



New South Wales

# Clarence Valley Local Environmental Plan No 1

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G04/00051/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 683

Clause 1 Clarence Valley Local Environmental Plan No 1

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# Clarence Valley Local Environmental Plan No 1

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Clarence Valley Local Environmental Plan No 1*.

### 2 Aims of plan

This plan aims to amend the exempt and complying development criteria of a number of planning instruments applying to the local government area of Clarence Valley to enable consideration of the *Clarence Valley Council Sustainable Water Development Control Plan*.

### 3 Land to which plan applies

This plan applies to all land in the local government area of Clarence Valley.

### 4 Relationship with other environmental planning instruments

This plan:

- (a) amends *Copmanhurst Local Environmental Plan 1990* in the manner set out in Schedule 1, and
- (b) amends *Grafton Local Environmental Plan 1988* in the manner set out in Schedule 2, and
- (c) amends *Maclean Local Environmental Plan 2001* in the manner set out in Schedule 3, and
- (d) amends *Nymboida Local Environmental Plan 1986* in the manner set out in Schedule 4, and
- (e) amends *Ulmarra Local Environmental Plan 1992* in the manner set out in Schedule 5, and
- (f) amends *State Environmental Planning Policy No 60—Exempt and Complying Development* in the manner set out in Schedule 6.

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**Schedule 1 Amendment to Copmanhurst Local Environmental Plan 1990**

(Clause 4 (a))

**[1] Clause 5 Definitions**

Insert “, subject to clause 5 (3)” after “Copmanhurst” in the definition of *council* in clause 5 (1).

**[2] Clause 5 (3)**

Insert after clause 5 (2):

- (3) In relation to land within the local government area of Clarence Valley, a reference in this plan to the council includes a reference to Clarence Valley Council.

**[3] Clause 33 What is exempt and complying development?**

Insert after clause 33 (4):

- (5) In relation to land within the local government area of Clarence Valley, a reference in this clause to *Development Control Plan No 2*, as adopted by the Council on 16 August 1999, is a reference to that Plan, as amended by the following instruments:

*Development Control Plan No 2—Complying Development Amendment No 1* as adopted by the Council on 20 July 2004.

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Clarence Valley Local Environmental Plan No 1

Schedule 2 Amendments to Grafton Local Environmental Plan 1988

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### Schedule 2 Amendments to Grafton Local Environmental Plan 1988

(Clause 4 (b))

#### [1] Clause 5 Definitions

Insert “, and includes Clarence Valley Council” after “Grafton” in the definition of *Council* in clause 5.

#### [2] Clause 5

Insert in alphabetical order:

*Grafton Development Control Plan No 12—Exempt and Complying Development* means *Grafton Development Control Plan No 12—Exempt and Complying Development* as adopted by the Council on 20 July 2004.

#### [3] Clause 9A

Insert after clause 9:

##### 9A What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Grafton Development Control Plan No 12—Exempt and Complying Development* is exempt development despite any other provision of this plan.
- (2) Development listed as complying development in *Grafton Development Control Plan No 12—Exempt and Complying Development* is complying development if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by *Grafton Development Control Plan No 12—Exempt and Complying Development*.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Grafton Development Control Plan No 12—Exempt and Complying Development*, as in force when the certificate is issued.

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### **Schedule 3 Amendments to Maclean Local Environmental Plan 2001**

(Clause 4 (c))

**[1] Clause 7 Dictionary**

Insert “, and includes Clarence Valley Council” after “Maclean Shire Council” in the definition of *Council*.

**[2] Clause 7 (1)**

Insert in alphabetical order:

*Maclean Shire Council Development Control Plan for Exempt and Complying Development* means *Maclean Shire Council Development Control Plan for Exempt and Complying Development*, as adopted by the Council on 19 January 2000 and as amended by the following instruments:

*Maclean Shire Council Development Control Plan for Exempt and Complying Development Amendment No 1* as adopted by the Council on 20 July 2004.

**[3] Clause 16 Exempt development**

Omit clause 16 (1). Insert instead:

(1) Development of minimal environmental impact is exempt development if it is listed in Schedule 1A to *Maclean Shire Council Development Control Plan for Exempt and Complying Development* and:

(a) it complies with the development standards and other requirements specified for it in *Maclean Shire Council Development Control Plan for Exempt and Complying Development*, and

(b) it complies with subclauses (2) and (3).

**[4] Clause 16 (3) (a)**

Omit the paragraph.

**[5] Clause 16 (3) (c)**

Omit “Schedule 3”.

Insert instead “Schedule 1A to *Maclean Shire Council Development Control Plan for Exempt and Complying Development*”.

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Schedule 3 Amendments to Maclean Local Environmental Plan 2001

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### **[6] Clause 17 Complying development**

Omit clause 17 (1). Insert instead:

- (1) Development listed as complying development in Schedule 1B to *Maclean Shire Council Development Control Plan for Exempt and Complying Development* is complying development if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the Act, and
  - (c) it complies with the development standards and other requirements specified for it in *Maclean Shire Council Development Control Plan for Exempt and Complying Development*, and
  - (d) it complies with subclauses (2) and (3).

### **[7] Clause 17 (3) (a)**

Omit the paragraph.

### **[8] Schedule 3 Exempt Development**

Omit the Schedule.

### **[9] Schedule 4 Complying Development**

Omit the Schedule.

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## **Schedule 4 Amendment to Nymboida Local Environmental Plan 1986**

(Clause 4 (d))

### **[1] Clause 5 Interpretation**

Insert “, subject to subclause (4)” after “Pristine Waters” in the definition of *Council* in clause 5 (1).

### **[2] Clause 5 (4)**

Insert after clause 5 (3):

- (4) In relation to land within the local government area of Clarence Valley, a reference in this plan to the Council includes a reference to Clarence Valley Council.

### **[3] Clause 47 What is exempt and complying development?**

Insert after clause 47 (4):

- (5) In relation to land within the local government area of Clarence Valley, a reference in this clause to *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, is a reference to that Plan, as amended by the following instruments:

*Pristine Waters Development Control Plan No 3: Exempt Development Amendment No 1* as adopted by the Council on 20 July 2004.

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Clarence Valley Local Environmental Plan No 1

Schedule 5 Amendment to Ulmarra Local Environmental Plan 1992

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### **Schedule 5 Amendment to Ulmarra Local Environmental Plan 1992**

(Clause 4 (e))

#### **[1] Clause 5 Definitions**

Insert “, subject to subclause (3)” after “Pristine Waters” in the definition of *Council* in clause 5 (1).

#### **[2] Clause 5 (3)**

Insert after clause 5 (2):

- (3) In relation to land within the local government area of Clarence Valley, a reference in this plan to the Council includes a reference to Clarence Valley Council.

#### **[3] Clause 36 What is exempt and complying development?**

Insert after clause 36 (4):

- (5) In relation to land within the local government area of Clarence Valley, a reference in this clause to *Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001, is a reference to that Plan, as amended by the following instruments:

*Pristine Waters Development Control Plan No 3: Exempt Development Amendment No 1* as adopted by the Council on 20 July 2004.



Clarence Valley Local Environmental Plan No 1

Amendment to State Environmental Planning Policy No 60—Exempt and  
Complying Development

Schedule 6

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**Schedule 6 Amendment to State Environmental  
Planning Policy No 60—Exempt and  
Complying Development**

(Clause 4 (f))

**Schedule 1 Where does this policy apply?**

Omit “Grafton” from Part 2.