



New South Wales

Kyogle Local Environmental Plan 2012 (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*.

JEREMY GRAY

As delegate for the Minister for Planning and Public Spaces

Kyogle Local Environmental Plan 2012 (Amendment No 16)

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1 Name of Plan

This Plan is *Kyogle Local Environmental Plan 2012 (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—

- (a) land to which *Kyogle Local Environmental Plan 2012* applies, and
- (b) land that, immediately before the making of this Plan, was land identified as “Deferred matter” under *Kyogle Local Environmental Plan 2012*.

4 Maps

The maps adopted by *Kyogle Local Environmental Plan 2012* 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 Kyogle Local Environmental Plan 2012

- [1] **Clause 1.3 Land to which Plan applies**
Omit clause 1.3(1A).
- [2] **Clause 1.8 Repeal of planning instruments applying to land**
Insert at the end of clause 1.8(1)—
Note— The following local environmental plans are repealed under this provision—
Interim Development Order No 1—Shire of Kyogle
Interim Development Order No 1—Shire of Terania
- [3] **Clause 1.8(2), note**
Omit the note.
- [4] **Clause 2.1 Land use zones**
Omit “RU2 Rural Landscape” from the matter relating to Rural Zones.
- [5] **Land Use Table**
Insert at the end of item 1 of the matter relating to Zone RU1 Primary Production—
 - To enable development that does not adversely impact on the natural environment, including habitat and waterways.
- [6] **Land Use Table, Zone RU1 Primary Production, item 3**
Insert “Places of public worship;” in alphabetical order.
- [7] **Land Use Table, Zone RU2 Rural Landscape**
Omit the matter relating to Zone RU2 Rural Landscape.
- [8] **Clauses 4.1AA(2)(b), 4.1A(2)(b), 4.2A(2)(b) and 4.2B(2)(b)**
Omit the paragraphs.
- [9] **Clause 4.1B Minimum subdivision lot sizes for certain split zones**
Omit “, Zone RU2 Rural Landscape” wherever occurring.
- [10] **Clause 4.2 Rural subdivision**
Omit clause 4.2(2), note. Insert instead—
Notes—
 - 1 When this Plan was made it did not include Zone RU6 Transition.
 - 2 This Plan does not include Zone RU2 Rural Landscape.
- [11] **Clause 4.2C, heading**
Omit “Zones RU1 and RU2”. Insert instead “Zone RU1”.
- [12] **Clause 4.2C(2)**
Omit the subclause. Insert instead—
 - (2) This clause applies to land in Zone RU1 Primary Production.

[13] Part 6 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

Terrestrial biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity by—
 - (a) protecting native fauna and flora, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have—
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
 - (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 environmental impact, or
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.

[14] Schedule 1 Additional permitted uses

Omit “, RU2” from the heading to clause 1.

[15] Schedule 1, clause 1(1)(b)

Omit the paragraph.

[16] Dictionary

Insert in alphabetical order—

Terrestrial Biodiversity Map means the Kyogle Local Environmental Plan 2012 Terrestrial Biodiversity Map.