



New South Wales

Ulmarra Local Environmental Plan 1992 (Amendment No 5)

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*. (GRA6322514/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 319

Clause 1 Ulmarra Local Environmental Plan 1992 (Amendment No 5)

Ulmarra Local Environmental Plan 1992 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ulmarra Local Environmental Plan 1992 (Amendment No 5)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies from the Rural (Horticultural Holdings) Zone to the General Rural Zone under *Ulmarra Local Environmental Plan 1992*, and
- (b) to prevent the further subdivision of land to which this plan applies into small horticultural allotments, and
- (c) to permit development for the purposes of a dual occupancy and the erection of dwelling-houses and duplexes, within a property management planning framework, on certain horticultural allotments on land to which this plan applies.

3 Land to which plan applies

This plan applies to the land shown edged heavy black on the map marked "Ulmarra Local Environmental Plan 1992 (Amendment No 5)" deposited in the office of Clarence Valley Council.

4 Amendment of Ulmarra Local Environmental Plan 1992

Ulmarra Local Environmental Plan 1992 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Ulmarra Local Environmental Plan 1992 (Amendment No 5)

[2] Clause 8 Zones indicated on the map

Omit the matter relating to Zone No 1 (h).

[3] Clause 9 Zone objectives and development control table

Omit the matter relating to Zone No 1 (h) from the Table to the clause.

[4] Clause 15 Subdivision etc of land within Zone No 1 (h)

Omit the clause.

[5] Clause 17 Erection of dwelling-houses and duplexes in rural zones

Insert before clause 17 (1):

(1A) This clause does not apply to land to which clause 17A applies.

[6] Clause 17 (2)

Omit “, 1 (e) or 1 (h)”. Insert instead “or 1 (e)”.

[7] Clause 17A

Insert after clause 17:

17A Dual occupancies, dwelling-houses and duplexes on certain land formerly in the Horticultural Holdings zone

- (1) This clause applies to land within Zone No 1 (a) that was, immediately before the commencement of the amending plan, within Zone No 1 (h), and being land shown edged heavy black on the map marked “Ulmarra Local Environmental Plan 1992 (Amendment No 5)” deposited in the office of Clarence Valley Council.
- (2) Despite any other provision of this plan, development for the purposes of a dual occupancy on an allotment of land to which this clause applies that has an area of less than 40 hectares must not be carried out unless the allotment is a horticultural allotment.

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Schedule 1 Amendments

- (3) A dwelling-house or duplex must not be erected on an allotment of land to which this clause applies that has an area of less than 40 hectares unless the allotment is a horticultural allotment.
- (4) Consent must not be granted to development for the purposes of a dual occupancy or the erection of a dwelling-house or duplex on an allotment of land to which this clause applies unless:
- (a) if the allotment is a split lot or is in two separate parts—the Council is satisfied that the proposed dual occupancy, dwelling-house or duplex is to be located on that part of the allotment set aside for a dual occupancy, dwelling-house or duplex, and
 - (b) the Council is satisfied that an adequate supply of potable water will be available to the proposed dual occupancy, dwelling-house or duplex, and
 - (c) the Council is satisfied that the area of that parcel of land on which the proposed dual occupancy, dwelling-house or duplex is to be located is sufficiently large to permit the safe on-site disposal of effluent, and
 - (d) the applicant for development consent can demonstrate that the development will not be adversely affected by the following:
 - (i) bushfire hazards,
 - (ii) contamination of soils from any adjoining or nearby agricultural or horticultural pursuits,
 - (iii) flooding or other permanent or intermittent water inundation hazard, and
 - (e) the applicant for development consent can demonstrate that the dual occupancy or erection of a dwelling-house or duplex and subsequent occupation and management of the land will result in a better environmental outcome than if a horticultural or agricultural pursuit had been established on the land, and
 - (f) the Council has considered a property management plan for the land.
- (5) In this clause:
- amending plan** means *Ulmarra Local Environmental Plan 1992 (Amendment No 5)*.
- horticultural allotment** means an allotment that:
- (a) was lawfully created by a subdivision of the land to which this clause applies before the commencement of the amending plan, and

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- (b) in the opinion of the Council, was created primarily for the purposes of horticulture.

property management plan means:

- (a) a property vegetation plan within the meaning of the *Native Vegetation Act 2003* for land, prepared by or on behalf of the owner of the land, or
- (b) a plan for land, prepared by or on behalf of the owner of the land, that specifies ongoing land management goals and a program of activities and works proposed to be undertaken on the land to enhance or restore the natural ecosystem, areas of native vegetation and any wildlife corridors or links, and that may contain proposals for farm and general land management practices. These activities and works may include, but are not limited to the following:
- (i) fencing riparian corridors to regulate stock access points,
 - (ii) planting native vegetation species,
 - (iii) fencing of remnant vegetation to exclude stock and encourage re-growth,
 - (iv) environmental weed management,
 - (v) bush fire hazard reduction works for fuel or ecosystem management purposes.

[8] Clause 23 Development along arterial roads

Omit “, 1 (e) or 1 (h)” from clause 23 (2). Insert instead “or 1 (e)”.

[9] Clause 23 (3)

Omit “or 1 (h)”.

[10] Clause 24 Advertising structures

Omit “1 (h),”.