



New South Wales

# Clarence Valley Local Environmental Plan No 2

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 78

Clause 1 Clarence Valley Local Environmental Plan No 2

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## Clarence Valley Local Environmental Plan No 2

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Clarence Valley Local Environmental Plan No 2*.

### 2 Aims of plan

This plan aims:

- (a) 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 Development Control Plan No 6—Exempt and Complying Development*, and
- (b) to omit clause 19 from *Grafton Local Environmental Plan 1988* relating to advertised development.

### 3 Land to which plan applies

This plan applies to so much of the land in the local government area of Clarence Valley that is under *Copmanhurst Local Environmental Plan 1990*, *Grafton Local Environmental Plan 1988*, *Maclean Local Environmental Plan 2001*, *Nymboida Local Environmental Plan 1986* and *Ulmarra Local Environmental Plan 1992*.

### 4 Relationship with other environmental planning instruments

This plan amends *Copmanhurst Local Environmental Plan 1990*, *Grafton Local Environmental Plan 1988*, *Maclean Local Environmental Plan 2001*, *Nymboida Local Environmental Plan 1986*, *Ulmarra Local Environmental Plan 1992* and *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### 1.1 Amendment of Copmanhurst Local Environmental Plan 1990

#### Clause 33 What is exempt and complying development?

Omit clause 33 (5). Insert instead:

- (5) In relation to land within the local government area of Clarence Valley, a reference in this clause to *Development Control Plan No 1* or *Development Control Plan No 2* is a reference to *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as adopted by Clarence Valley Council on 19 July 2005.

### 1.2 Amendment of Grafton Local Environmental Plan 1988

#### [1] Clause 5 Definitions

Insert in alphabetical order:

*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development* means *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as adopted by Clarence Valley Council on 19 July 2005.

#### [2] Clause 5, definition of “Grafton Development Control Plan No 12—Exempt and Complying Development”

Omit the definition.

#### [3] Clause 9A What is exempt and complying development?

Omit “*Grafton Development Control Plan No 12—Exempt and Complying Development*” wherever occurring.

Insert instead “*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*”.

#### [4] Clause 19 Advertising of certain applications

Omit the clause.

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Schedule 1 Amendments

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### 1.3 Amendment of Maclean Local Environmental Plan 2001

#### [1] Clause 7 Dictionary

Insert in alphabetical order in clause 7 (1):

*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development* means *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as adopted by Clarence Valley Council on 19 July 2005.

#### [2] Clause 7 (1), definition of “Maclean Shire Council Development Control Plan for Exempt and Complying Development”

Omit the definition.

#### [3] Clause 16

Omit clauses 16 and 17. Insert instead:

#### 16 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in *Clarence Valley Council Development Control Plan No 6—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 *Clarence Valley Council Development Control Plan No 6—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 *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as in force when the certificate is issued.

## 1.4 Amendment of Nymboida Local Environmental Plan 1986

### [1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development* means *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as adopted by Clarence Valley Council on 19 July 2005.

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

Omit “*Development Control Plan No 3: Exempt and Complying Development*, as adopted by the Council on 18 April 2001” wherever occurring in clause 47 (1)–(3).

Insert instead “*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*”.

### [3] Clause 47 (4)

Omit “*Development Control Plan No 3: Exempt and Complying Development*”.

Insert instead “*Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*”.

### [4] Clause 47 (5)

Omit the subclause.

## 1.5 Amendment of Ulmarra Local Environmental Plan 1992

### Clause 36 What is exempt and complying development?

Omit clause 36 (5). Insert instead:

- (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* is a reference to *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development*, as adopted by Clarence Valley Council on 19 July 2005.

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Schedule 1 Amendments

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### **1.6 Amendment of State Environmental Planning Policy No 4— Development Without Consent and Miscellaneous Exempt and Complying Development**

#### **[1] Schedule 2 Land excepted from clauses 6–10**

Insert in alphabetical order “Clarence Valley local government area”.

#### **[2] Schedule 2**

Omit “Copmanhurst local government area”, “City of Grafton local government area”, “Maclean local government area” and “Pristine Waters local government area”.

BY AUTHORITY

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