 2010 (Amendment No 12)

Nambucca Local Environmental Plan 2010 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Nambucca Local Environmental Plan 2010 (Amendment No 12)*.

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 all the land to which *Nambucca Local Environmental Plan 2010* applies.

Schedule 1 Amendment of Nambucca Local Environmental Plan 2010

Clause 4.2C

Insert after clause 4.2B:

4.2C Exceptions to minimum lot sizes for certain rural subdivisions

- (1) The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.
- (2) This clause applies to land in the following rural zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape.
- (3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under the existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
 - (a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and
 - (b) the subdivision is necessary for the ongoing operation of the permissible use, and
 - (c) the subdivision will not increase rural land use conflict in the locality, and
 - (d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.