



New South Wales

Clarence Valley Local Environmental Plan 2011 (Amendment No 28)

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*.

DAVID MORRISON, MANAGER STRATEGIC AND ECONOMIC PLANNING,
CLARENCE VALLEY COUNCIL
As delegate for the Minister for Planning

Clarence Valley Local Environmental Plan 2011 (Amendment No 28)

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Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Clarence Valley Local Environmental Plan 2011 (Amendment No 28)*.

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 land to which *Clarence Valley Local Environmental Plan 2011* applies.

Schedule 1 Amendment of Clarence Valley Local Environmental Plan 2011

[1] Land Use Table

Omit “(attached)” wherever occurring from item 3 of the matter relating to Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone R5 Large Lot Residential.

[2] Land Use Table

Insert “Secondary dwellings;” in appropriate order in item 3 of the matter relating to Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone R5 Large Lot Residential.

[3] Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones

Omit “(attached)” wherever occurring.

[4] Clause 4.2D

Insert after clause 4.2C:

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1, RU2, and R5

- (1) The objectives of this clause are as follows:
 - (a) to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (b) to ensure that consent is only granted to development for the purposes of dual occupancies (detached) and secondary dwellings if issues such as access, siting, land suitability and potential impacts are addressed.
- (2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that:
 - (a) the development will not impair the use of the land or any adjoining land for agriculture or rural industries, and
 - (b) 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 dual occupancy (detached) or secondary dwelling concerned, 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.
- (3) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone R5 Large Lot Residential unless the consent authority is satisfied that:
 - (a) each dwelling will use the same vehicular access to and from a public road, and
 - (b) the development will not have an adverse impact on the scenic amenity or character of the rural environment.