



New South Wales

Tamworth Regional Local Environmental Plan 2010 (Amendment No 5)

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*.

PAUL BENNETT, GENERAL MANAGER, TAMWORTH REGIONAL COUNCIL
As delegate for the Minister for Planning

Tamworth Regional Local Environmental Plan 2010 (Amendment No 5)

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1 Name of Plan

This Plan is *Tamworth Regional Local Environmental Plan 2010 (Amendment No 5)*.

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 land in the following zones to which *Tamworth Regional Local Environmental Plan 2010* applies:

- (a) Zone RU1 Primary Production,
- (b) Zone RU4 Primary Production Small Lots.

Schedule 1 Amendment of Tamworth Regional Local Environmental Plan 2010

[1] Clause 4.2D

Insert after clause 4.2C:

4.2D Boundary changes between lots in certain rural zones

- (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 any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots.
- (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 subdivision will not result in any of the following:
 - (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) Before determining a development application 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 on 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*.

[2] Schedule 1 Additional permitted uses

Insert “is permitted with development consent” after “premises” in clause 1 (2).

[3] Schedule 1, Clause 2 (2)

Insert “is permitted with development consent” after “envelope”.

[4] Schedule 2 Exempt development

Omit all matter relating to “Advertising structures” and “Tennis courts”.