



New South Wales

# **Nambucca Local Environmental Plan 2010 (Amendment No 21)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**JEREMY GRAY**

As delegate for the Minister for Planning

## **Nambucca Local Environmental Plan 2010 (Amendment No 21)**

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### **1 Name of Plan**

This Plan is *Nambucca Local Environmental Plan 2010 (Amendment No 21)*.

### **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 all the land to which *Nambucca Local Environmental Plan 2010* applies and, in particular, to the following:

- (a) Lot 1, DP 560614, Upper Buckrabendinni Road, Buckra Bendinni,
- (b) Lot 1, DP 816339, being 2 Cooper Street, Macksville,
- (c) Lot 12, Section A, DP 11590; Lot 1, DP 122896; Lot 1, DP 122897; Lot 1, DP 122898; Lot 7, Section D, DP 11590; Lot 6, Section D, DP 11590; Lot 5, Section D, DP 11590; Lot 4, Section D, DP 11590 and Lot 1, DP 729696, Dudley Street, Macksville,
- (d) Lot 1, DP 541043 and Lot 9, Section 27, DP 758749, being 5 Beer Parade, Nambucca Heads,
- (e) Lot 21, DP 1161807, being 2 Fred Brain Avenue, Nambucca Heads,
- (f) Lot 470, DP 755550, Loftus Street, Nambucca Heads,
- (g) Lot 5, DP 242819; Lot 9, DP 534177; Lot B, DP 955417; Lot 1, DP 558086, and Lot 1, DP 1063510, being 24 Bellevue Drive, North Macksville,
- (h) Lot 412, DP 625737, being 10 McLennans Lane, North Macksville,
- (i) Lot 12, DP 528491, being 59 Waratah Street, Scotts Head,
- (j) Lot 157, DP 755560, being 31 Tuna Street, Valla Beach.

### **4 Maps**

The maps adopted by *Nambucca Local Environmental Plan 2010* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Nambucca Local Environmental Plan 2010**

**[1] Land Use Table**

Omit “Dual occupancies (attached);” from item 3 of the matter relating to Zone RU1 Primary Production.

Insert “Dual occupancies;” and “Eco-tourist facilities;” in appropriate order.

**[2] Land Use Table, Zone RU1 Primary Production, item 4**

Omit “Eco-tourist facilities;”.

**[3] Land Use Table, Zone RU2 Rural Landscape, item 3**

Omit “Dual occupancies (attached);”.

Insert “Dual occupancies;” and “Eco-tourist facilities;” in appropriate order.

**[4] Land Use Table, Zone RU2 Rural Landscape, item 4**

Omit “Eco-tourist facilities;”.

**[5] Land Use Table, Zone R5 Large Lot Residential, item 3**

Omit “Dual occupancies (attached);”.

Insert “Dual occupancies;”, “Eco-tourist facilities;” and “Secondary dwellings;” in appropriate order.

**[6] Land Use Table, Zone R5 Large Lot Residential, item 4**

Omit “Eco-tourist facilities;”.

**[7] Land Use Table, Zone IN1 General Industrial, item 3**

Insert “Vehicle sales or hire premises;” in appropriate order.

**[8] Clause 4.1 Minimum subdivision lot size**

Omit clause 4.1 (4A) (a). Insert instead:

- (a) if the land contains an existing dual occupancy and the subdivision will result in the creation of only 2 lots with each of the dwellings on a separate lot, or

**[9] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones**

Omit “(attached)” wherever occurring.

**[10] Clause 5.13 Eco-tourist facilities**

Omit the clause. Insert instead:

**5.13 Eco-tourist facilities**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
  - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
  - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
  - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
  - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
  - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and
  - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
  - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
  - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and
  - (h) any infrastructure services to the site will be provided without significant modification to the environment, and
  - (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
  - (j) the development will not adversely affect the agricultural productivity of adjoining land, and
  - (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
    - (i) measures to remove any threat of serious or irreversible environmental damage,
    - (ii) the maintenance (or regeneration where necessary) of habitats,
    - (iii) efficient and minimal energy and water use and waste output,
    - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
    - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

**[11] Clause 7.1 Acid sulfate soils**

Omit “, or” from clause 7.1 (6). Insert instead “, and”.

**[12] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1:

Macksville	Macksville Post Office	2 Cooper Street	Lot 1, DP 816339	Local	I45
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