



New South Wales

Gunnedah Local Environmental Plan 2012 (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*.

ERIC GROTH, GENERAL MANAGER, GUNNEDAH SHIRE COUNCIL
As delegate for the Minister for Planning

Gunnedah Local Environmental Plan 2012 (Amendment No 5)

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1 Name of Plan

This Plan is *Gunnedah Local Environmental Plan 2012 (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 land in Zone RU1 Primary Production and Zone E3 Environmental Management and to the following land at Gunnedah:

- (a) Lots 114 and 115, DP 1176830, being 11 and 13 Dries Avenue,
- (b) Lot 12, DP 1020147, being 418 Quia Road,
- (c) Lot 118, DP 1176830, being Sunnyside Farm Drive,
- (d) Lot 1, DP 613545, Lot 21, DP 1003636 and Lot 2, DP 1146441, being 1295, 1311 and 1349 Wandobah Road.

4 Maps

The maps adopted by *Gunnedah Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Gunnedah Local Environmental Plan 2012

Clause 4.2C

Insert after clause 4.2B:

4.2C Boundary changes between lots in Zones RU1 and E3

- (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 E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted for the subdivision of 2 or more adjoining lots, being land to which this clause applies, 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 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 that may be erected on any of the lots.
- (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 to the subdivision of individual lots in a strata plan or a community title scheme.