



New South Wales

# **Cootamundra Local Environmental Plan 2013 (Amendment No 2)**

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*.

**KEN TRETHERWEY, GENERAL MANAGER, COOTAMUNDRA SHIRE COUNCIL**  
As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Cootamundra Local Environmental Plan 2013 (Amendment No 2)*.

### **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 the land to which *Cootamundra Local Environmental Plan 2013* applies.

## **Schedule 1      Amendment of Cootamundra Local Environmental Plan 2013**

**[1] Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones**

Insert after clause 4.2A (3) (c):

- (ca) is a lot created by a boundary adjustment in accordance with clause 4.2B and on which a dwelling house would have been permissible before the adjustment of the boundary, or

**[2] Clause 4.2B**

Insert after clause 4.2A:

**4.2B Boundary changes between lots in certain rural and environment protection zones**

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be adjusted 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 RU2 Rural Landscape,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone E3 Environmental Management.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots that are land to which this clause applies if the subdivision will not result in:
  - (a) an increase in the number of lots, and
  - (b) an increase in the number of dwelling houses on, or dwelling houses that may be erected on, any of the lots, and
  - (c) any lot created by a boundary adjustment in Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone E3 Environmental Management having an area of less than 5 hectares, and
  - (d) any lot created by a boundary adjustment in Zone RU4 Primary Production Small Lots having an area of less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Before determining a development application for the subdivision of land to which this clause applies, 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, heritage vistas or landscapes or agricultural viability of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.