



New South Wales

Tamworth Regional Local Environmental Plan 2010 (Amendment No 4)

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 SELMON

As delegate for the Minister for Planning and Infrastructure

Tamworth Regional Local Environmental Plan 2010 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Tamworth Regional Local Environmental Plan 2010 (Amendment No 4)*.

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 land to which *Tamworth Regional Local Environmental Plan 2010* applies that is in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

Schedule 1 Amendment of Tamworth Regional Local Environmental Plan 2010

[1] Clause 4.2B Erection of dwelling houses on land in certain rural and environmental protection zones

Omit clause 4.2B (3). Insert instead:

- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is:
- (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
 - (b) a lot created before this plan commenced and on which the erecting of a dwelling house was permissible under the provisions of *Barraba Local Environmental Plan 1990*, *Manilla Local Environmental Plan 1988*, *Nundle Local Environmental Plan 2000* or *Parry Local Environmental Plan 1987* immediately before that commencement, or
 - (c) a lot created pursuant to clause 11 or 12 of *Tamworth Local Environmental Plan 1996* and, if the lot was created pursuant to clause 12 of that Plan, development consent has been granted for the purpose for which it was created, or
 - (d) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (e) an existing holding, or
 - (f) a holding on which the erection of a dwelling was permissible under *Barraba Local Environmental Plan 1990*, *Manilla Local Environmental Plan 1988*, *Nundle Local Environmental Plan 2000* or *Parry Local Environmental Plan 1987* immediately before this plan commenced.

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

[2] Clause 4.2B (4)

Omit the clause.

[3] Clause 4.2B (6)

Insert in alphabetical order:

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

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.