



New South Wales

Richmond Valley Local Environmental Plan 2012 (Amendment No 6)

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*.

VAUGHAN MacDONALD, GENERAL MANAGER, RICHMOND VALLEY COUNCIL
As delegate for the Minister for Planning

Richmond Valley Local Environmental Plan 2012 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Richmond Valley Local Environmental Plan 2012 (Amendment No 6)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Richmond Valley Local Environmental Plan 2012* applies.

Schedule 1 Amendment of Richmond Valley Local Environmental Plan 2012

[1] Land Use Table

Omit “Dual occupancies (attached)” from item 3 of the matter relating to Zone RU1 Primary Production and Zone R5 Large Lot Residential.

Insert instead “Dual occupancies”.

[2] Clause 4.1B Minimum lot sizes for dual occupancies

Omit the Table to the clause. Insert instead:

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone RU5 Village	400 square metres
	Zone R1 General Residential	400 square metres
	Zone E3 Environmental Management	5 hectares
Dual occupancy (detached)	Zone RU5 Village	600 square metres
	Zone R1 General Residential	600 square metres
Dual occupancy	Zone RU1 Primary Production	1.5 hectares
	Zone R5 Large Lot Residential	1.5 hectares

[3] Clauses 4.2B and 4.2C

Omit clause 4.2B. Insert instead:

4.2B Erection of dual occupancies and dwelling houses on land in Zones RU1, R5 and E3

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dual occupancies or dwelling houses in rural and environmental protection zones,
 - (c) to provide alternative accommodation for rural families and workers,
 - (d) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (e) to set out consent considerations for development of dual occupancies (detached) to address matters such as access, siting, land suitability and potential impacts.
- (2) Development consent must not be granted for the erection of a dual occupancy or a dwelling house on land in Zone RU1 Primary Production or a dual occupancy (attached) or a dwelling house on land in Zone E3 Environmental Management, and on which no dual occupancy or dwelling house has been erected, unless the land is:
 - (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
 - (b) a lot resulting from a subdivision for which development consent has been granted under clause 4.6, or

- (c) a lot created before this Plan commenced and on which the erection of a dual occupancy or a dwelling house was permissible immediately before that commencement, or
- (d) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dual occupancy or a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
- (e) a lot on land that is identified as “Dwelling opportunity” on the Dwelling Opportunity Map, or
- (f) a lot created under clause 4.1 (4A) (b), but only if the erection of a dual occupancy or a dwelling house was permissible for the land from which it was created.

Note. A dwelling cannot be erected on a lot created under clause 4.2.

- (3) However, development consent may be granted for the erection of a dual occupancy or a dwelling house on land in Zone RU1 Primary Production or a dual occupancy (attached) or a dwelling house on land in Zone E3 Environmental Management (the *relevant dwelling*) if:
 - (a) there is a lawfully erected dual occupancy or dwelling house on the land and the relevant dwelling to be erected is intended only to replace the existing dual occupancy or dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (2) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a lot boundary adjustment under clause 4.2C.
- (4) Development consent must not be granted to development for the purpose of a dual occupancy (detached) on land in Zone RU1 Primary Production or Zone R5 Large Lot Residential unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land for agriculture or rural industries in the locality, and
 - (b) if it is practicable, each dwelling will use the same vehicular access to and from a public road, and
 - (c) any dwellings will be situated within 100 metres of each other, and
 - (d) the land is physically suitable for the development, and
 - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.
- (5) To the extent that subclause (4) applies to development on land in Zone RU1 Primary Production, it applies in addition to any other requirements for development consent that may apply to the development under this clause.

4.2C Exceptions to minimum subdivision lot size for lot boundary adjustments

- (1) The objective of this clause is to permit lot boundary adjustments of land in Zone RU1 Primary Production or Zone E3 Environmental Management,

which will provide improved agricultural or environmental outcomes without creating additional opportunities for the erection of dwellings.

- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Development consent may be granted for the subdivision of land to which this clause applies 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 if the consent authority is satisfied that:
 - (a) the subdivision will not result in the creation of, or the opportunity to create, additional lots, and
 - (b) the subdivision will not result in the creation of, or the opportunity to create, additional dwelling entitlements on any of the lots, and
 - (c) the subdivision will not adversely impact on the long-term agricultural production potential or environmental characteristics of the lots and the surrounding locality.

[4] Schedule 2 Exempt development

Insert in appropriate order:

Special events on public land (other than land in Zones E2 or E3)

- (1) Must not have a duration of more than 52 days (including set up and dismantling) in any 12 month period.
- (2) Must be located on land owned by the Council or for which the Council has care, control or management (including roads and Crown land).
- (3) Event organiser must have adequate public liability insurance for the event.
- (4) Must not involve the erection of permanent structures on the land, other than structures being a type of exempt development.
- (5) Must have obtained all required approvals at least 2 working days before the event.

Note. Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Lands Act 1989*.