



New South Wales

# **State Environmental Planning Policy Amendment (Natural Disasters) 2021**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP  
Minister for Planning and Public Spaces

## **State Environmental Planning Policy Amendment (Natural Disasters) 2021**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Natural Disasters) 2021*.

### **2 Commencement**

This Policy commences on the day on which the *Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2021* commences and is required to be published on the NSW legislation website.

### **3 Repeal of Policy**

This Policy is repealed on the day following the day on which this Policy commences.

## **Schedule 1 Amendment of Local Environmental Plans**

### **1.1 Bathurst Regional Local Environmental Plan 2014**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.2 Bega Valley Local Environmental Plan 2013**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU5 Village,
  - (e) R2 Low Density Residential,
  - (f) R3 Medium Density Residential,
  - (g) R5 Large Lot Residential,
  - (h) B4 Mixed Use,
  - (i) E3 Environmental Management,
  - (j) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house

or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.3 Burwood Local Environmental Plan 2012**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) R1 General Residential,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) B1 Neighbourhood Centre,
  - (e) B2 Local Centre,
  - (f) B4 Mixed Use,
  - (g) B6 Enterprise Corridor,
  - (h) SP2 Infrastructure,
  - (i) RE2 Private Recreation.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.4 Cabonne Local Environmental Plan 2012**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape.

- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.5 Cessnock Local Environmental Plan 2011**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU2 Rural Landscape,
  - (b) RU4 Primary Production Small Lots,
  - (c) E2 Environmental Conservation,
  - (d) E3 Environmental Management,
  - (e) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.6 Clarence Valley Local Environmental Plan 2011**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) R5 Large Lot Residential,
  - (e) E2 Environmental Conservation.

- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.7 Coonamble Local Environmental Plan 2011**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU5 Village,
  - (b) R1 General Residential,
  - (c) R5 Large Lot Residential,
  - (d) B2 Local Centre,
  - (e) B6 Enterprise Corridor.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.8 Gosford Local Environmental Plan 2014**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) RU5 Village,
  - (e) R1 General Residential,

- (f) R2 Low Density Residential,
  - (g) B1 Neighbourhood Centre,
  - (h) B2 Local Centre,
  - (i) B3 Commercial Core,
  - (j) B4 Mixed Use,
  - (k) B5 Business Development,
  - (l) B6 Enterprise Corridor,
  - (m) IN1 General Industrial,
  - (n) IN4 Working Waterfront,
  - (o) SP1 Special Activities,
  - (p) SP2 Infrastructure,
  - (q) RE1 Public Recreation,
  - (r) RE2 Private Recreation,
  - (s) E1 National Parks and Nature Reserves,
  - (t) E2 Environmental Conservation,
  - (u) E3 Environmental Management,
  - (v) E4 Environmental Living,
  - (w) W1 Natural Waterways,
  - (x) W2 Recreational Waterways.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.9 Goulburn Mulwaree Local Environmental Plan 2009**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU6 Transition,
  - (d) B2 Local Centre,
  - (e) B3 Commercial Core,
  - (f) B4 Mixed Use,

- (g) B6 Enterprise Corridor,
  - (h) IN1 General Industrial,
  - (i) IN2 Light Industrial,
  - (j) SP2 Infrastructure,
  - (k) RE1 Public Recreation,
  - (l) RE2 Private Recreation,
  - (m) E2 Environmental Conservation,
  - (n) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.10 Gunnedah Local Environmental Plan 2012

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU3 Forestry,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU6 Transition,
  - (e) B2 Local Centre,
  - (f) B4 Mixed Use,
  - (g) B5 Business Development,
  - (h) IN1 General Industrial,
  - (i) SP2 Infrastructure,
  - (j) E1 National Parks and Nature Reserves,
  - (k) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.



## 1.11 Hornsby Local Environmental Plan 2013

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU5 Village,
  - (e) R2 Low Density Residential,
  - (f) R3 Medium Density Residential,
  - (g) R4 High Density Residential,
  - (h) SP3 Tourist,
  - (i) E3 Environmental Management,
  - (j) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.12 Inverell Local Environmental Plan 2012

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU5 Village,
  - (c) R1 General Residential,
  - (d) R5 Large Lot Residential,
  - (e) B1 Neighbourhood Centre,
  - (f) B2 Local Centre,
  - (g) B5 Business Development,

- (h) IN1 General Industrial,
  - (i) SP1 Special Activities,
  - (j) SP2 Infrastructure,
  - (k) RE1 Public Recreation,
  - (l) RE2 Private Recreation,
  - (m) E1 National Parks and Nature Reserves,
  - (n) E3 Environmental Management,
  - (o) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.13 Kempsey Local Environmental Plan 2013**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU5 Village,
  - (e) R1 General Residential,
  - (f) R3 Medium Density Residential,
  - (g) R5 Large Lot Residential,
  - (h) E2 Environmental Conservation,
  - (i) E3 Environmental Management,
  - (j) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.14 Lachlan Local Environmental Plan 2013

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU3 Forestry,
  - (c) RU5 Village,
  - (d) R5 Large Lot Residential,
  - (e) SP2 Infrastructure,
  - (f) RE1 Public Recreation,
  - (g) E1 National Parks and Nature Reserves,
  - (h) W1 Natural Waterways,
  - (i) W2 Recreational Waterways.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.15 Lake Macquarie Local Environmental Plan 2004

### Clause 157

Insert after clause 156—

#### 157 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in Zone 2(1) within the South Wallarah Peninsula site.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.16 Lake Macquarie Local Environmental Plan 2014**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU2 Rural Landscape,
  - (b) RU4 Primary Production Small Lots,
  - (c) RU6 Transition,
  - (d) R1 General Residential,
  - (e) R2 Low Density Residential,
  - (f) R3 Medium Density Residential,
  - (g) B1 Neighbourhood Centre,
  - (h) B2 Local Centre,
  - (i) B3 Commercial Core,
  - (j) B4 Mixed Use,
  - (k) B7 Business Park,
  - (l) RE2 Private Recreation,
  - (m) E2 Environmental Conservation,
  - (n) E3 Environmental Management,
  - (o) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.17 Lismore Local Environmental Plan 2012**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,

- (c) RU5 Village,
  - (d) R1 General Residential,
  - (e) R2 Low Density Residential,
  - (f) R3 Medium Density Residential,
  - (g) R5 Large Lot Residential,
  - (h) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.18 Lithgow Local Environmental Plan 2014**

### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
- (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU5 Village,
  - (d) R1 General Residential,
  - (e) R2 Low Density Residential,
  - (f) R5 Large Lot Residential,
  - (g) E3 Environmental Management,
  - (h) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.19 Liverpool Local Environmental Plan 2008**

### **Clause 5.9**

Insert after clause 5.8—

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) R1 General Residential,
  - (e) R2 Low Density Residential,
  - (f) R3 Medium Density Residential,
  - (g) R4 High Density Residential,
  - (h) R5 Large Lot Residential,
  - (i) E2 Environmental Conservation,
  - (j) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.20 Liverpool Plains Local Environmental Plan 2011**

### **Clause 5.9**

Insert after clause 5.8—

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.21 Maitland Local Environmental Plan 2011

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) R1 General Residential,
  - (d) E2 Environmental Conservation,
  - (e) E3 Environmental Management,
  - (f) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.22 Manly Local Environmental Plan 2013

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) R1 General Residential,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) B1 Neighbourhood Centre,
  - (e) B2 Local Centre,
  - (f) B6 Enterprise Corridor,
  - (g) SP1 Special Activities,
  - (h) SP2 Infrastructure,
  - (i) SP3 Tourist,
  - (j) RE1 Public Recreation,
  - (k) RE2 Private Recreation,

- (l) E1 National Parks and Nature Reserves,
  - (m) E2 Environmental Conservation,
  - (n) E3 Environmental Management,
  - (o) E4 Environmental Living,
  - (p) W1 Natural Waterways.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.23 Muswellbrook Local Environmental Plan 2009**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.24 Newcastle Local Environmental Plan 2012**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) R2 Low Density Residential,
  - (b) R3 Medium Density Residential,



- (c) R4 High Density Residential,
  - (d) B1 Neighbourhood Centre,
  - (e) B2 Local Centre,
  - (f) B4 Mixed Use,
  - (g) IN2 Light Industrial,
  - (h) RE2 Private Recreation,
  - (i) E2 Environmental Conservation,
  - (j) E3 Environmental Management,
  - (k) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.25 Pittwater Local Environmental Plan 2014

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU2 Rural Landscape,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) R5 Large Lot Residential,
  - (e) B1 Neighbourhood Centre,
  - (f) B2 Local Centre,
  - (g) B4 Mixed Use,
  - (h) B6 Enterprise Corridor,
  - (i) B7 Business Park,
  - (j) IN2 Light Industrial,
  - (k) IN4 Working Waterfront,
  - (l) SP1 Special Activities,
  - (m) SP2 Infrastructure,
  - (n) SP3 Tourist,
  - (o) RE1 Public Recreation,
  - (p) RE2 Private Recreation,

- (q) E1 National Parks and Nature Reserves,
  - (r) E2 Environmental Conservation,
  - (s) E3 Environmental Management,
  - (t) E4 Environmental Living,
  - (u) W1 Natural Waterways,
  - (v) W2 Recreational Waterways.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.26 Port Stephens Local Environmental Plan 2013

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) RU5 Village,
  - (e) R1 General Residential,
  - (f) R2 Low Density Residential,
  - (g) R3 Medium Density Residential,
  - (h) R5 Large Lot Residential,
  - (i) B1 Neighbourhood Centre,
  - (j) B2 Local Centre,
  - (k) B3 Commercial Core,
  - (l) B4 Mixed Use,
  - (m) B5 Business Development,
  - (n) B7 Business Park,
  - (o) IN1 General Industrial,
  - (p) IN2 Light Industrial,
  - (q) IN4 Working Waterfront,
  - (r) E2 Environmental Conservation,
  - (s) E3 Environmental Management,

- (t) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.27 Singleton Local Environmental Plan 2013

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) RU4 Primary Production Small Lots,
  - (e) E1 National Parks and Nature Reserves,
  - (f) E2 Environmental Conservation,
  - (g) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## 1.28 The Hills Local Environmental Plan 2019

### Clause 5.9

Insert after clause 5.8—

#### 5.9 Dwelling house or secondary dwelling affected by natural disaster

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,

- (b) RU2 Rural Landscape,
  - (c) RU6 Transition,
  - (d) R2 Low Density Residential,
  - (e) R3 Medium Density Residential,
  - (f) E3 Environmental Management,
  - (g) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.29 Upper Hunter Local Environmental Plan 2013**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
- (a) RU1 Primary Production,
  - (b) RU4 Primary Production Small Lots,
  - (c) RU5 Village,
  - (d) R1 General Residential,
  - (e) R5 Large Lot Residential,
  - (f) E3 Environmental Management.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.30 Wagga Wagga Local Environmental Plan 2010**

#### **Clause 5.9**

Insert after clause 5.8—

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) RU5 Village,
  - (e) RU6 Transition,
  - (f) R1 General Residential,
  - (g) R3 Medium Density Residential,
  - (h) R5 Large Lot Residential,
  - (i) B4 Mixed Use,
  - (j) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.31 Warringah Local Environmental Plan 2000**

### **Clause 33B**

Insert after clause 33A—

### **33B Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) Despite the other provisions of this Plan, development consent may be granted to development to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.32 Warringah Local Environmental Plan 2011**

### **Clause 5.9**

Insert after clause 5.8—

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU4 Primary Production Small Lots,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) B1 Neighbourhood Centre,
  - (e) B2 Local Centre,
  - (f) B3 Commercial Core,
  - (g) B4 Mixed Use,
  - (h) B5 Business Development,
  - (i) B7 Business Park,
  - (j) IN1 General Industrial,
  - (k) IN2 Light Industrial,
  - (l) SP1 Special Activities,
  - (m) SP2 Infrastructure,
  - (n) RE1 Public Recreation,
  - (o) RE2 Private Recreation,
  - (p) E1 National Parks and Nature Reserves,
  - (q) E2 Environmental Conservation,
  - (r) E3 Environmental Management,
  - (s) E4 Environmental Living,
  - (t) W1 Natural Waterways.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **1.33 Warrumbungle Local Environmental Plan 2013**

### **Clause 5.9**

Insert after clause 5.8—

### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,

- (b) RU5 Village,
  - (c) R5 Large Lot Residential.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.34 Wentworth Local Environmental Plan 2011**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU5 Village,
  - (c) R5 Large Lot Residential,
  - (d) E3 Environmental Management,
  - (e) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.35 Wingecarribee Local Environmental Plan 2010**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,

- (c) RU4 Primary Production Small Lots,
  - (d) R2 Low Density Residential,
  - (e) R3 Medium Density Residential,
  - (f) R5 Large Lot Residential,
  - (g) B1 Neighbourhood Centre,
  - (h) B2 Local Centre,
  - (i) B4 Mixed Use,
  - (j) B5 Business Development,
  - (k) SP3 Tourist,
  - (l) E3 Environmental Management,
  - (m) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
- (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.36 Wollondilly Local Environmental Plan 2011**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU4 Primary Production Small Lots,
  - (d) R2 Low Density Residential,
  - (e) R3 Medium Density Residential,
  - (f) R5 Large Lot Residential,
  - (g) B1 Neighbourhood Centre,
  - (h) B4 Mixed Use,
  - (i) B5 Business Development,
  - (j) E3 Environmental Management,
  - (k) E4 Environmental Living.
- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—



- (a) the dwelling house or secondary dwelling was lawfully erected, and
- (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

### **1.37 Wyong Local Environmental Plan 2013**

#### **Clause 5.9**

Insert after clause 5.8—

#### **5.9 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land in the following zones—
  - (a) RU1 Primary Production,
  - (b) RU2 Rural Landscape,
  - (c) RU3 Forestry,
  - (d) RU5 Village,
  - (e) RU6 Transition,
  - (f) R1 General Residential,
  - (g) R2 Low Density Residential,
  - (h) R3 Medium Density Residential,
  - (i) R5 Large Lot Residential,
  - (j) B1 Neighbourhood Centre,
  - (k) B2 Local Centre,
  - (l) B3 Commercial Core,
  - (m) B4 Mixed Use,
  - (n) B5 Business Development,
  - (o) B6 Enterprise Corridor,
  - (p) B7 Business Park,
  - (q) IN1 General Industrial,
  - (r) IN2 Light Industrial,
  - (s) SP1 Special Activities,
  - (t) SP2 Infrastructure,
  - (u) SP3 Tourist,
  - (v) RE1 Public Recreation,
  - (w) RE2 Private Recreation,
  - (x) E1 National Parks and Nature Reserves,
  - (y) E2 Environmental Conservation,
  - (z) E3 Environmental Management,
  - (za) E4 Environmental Living,
  - (zb) W1 Natural Waterways,
  - (zc) W2 Recreational Waterways.

- (3) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

## **Schedule 2      Amendment of State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

### **Appendix 8 Liverpool Growth Centres Precinct Plan**

Insert after Appendix 8, clause 5.12—

#### **5.13 Dwelling house or secondary dwelling affected by natural disaster**

- (1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
- (2) This clause applies to land within the Austral Precinct, East Leppington Precinct and Leppington North Precinct.
- (3) This clause applies to land in the following zones—
  - (a) RU6 Transition,
  - (b) R2 Low Density Residential,
  - (c) R3 Medium Density Residential,
  - (d) RE1 Public Recreation,
  - (e) E4 Environmental Living.
- (4) Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—
  - (a) the dwelling house or secondary dwelling was lawfully erected, and
  - (b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.