



New South Wales

Kyogle Local Environmental Plan 2012 (Amendment No 14)

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*.

CRAIG DISS

As delegate for the Minister for Planning

Kyogle Local Environmental Plan 2012 (Amendment No 14)

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1 Name of Plan

This Plan is *Kyogle Local Environmental Plan 2012 (Amendment No 14)*.

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 *Kyogle Local Environmental Plan 2012*—

- (a) Zone B2 Local Centre,
- (b) Zone B4 Mixed Use.

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] Land Use Table

Insert at the end of the matter relating to Zone B2 Local Centre, item 1—

- To encourage a mix of residential, public and commercial land uses to enhance the vitality of the local centre and to encourage efficient use of land, buildings and infrastructure.
- To ensure residential development does not compromise the development or operation of commercial uses and the local centre retains a sufficient area of commercial floor space to meet demand.

[2] Land Use Table, Zone B2 Local Centre, item 3

Insert in alphabetical order—

- Attached dwellings;
- Light industries;
- Multi dwelling housing;
- Residential flat buildings;

[3] Land Use Table, Zone B2 Local Centre, item 3

Omit “Home industries;”.

[4] Land Use Table, Zone B4 Mixed Use, item 3

Insert in alphabetical order—

- Attached dwellings;
- Multi dwelling housing;

[5] Clauses 6.8 and 6.9

Insert after clause 6.7—

6.8 Active street frontages in Zone B2 Local Centre

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre.
- (2) This clause applies to land identified as “Active street frontage” on the Active Street Frontages Map.
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (4) An active street frontage is not required for a part of a building used for the following—
 - (a) entrances and lobbies, including as part of mixed use development,
 - (b) access for fire services,
 - (c) vehicle access.

6.9 Residential development in Zone B2 Local Centre

- (1) The objective of this clause is to minimise land use conflicts between residential development and commercial uses in the local centre.
- (2) This clause applies to development for the following purposes on land in Zone B2 Local Centre—
 - (a) attached dwellings,
 - (b) boarding houses,
 - (c) multi dwelling housing,
 - (d) residential flat buildings,
 - (e) shop top housing.
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied of the following—
 - (a) the development will not adversely affect existing commercial premises,
 - (b) the resulting residential accommodation will not be adversely affected by noise or other emissions associated with existing land uses on the site and surrounding land,
 - (c) the development will not result in a decrease in the gross floor area of commercial premises in a building on the land on which the development is carried out.
- (4) Subclause (3)(c) does not apply to development for the purposes of shop top housing.

[6] Schedule 2 Exempt development

Insert in appropriate order—

Temporary use for retail and exhibition of regional goods

- (1) Must be on land identified as “Active street frontage” on the Active Street Frontages Map.
- (2) Must be for the retail or exhibition of the following—
 - (a) agricultural produce,
 - (b) packaged food and drink products produced principally in the Kyogle local government area,
 - (c) art and craft products,
 - (d) community and tourism services.
- (3) Must be located within an existing building.
- (4) Must not involve building works.
- (5) Must only be open to the public between the following hours—
 - (a) Monday to Friday—8am–6pm,
 - (b) Saturday—8am–4pm,
 - (c) Sunday—9am–1pm.
- (6) Must not be for more than 12 consecutive months.

[7] Dictionary

Insert in alphabetical order—

Active Street Frontages Map means the Kyogle Local Environmental Plan 2012 Active Street Frontages Map.