



New South Wales

Bellingen 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*.

CRAIG DISS

As delegate for the Minister for Planning and Public Spaces

Bellingen Local Environmental Plan 2010 (Amendment No 16)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bellingen 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 land to which *Bellingen Local Environmental Plan 2010* applies.

Schedule 1 Amendment of Bellingen Local Environmental Plan 2010

[1] Clause 4.2A Erection of dwelling houses on land in certain rural and conservation protection zones

Insert at the end of clause 4.2A(3)(d)—

, or

- (e) a neighbourhood lot resulting from the subdivision of land under clause 7.11.

[2] Clause 4.2A(3)

Omit the note.

[3] Clause 7.11

Insert after clause 7.10—

7.11 Minimum subdivision lot size for rural landsharing community development

- (1) Subdivision under the *Community Land Development Act 2021* of rural landsharing community land is permitted with development consent.
- (2) A lot resulting from the subdivision of rural landsharing community land may be less than the minimum lot size shown on the Lot Size Map for the land if—
 - (a) the total number of neighbourhood lots resulting from the subdivision does not exceed the number of dwelling sites specified in an existing development consent for the land, and
 - (b) at least one lot resulting from the subdivision will comprise association property used for the purposes of recreation areas, environmental facilities, environmental protection works or agriculture, and
 - (c) there is no more than one dwelling erected on each resulting neighbourhood lot.
- (3) Subclause (2)(c) does not apply to a neighbourhood lot if—
 - (a) the neighbourhood lot is a residue lot, and
 - (b) there are multiple dwellings erected on the neighbourhood lot in accordance with an existing development consent for the land.
- (4) Development consent must not be granted for the subdivision of rural landsharing community land unless the consent authority is satisfied of the following—
 - (a) the subdivision will not impair the use of the land for agriculture or rural industries,
 - (b) there will be on-site disposal and management of sewage for a dwelling on each lot,
 - (c) the subdivision will not have an adverse impact on the scenic amenity or character of the rural environment,
 - (d) the subdivision is not likely to cause land use conflicts with existing agricultural and other rural land uses on neighbouring land,
 - (e) appropriate management measures are in place to ensure the protection and enhancement of the biodiversity of the land.
- (5) In this clause—

association property has the same meaning as in the *Community Land Development Act 2021*.

existing development consent means development consent for the purposes of 3 or more dwellings.

rural landsharing community land means land that, immediately before the commencement of this clause, is being used in accordance with an existing development consent.

[4] Dictionary

Insert in alphabetical order—

neighbourhood lot has the same meaning as in the *Community Land Development Act 2021*.

Schedule 2 Amendment of State Environmental Planning Policy (Primary Production) 2021

Schedule 5 Rural land sharing communities

Omit section 1(c).