



New South Wales

# **Blayney Local Environmental Plan 2012 (Amendment No 12)**

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*.

**MARK DICKER, GENERAL MANAGER  
BLAYNEY SHIRE COUNCIL**  
As delegate for the local plan-making authority

## **Blayney Local Environmental Plan 2012 (Amendment No 12)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Blayney Local Environmental Plan 2012 (Amendment No 12)*.

### **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 certain land to which *Blayney Local Environmental Plan 2012* applies.

### **4 Maps**

The maps adopted by *Blayney 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 Blayney Local Environmental Plan 2012

[1] **Clause 4.1D**

Insert after clause 4.1C—

**4.1D Subdivision of certain land at or near Millthorpe**

- (1) This clause applies to the following land—
  - (a) land identified as “Area C” or “Area D” on the Lot Size Map,
  - (b) Lot 135, DP 750360, 78 Clover Ridge Road, Millthorpe.
- (2) The minimum lot size for land identified as “Area C” or “Area D” on the Lot Size Map is 4,000m<sup>2</sup> if the consent authority is satisfied the land is, or will be, serviced by a sewage reticulation system and a water reticulation system.
- (3) The maximum number of lots resulting from subdivision of the following land is—
  - (a) for land identified as “Area D” on the Lot Size Map—6 lots, and
  - (b) for Lot 135, DP 750360, 78 Clover Ridge Road, Millthorpe—5 lots.
- (4) A lot created under subclause (3) must not be further subdivided.

[2] **Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural zones**

Omit clause 4.2A(3)(e). Insert instead—

- (e) is a lot or holding with a size of at least 1.5ha on land identified as “Dwelling Opportunity” on the Dwelling Opportunity Map, or

[3] **Clause 4.2A(3), note**

Omit the note.

[4] **Clause 4.2A(4)**

Omit the subclause. Insert instead—

- (4) Subclause (3)(e) ceases to have effect at the beginning of 1 May 2028.

[5] **Clause 4.2A(6)**

Omit the subclause, including the note. Insert instead—

- (6) In this clause—

***Dwelling Opportunity Map*** means the Blayney Local Environmental Plan 2012 Dwelling Opportunity Map.

***holding*** means all adjoining land, even if separated by a road or railway, held by the same person.

[6] **Clause 4.2C**

Insert after clause 4.2B—

**4.2C Residential accommodation on land in Zone RU5 or R5**

- (1) The objective of this clause is to ensure that the erection of residential accommodation requiring on-site sewage management is carried out on lots with an appropriate size.

- (2) This clause applies to land in the following zones—
  - (a) Zone RU5 Village,
  - (b) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted to the erection of residential accommodation on a lot that is not serviced by a sewage reticulation system unless the lot is at least the minimum size shown for the land on the Lot Size Map.
- (4) This clause does not apply to a lot—
  - (a) created by or resulting from a subdivision that was the subject of a development consent granted under this plan before the day on which this clause commenced, and
  - (b) on which the erection of the same type of residential accommodation as the proposed residential accommodation—
    - (i) was permissible before that day, or
    - (ii) would have been permissible if a plan of subdivision had been registered before that day.
- (5) This clause does not apply to the rebuilding of, the making of alterations to, or the enlargement or extension of, a building.

**[7] Clause 4.6 Exceptions to development standards**

Insert after clause 4.6(8)(b)—

- (ba) clause 4.1D(2),
- (bb) clause 4.2A(3)(e),