



New South Wales

Richmond Valley Local Environmental Plan 2012 (Amendment No 3)

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*.

JOHN WALKER, GENERAL MANAGER, RICHMOND VALLEY COUNCIL
As delegate for the Minister for Planning and Infrastructure

Richmond Valley Local Environmental Plan 2012 (Amendment No 3)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Richmond Valley Local Environmental Plan 2012 (Amendment No 3)*.

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 includes additional land, it applies to land in Zone E1 National Park and Nature Reserves and Zone E2 Environmental Conservation under *Richmond Valley Local Environmental Plan 2012*.
- (2) To the extent that this Plan permits residue lots of any size, it applies to all the land to which *Richmond Valley Local Environmental Plan 2012* applies.
- (3) To the extent that this Plan rezones the Casino Defence Force Site, it applies to Lots 1–7, DP 1185375.
- (4) To the extent that this Plan changes the minimum subdivision lot size, it applies to land at 49 Sextonville Road, Casino, being Lot 82, DP 624006.
- (5) To the extent that this Plan changes dwelling opportunities, it applies to a variety of lots.
- (6) To the extent that this Plan rezones land at Old School Road, Busbys Flat, it applies to Lot 94, DP 43839.
- (7) To the extent that this Plan amends clause 4.1C of *Richmond Valley Local Environmental Plan 2012*, it applies to all land in Zone RU5 Village and in Zone R1 General Residential.
- (8) To the extent that this Plan amends certain requirements for exempt development, it applies to all the land to which *Richmond Valley Local Environmental Plan 2012* applies.

4 Maps

Each map adopted by *Richmond Valley Local Environmental Plan 2012* that is specified in Column 1 of the following table is declared by this Plan to be amended

or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Richmond Valley Local Environmental Plan 2012 Acid Sulfate Soils Map (6610_COM_ASS_010_080_20120131)	Richmond Valley Local Environmental Plan 2012 Acid Sulfate Soils Map (6610_COM_ASS_010_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_002_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_002_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_003_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_003_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_004_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_004_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_005_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_005_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_006_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_006_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_007_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_007_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_008_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_008_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_009_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_009_080_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_009A_020_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_009A_020_20131107)
Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_010_080_20120131)	Richmond Valley Local Environmental Plan 2012 Dwelling Opportunity Map (6610_COM_DWE_010_080_20131107)
Richmond Valley Local Environmental Plan 2012 Land Application Map (6610_COM_LAP_001_300_20120131)	Richmond Valley Local Environmental Plan 2012 Land Application Map (6610_COM_LAP_001_320_20131107)
Richmond Valley Local Environmental Plan 2012 Lot Size Map (6610_COM_LSZ_003_080_20120131)	Richmond Valley Local Environmental Plan 2012 Lot Size Map (6610_COM_LSZ_003_080_20131107)
Richmond Valley Local Environmental Plan 2012 Lot Size Map (6610_COM_LSZ_006A_020_20120131)	Richmond Valley Local Environmental Plan 2012 Lot Size Map (6610_COM_LSZ_006A_020_20131107)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_003_080_20120209)	Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_003_080_20131107)
Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_006A_020_20120209)	Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_006A_020_20131107)
Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_010_080_20120209)	Richmond Valley Local Environmental Plan 2012 Land Zoning Map (6610_COM_LZN_010_080_20131107)

Schedule 1 Amendment of Richmond Valley Local Environmental Plan 2012

[1] Clause 4.1 Minimum subdivision lot size

Omit clause 4.1 (4A). Insert instead:

- (4A) Despite subclause (3):
- (a) land within Zone RU5 Village may be subdivided to create lots of at least 600 square metres, but only if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system and sewerage system, and
 - (b) development consent may be granted to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land, but only where that lot comprises the entire residue of a subdivision under clause 4.2 or 4.2A.

[2] Clause 4.1C Exceptions to minimum lot size for dual occupancies

Omit “that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced” from clause 4.1C (3).

[3] Clause 4.2B Erection of dual occupancies (attached) or dwelling houses on land in certain rural and environmental protection zones

Insert at the end of clause 4.2B (3) (d):

- , or
- (e) a lot created under clause 4.1 (4A) (b), but only if the erection of a dual occupancy (attached) or a dwelling house was permissible for the land from which it was created.

[4] Schedule 2 Exempt development

Omit the matter relating to “Garages”. Insert instead:

Garages

- (1) Must only be used for domestic purposes.
- (2) Must be located on a lot in one of the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU5 Village,
 - (c) Zone R1 General Residential,
 - (d) Zone R5 Large Lot Residential.
- (3) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (4) Must be constructed or installed so that roof water is disposed of without causing a nuisance to adjoining owners.
- (5) Must be designed by, and constructed in accordance with the specifications of, a professional engineer.
- (6) Must be constructed of non-combustible material if located within 5m of a dwelling located on bush fire prone land.

- (7) Maximum floor area:
 - (a) on a lot that has an area of less than 2ha—20m², or
 - (b) on a lot that has an area of at least 2ha—60m².
- (8) Must not have a wall height, excluding gables, greater than 3m above ground level (existing).
- (9) Maximum 1 per lot.
- (10) Must be located clear of any sewer main, water main or stormwater main to a minimum distance of 1.5m, with footings and foundations to be extended down to a depth of 300mm below the zone of influence for the main (an area contained within 30° to the horizontal from the invert of the main).
- (11) Must be located at least 20m from any bush fire hazard.
- (12) Must be located:
 - (a) if the land is in Zone RU1 Primary Production or Zone R5 Large Lot Residential—at least 3m from each side and rear boundary and 20m from a boundary fronting a road, or
 - (b) if the land is in Zone RU5 Village or Zone R1 General Residential—at least 900mm from each side or rear boundary and 5.5m from a boundary fronting a road.

[5] Schedule 2, Signage

Omit “1m” from subclause (4) (c) (v). Insert instead “2.1m”.

[6] Schedule 2, Signage

Insert after subclause (4) (f):

- (g) in relation to a freestanding sign:
 - (i) maximum height—2m above ground level (existing), and
 - (ii) maximum display area—3m².