



New South Wales

Bellingen Local Environmental Plan 2010 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

LIZ JEREMY, GENERAL MANAGER, BELLINGEN SHIRE COUNCIL
As delegate for the Minister for Planning and Infrastructure

Bellingen Local Environmental Plan 2010 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bellingen Local Environmental Plan 2010 (Amendment No 4)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

- (1) To the extent that this Plan permits secondary dwellings with development consent, this Plan applies to land in Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots under *Bellingen Local Environmental Plan 2010*.
- (2) To the extent that this Plan permits boundary adjustments of land in certain rural and environment protection zones, this Plan applies to land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management and Zone E4 Environmental Living under that Plan.
- (3) To the extent that this Plan permits minimum subdivision lot sizes for certain split zones, this Plan applies to each lot that contains land in a residential, business or industrial zone, as well as land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, RU4 Primary Production Small Lots, Zone E2 Environmental Conservation and Zone E3 Environmental Management under that Plan.
- (4) To the extent that this Plan allows additional permitted uses on certain land, this Plan applies to land at 105 Cabans Road, Raleigh, being Lots 63, 224, 258 and 293, DP 755553.

Schedule 1 Amendment of Bellingen Local Environment Plan 2010

[1] Land Use Table

Insert “Secondary dwellings;” in alphabetical order in item 3 of the matter relating to Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone RU4 Primary Production Small Lots.

[2] Clauses 4.1AB and 4.1AC

Insert after clause 4.1AA:

4.1AB Boundary changes between lots in certain rural, residential and environment protection zones

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
- (2) This clause applies to land in any of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E2 Environmental Conservation,
 - (f) Zone E3 Environmental Management,
 - (g) Zone E4 Environmental Living.
- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:
 - (a) an increase in the number of lots,
 - (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.
- (4) Before determining a development application 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 or not 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 or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - (d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.

- (5) This clause does not apply:
 - (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

4.1AC Exceptions to minimum subdivision lots sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone, and
 - (b) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) each of the other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

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

Insert after clause 4.2A (3) (a):

- (aa) a lot created in accordance with clause 4.1AB, or

[4] Schedule 1 Additional permitted uses

Insert after clause 4:

4A Use of certain land at 105 Cabans Road, Raleigh

- (1) This clause applies to land at 105 Cabans Road, Raleigh, being Lots 63, 224, 258 and 293, DP 755553.
- (2) Development for the purpose of a dwelling house is permitted with development consent, if all the lots are consolidated into a single lot.
- (3) Development consent under subclause (2) must not be granted after 5 years from the commencement of this clause.