



New South Wales

Armidale Dumaresq Local Environmental Plan 2012 (Amendment No 6)

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*.

GLENN INGLIS, ACTING GENERAL MANAGER, ARMIDALE DUMARESQ COUNCIL
As delegate for the Minister for Planning

Armidale Dumaresq Local Environmental Plan 2012 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Armidale Dumaresq Local Environmental Plan 2012 (Amendment No 6)*.

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 in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E3 Environmental Management and Zone E4 Environmental Living under *Armidale Dumaresq Local Environmental Plan 2012*.

Schedule 1 Amendment of Armidale Dumaresq Local Environmental Plan 2012

[1] Clause 4.1AA Minimum subdivision lot size for community title schemes

Insert after clause 4.1AA (2) (b):

- (b1) Zone R2 Low Density Residential,

[2] Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones

Insert after clause 4.1A (2) (b):

- (b1) Zone R2 Low Density Residential,

[3] Clause 4.1B Subdivision in Zone E3 and Zone E4

Omit “on any resulting lots that contain” from clause 4.1B (3) (a) (i).

Insert instead “on any part of a resulting lot that contains”.

[4] Clause 4.1E

Insert after clause 4.1D:

4.1E Exceptions to minimum subdivision lot size for boundary adjustments

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone E3 Environmental Management,
 - (e) Zone E4 Environmental Living.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:
 - (a) will not result in an increase in the number of lots, and
 - (b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - (c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),

- (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) This clause does not apply in relation to a subdivision under the *Community Land Development Act 1989*, the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.