



New South Wales

Great Lakes Local Environmental Plan 2014 (Amendment No 13)

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 HANDFORD, INTERIM GENERAL MANAGER, MIDCOAST COUNCIL
As delegate for the Minister for Planning

Great Lakes Local Environmental Plan 2014 (Amendment No 13)

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1 Name of Plan

This Plan is *Great Lakes Local Environmental Plan 2014 (Amendment No 13)*.

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 to which *Great Lakes Local Environmental Plan 2014* applies.

Schedule 1 Amendment of Great Lakes Local Environmental Plan 2014

[1] Clause 4.1B Exceptions to minimum lot sizes for ecological protection

Omit clause 4.1B (3) (b). Insert instead:

- (b) all other resulting lots will contain land that has an area that is not less than 1 hectare.

[2] Clause 4.1B (4A)

Insert after clause 4.1B (4):

- (4A) Despite any other provision of this Plan, the erection of a dwelling house:
 - (a) is prohibited on any resulting lot referred to in subclause (3) (a), and
 - (b) is permitted with development consent on any resulting lot referred to in subclause (3) (b).

[3] Clauses 4.1C and 4.1D

Insert after clause 4.1B:

4.1C Exceptions to minimum subdivision lot size for boundary adjustments

- (1) The objective of this clause is to permit boundary adjustments between 2 or more lots where one or more of the resulting lots would be less than the minimum lot size shown on the Lot Size Map in relation to that land.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU2 Rural Landscape,
 - (b) Zone RU3 Forestry,
 - (c) Zone R5 Large Lot Residential,
 - (d) Zone E2 Environmental Conservation,
 - (e) Zone E3 Environmental Management,
 - (f) Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of land by way of an adjustment of boundaries between adjoining lots where the size of one or more of the lots resulting from the subdivision would be less than the minimum lot size shown on the Lot Size Map in relation to the land if the consent authority is satisfied that the subdivision will not result in:
 - (a) an increase in the number of lots, or
 - (b) an increase in the number of dwellings or opportunities for dwellings on each lot.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - (a) whether or not the future use of any resulting lot is consistent with the objectives of the zone that apply to the land,
 - (b) if the land is in a rural zone—whether or not the subdivision is likely to have an adverse impact on the agricultural viability of the land,
 - (c) whether or not the subdivision is likely to increase the potential for land use conflict,
 - (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,

- (e) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- (5) Despite clause 4.2A, development consent may be granted for the erection of a dwelling house on land that, immediately before the adjustment of its boundaries under this clause, was a lot on which the erection of a dwelling house was permissible.

4.1D Minimum subdivision lot sizes for certain split zones

- (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,
 - (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 a residential, business, industrial or village zone, and
 - (b) land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.
- (3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business, industrial or village 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 RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living 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.
- (4) Despite any other provision of this Plan, the erection of a dwelling house is permitted with development consent on any resulting lot.

[4] Dictionary

Omit “Great Lakes” from the definition of *Council*. Insert instead “Mid-Coast”.