



New South Wales

Clarence Valley Local Environmental Plan No 4

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*. (G06/00013/S69)

FRANK SARTOR, M.P.,
Minister for Planning

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Clause 1 Clarence Valley Local Environmental Plan No 4

Part 1 Preliminary

Clarence Valley Local Environmental Plan No 4

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of plan

This plan is *Clarence Valley Local Environmental Plan No 4*.

2 Aims of plan

The aims of this plan are:

- (a) to replace the references to *Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development* in a number of local environmental plans that apply to the local government area of Clarence Valley with references to the exempt and complying development provisions in a series of zone-specific development control plans adopted by Clarence Valley Council on 18 October 2006, and
- (b) to omit from clause 21 of *Grafton Local Environmental Plan 1988* reference to *Development Control Plan No 9—Development Controls in Flood Liable Land*.

3 Land to which plan applies

This plan applies to the land within the local government area of Clarence Valley to which the following plans, taken together, apply:

- (a) *Copmanhurst Local Environmental Plan 1990*,
- (b) *Grafton Local Environmental Plan 1988*,
- (c) *Macleay Local Environmental Plan 2001*,
- (d) *Nymboida Local Environmental Plan 1986*,
- (e) *Ulmarra Local Environmental Plan 1992*.

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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* and *Ulmarra Local Environmental Plan 1992* as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

1.1 Copmanhurst Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

applicable exempt and complying development control plan means, in relation to development within a particular zone in the local government area of Clarence Valley, Part C (Exempt and Complying Development) and the related Schedules of the development control plan in the following list of development control plans (all of which were adopted by council on 18 October 2006) that is expressed to apply to land within that zone:

- (a) *Clarence Valley Council Development Control Plan—Development in Business Zones,*
- (b) *Clarence Valley Council Development Control Plan—Development in Environmental Protection, Open Space and Special Use Zones,*
- (c) *Clarence Valley Council Development Control Plan—Development in Industrial Zones,*
- (d) *Clarence Valley Council Development Control Plan—Development in Residential Zones,*
- (e) *Clarence Valley Council Development Control Plan—Development in Rural Zones,*
- (f) *Clarence Valley Council Development Control Plan—Development in Rural Residential Zones.*

Development Control Plan No 1 means *Development Control Plan No 1* as adopted by council on 16 August 1999.

Development Control Plan No 2 means *Development Control Plan No 2* as adopted by council on 16 August 1999.

[2] Clause 33

Omit the clause. Insert instead:

33 What is exempt and complying development?

- (1) Development of minimal environmental impact is *exempt development*, despite any other provision of this plan, if it is listed as exempt development in, and complies with the relevant development standards and other requirements applied to the development by:
 - (a) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (b) *Development Control Plan No 1*, in the case of any other development.
- (2) Development is *complying development* if:
 - (a) it is listed as complying development in, and complies with the relevant developments standards and other requirements applied to the development by:
 - (i) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (ii) *Development Control Plan No 2*, in the case of any other development.
 - (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (c) is not an existing use, as defined in section 106 of the Act.
- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in:
 - (a) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (b) *Development Control Plan No 2*, in the case of any other development,as in force when the certificate is issued.

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1.2 Grafton Local Environmental Plan 1988

[1] Clause 5 Definitions

Insert in alphabetical order:

applicable exempt and complying development control plan means, in relation to development within a particular zone, Part C (Exempt and Complying Development) and the related Schedules of the development control plan in the following list of development control plans (all of which were adopted by Council on 18 October 2006) that is expressed to apply to land within that zone:

- (a) *Clarence Valley Council Development Control Plan—Development in Business Zones,*
- (b) *Clarence Valley Council Development Control Plan—Development in Environmental Protection, Open Space and Special Use Zones,*
- (c) *Clarence Valley Council Development Control Plan—Development in Industrial Zones,*
- (d) *Clarence Valley Council Development Control Plan—Development in Residential Zones,*
- (e) *Clarence Valley Council Development Control Plan—Development in Rural Zones,*
- (f) *Clarence Valley Council Development Control Plan—Development in Rural Residential Zones.*

[2] Clause 5, definition of “Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development”

Omit the definition.

[3] Clause 9A

Omit the clause. Insert instead:

9A What is exempt and complying development?

- (1) Development of minimal environmental impact is, despite any other provision of this plan, *exempt development* if the development is listed as exempt development in the applicable exempt and complying development control plan.

- (2) Development is *complying development* if:
 - (a) it is listed as complying development in the applicable exempt and complying development control plan, and
 - (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (c) 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 that are applied to the development by the applicable exempt and complying development control plan.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the applicable exempt and complying development control plan, as in force when the certificate is issued.

[4] Clause 21 Flooding

Omit clause 21 (2) (e). Insert instead:

- (e) the provisions of any relevant development control plan that is approved by the Council and contains provisions affecting development on flood liable land.

1.3 Maclean Local Environmental Plan 2001

[1] Clause 7 Dictionary

Insert in alphabetical order in clause 7 (1):

applicable exempt and complying development control plan means, in relation to development within a particular zone, Part C (Exempt and Complying Development) and the related Schedules of the development control plan in the following list of development control plans (all of which were adopted by Council on 18 October 2006) that is expressed to apply to land within that zone:

- (a) *Clarence Valley Council Development Control Plan—Development in Business Zones,*
- (b) *Clarence Valley Council Development Control Plan—Development in Environmental Protection, Open Space and Special Use Zones,*
- (c) *Clarence Valley Council Development Control Plan—Development in Industrial Zones,*

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- (d) *Clarence Valley Council Development Control Plan—Development in Residential Zones,*
- (e) *Clarence Valley Council Development Control Plan—Development in Rural Zones,*
- (f) *Clarence Valley Council Development Control Plan—Development in Rural Residential Zones.*

[2] Clause 7 (1), definition of “Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development”

Omit the definition.

[3] Clause 16

Omit the clause. Insert instead:

16 What is exempt and complying development?

- (1) Development of minimal environmental impact is, despite any other provision of this plan, *exempt development* if the development is listed as exempt development in the applicable exempt and complying development control plan.
- (2) Development is *complying development* if:
 - (a) it is listed as complying development in the applicable exempt and complying development control plan, and
 - (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (c) 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 that are applied to the development by the applicable exempt and complying development control plan.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the applicable exempt and complying development control plan, as in force when the certificate is issued.

1.4 Nymboida Local Environmental Plan 1986

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

applicable exempt and complying development control plan means, in relation to development within a particular zone, Part C (Exempt and Complying Development) and the related Schedules of the development control plan in the following list of development control plans (all of which were adopted by Council on 18 October 2006) that is expressed to apply to land within that zone:

- (a) *Clarence Valley Council Development Control Plan—Development in Business Zones,*
- (b) *Clarence Valley Council Development Control Plan—Development in Environmental Protection, Open Space and Special Use Zones,*
- (c) *Clarence Valley Council Development Control Plan—Development in Industrial Zones,*
- (d) *Clarence Valley Council Development Control Plan—Development in Residential Zones,*
- (e) *Clarence Valley Council Development Control Plan—Development in Rural Zones,*
- (f) *Clarence Valley Council Development Control Plan—Development in Rural Residential Zones.*

[2] Clause 5 (1), definition of “Clarence Valley Council Development Control Plan No 6—Exempt and Complying Development”

Omit the definition.

[3] Clause 47

Omit the clause. Insert instead:

47 What is exempt and complying development?

- (1) Development of minimal environmental impact is, despite any other provision of this plan, *exempt development* if the development is listed as exempt development in the applicable exempt and complying development control plan.
- (2) Development is *complying development* if:
 - (a) it is listed as complying development in the applicable exempt and complying development control plan, and

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- (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
- (c) 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 that are applied to the development by the applicable exempt and complying development control plan.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in the applicable exempt and complying development control plan, as in force when the certificate is issued.

1.5 Ulmarra Local Environmental Plan 1992

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

applicable exempt and complying development control plan means, in relation to development within a particular zone in the local government area of Clarence Valley, Part C (Exempt and Complying Development) and the related Schedules of the development control plan in the following list of development control plans (all of which were adopted by council on 18 October 2006) that is expressed to apply to land within that zone:

- (a) *Clarence Valley Council Development Control Plan—Development in Business Zones,*
- (b) *Clarence Valley Council Development Control Plan—Development in Environmental Protection, Open Space and Special Use Zones,*
- (c) *Clarence Valley Council Development Control Plan—Development in Industrial Zones,*
- (d) *Clarence Valley Council Development Control Plan—Development in Residential Zones,*
- (e) *Clarence Valley Council Development Control Plan—Development in Rural Zones,*
- (f) *Clarence Valley Council Development Control Plan—Development in Rural Residential Zones.*

Development Control Plan No 3: Exempt and Complying Development means *Development Control Plan No 3: Exempt and Complying Development* as adopted by Council on 18 April 2001.

[2] Clause 36

Omit the clause. Insert instead:

36 What is exempt and complying development?

- (1) Development of minimal environmental impact is ***exempt development***, despite any other provision of this plan, if it is listed as exempt development in, and complies with the relevant development standards and other requirements applied to the development by:
 - (a) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (b) *Development Control Plan No 3: Exempt and Complying Development*, in the case of any other development.
- (2) Development is ***complying development*** if:
 - (a) it is listed as complying development in, and complies with the relevant developments standards and other requirements applied to the development by:
 - (i) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (ii) *Development Control Plan No 3: Exempt and Complying Development*, in the case of any other development.
 - (b) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (c) is not an existing use, as defined in section 106 of the Act.

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- (3) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in:
- (a) the applicable exempt and complying development control plan, in the case of development on land within the local government area of Clarence Valley, or
 - (b) *Development Control Plan No 3: Exempt and Complying Development*, in the case of any other development, as in force when the certificate is issued.

BY AUTHORITY
