



New South Wales

Weddin Local Environmental Plan 2011 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

GLENN CARROLL, GENERAL MANAGER, WEDDIN SHIRE COUNCIL
As delegate for the local plan-making authority

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1 Name of Plan

This Plan is *Weddin Local Environmental Plan 2011 (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 land in the following zones under *Weddin Local Environmental Plan 2011*:

- (a) Zone RU1 Primary Production,
- (b) Zone RU3 Forestry,
- (c) Zone RU5 Village,
- (d) Zone R1 General Residential,
- (e) Zone R5 Large Lot Residential,
- (f) Zone B2 Local Centre,
- (g) Zone IN1 General Industrial,
- (h) Zone SP2 Infrastructure,
- (i) Zone RE2 Private Recreation.

Schedule 1 Amendment of Weddin Local Environmental Plan 2011

[1] Clause 4.1A

Insert after clause 4.1AA:

4.1A 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 for development in a zone.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (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 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:
 - (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.

[2] Clause 4.2D

Insert after clause 4.2C:

4.2D Rural subdivision for intensive livestock agriculture or intensive plant agriculture

- (1) The objectives of this clause are as follows:

- (a) to provide flexibility in the application of lot size standards for subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture,
 - (b) to encourage sustainable intensive livestock agriculture and intensive plant agriculture.
- (2) Land in Zone RU1 Primary Production may, with development consent, be subdivided for the purpose of intensive livestock agriculture or intensive plant agriculture 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.
- (3) However, development consent must not be granted to such a subdivision if an existing dwelling house would, as a result of the subdivision, be situated on such a lot unless the consent authority is satisfied that:
- (a) the lot will have an area of at least 100 hectares, and
 - (b) the lot is suitable for, and is to be used for, the purpose of intensive livestock agriculture or intensive plant agriculture, and
 - (c) the dwelling house is required to support the carrying out of that purpose.
- (4) Development consent may be granted for the erection of a dwelling house on a lot created by a subdivision under this clause or on an existing lot of any size that only contains land in Zone RU1 Primary Production if the consent authority is satisfied that:
- (a) the lot has an area of at least 100 hectares, and
 - (b) the lot is suitable for, and is being used for, the purpose of intensive livestock agriculture or intensive plant agriculture, and
 - (c) the dwelling house is required to support the carrying out of that purpose.

[3] Clause 5.3

Omit the clause. Insert instead:

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
 - (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
 - (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- Note.** When this clause was inserted it did not include Zone E2 Environmental Conservation or Zone W1 Natural Waterways.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to

development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.