



New South Wales

# **Greater Taree Local Environmental Plan 2010 (Amendment No 16)**

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*.

**KATRINE O'FLAHERTY**

As delegate for the Minister for Planning

## **Greater Taree Local Environmental Plan 2010 (Amendment No 16)**

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### **1 Name of Plan**

This Plan is *Greater Taree Local Environmental Plan 2010 (Amendment No 16)*.

### **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 *Greater Taree Local Environmental Plan 2010* applies.

### **4 Maps**

The maps adopted by *Greater Taree Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Greater Taree Local Environmental Plan 2010**

### **[1] Land Use Table**

Insert at the end of item 1 of the matter relating to Zone RU1 Primary Production:

- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

### **[2] Land Use Table, Zone RU1**

Omit “Funeral homes;” from item 3. Insert in alphabetical order:

Boat launching ramps; Boat sheds; Camping grounds; Charter and tourism boating facilities; Community facilities; Jetties; Marinas; Markets; Mooring pens; Moorings; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Sewerage systems; Timber yards; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

### **[3] Land Use Table, Zone RU3**

Insert “; Water supply systems” in alphabetical order in item 3.

### **[4] Land Use Table, Zone RU4**

Insert “; Water supply systems” in alphabetical order in item 3.

### **[5] Land Use Table, Zone RU5**

Omit “; services” from item 1. Insert instead “, services”.

### **[6] Land Use Table, Zone RU5**

Insert at the end of item 1:

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### **[7] Land Use Table, Zone RU5**

Insert “; Water supply systems” in alphabetical order in item 3.

### **[8] Land Use Table, Zone R5**

Insert “; Water supply systems” in alphabetical order in item 3.

### **[9] Land Use Table, Zone B2**

Insert at the end of item 1:

- To ensure quality of design of buildings and public spaces to achieve a locality that is safe and accessible.

### **[10] Land Use Table, Zone B6**

Insert “Kiosks;” and “Take away food and drink premises;” in alphabetical order in item 3.

### **[11] Land Use Table, Zone IN2**

Omit “Rural industries;” from item 4.

**[12] Land Use Table, Zone RE1**

Insert “Function centres;” in item 3.

**[13] Land Use Table, Zone RE2**

Insert “Function centres;” in item 3.

**[14] Clause 4.1B Exceptions to minimum subdivision lot sizes for certain split zones**

Insert “, or Zone RU5 Village,” after “industrial zone” wherever occurring in clause 4.1B (2) (a) and (3) (a) (i).

**[15] Clause 4.1D**

Insert after clause 4.1C:

**4.1D Exceptions to minimum subdivision lot size for boundary adjustments**

- (1) The objective of this clause is to facilitate changes to boundaries between lots where one or more resultant lots do not meet the minimum lot size, but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU3 Forestry,
  - (c) Zone RU4 Primary Production Small Lots,
  - (d) Zone RU5 Village,
  - (e) Zone R5 Large Lot Residential,
  - (f) Zone E2 Environmental Conservation,
  - (g) Zone E3 Environmental Management,
  - (h) Zone E4 Environmental Living.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that:
  - (a) the subdivision will not create additional lots, and
  - (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and
  - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
  - (d) if the land is in Zone RU1 Primary Production, Zone RU3 Forestry or Zone RU4 Primary Production Small Lots—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
  - (e) if the land is in Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living—the subdivision will result in the continued protection and long-term maintenance of the land.
- (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 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 the subdivision is likely to be incompatible with a use of land in any adjoining zone,
  - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
  - (e) whether the subdivision is likely to have an adverse impact on the environmental values of the land.
- (5) This clause does not apply:
- (a) in relation to the subdivision of individual lots in a strata plan or community title scheme, or
  - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.
- (6) 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.

**[16] Clauses 7.11 and 7.12**

Insert after clause 7.10:

**7.11 Essential services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

**7.12 Events permitted without development consent**

- (1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.
- (2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.  
**Note.** Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Land Management Act 2016*.
- (3) Part 2 of *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* does not apply to development to which this clause applies.
- (4) In this clause:  
**public reserve** has the same meaning as in the *Local Government Act 1993*.

***temporary event*** means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.