



New South Wales

# **Bathurst Regional Local Environmental Plan 2014 (Amendment No 3)**

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*.

**RICHARD DENYER, ACTING DIRECTOR ENVIRONMENTAL PLANNING AND  
BUILDING SERVICES**

As delegate for the Minister for Planning

## **Bathurst Regional Local Environmental Plan 2014 (Amendment No 3)**

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Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Bathurst Regional Local Environmental Plan 2014 (Amendment No 3)*.

### **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 *Bathurst Regional Local Environmental Plan 2014* applies.

## Schedule 1 Amendment of Bathurst Regional Local Environmental Plan 2014

### [1] Clause 2.8

Omit the clause. Insert instead:

#### 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 42 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).
- (5A) This clause does not apply to land in Zone RU2 Rural Landscape.

### [2] Clause 4.1C

Insert after clause 4.1B:

#### 4.1C Minimum lot size for certain split zone lots

- (1) The objectives of this clause are as follows:
  - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, 4.1AA or 4.1A,
  - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
  - (a) land in Zone RU5 Village, Zone E4 Environmental Living or a residential, business, industrial, special purpose or recreation zone, and
  - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots,

Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation.

- (3) Despite clauses 4.1, 4.1AA and 4.1A, development consent may be granted to subdivide an original lot to create other lots (the **resulting lots**) if:
- (a) one of the resulting lots will contain:
    - (i) land in Zone RU5 Village, Zone E4 Environmental Living or a residential, business, industrial, special purpose or recreation zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
    - (ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone E1 National Parks and Nature Reserves or Zone E2 Environmental Conservation that was in the original lot, and
  - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

**[3] Clause 7.14**

Insert after clause 7.13:

**7.14 Drinking water catchments**

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.
- (2) This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.
- (3) In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:
    - (i) the distance between the development and any waterway that feeds into the drinking water storage,
    - (ii) the on-site use, storage and disposal of any chemicals on the land,
    - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

**[4] Dictionary**

Insert in alphabetical order:

*Drinking Water Catchment Map* means the Bathurst Regional Local Environmental Plan 2014 Drinking Water Catchment Map.