



New South Wales

# **Nambucca Local Environmental Plan 2010 (Amendment No 25)**

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*.

MICHAEL COULTER, GENERAL MANAGER  
NAMBUCCA VALLEY COUNCIL  
As delegate for the local plan-making authority

## **Nambucca Local Environmental Plan 2010 (Amendment No 25)**

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### **1 Name of Plan**

This Plan is *Nambucca Local Environmental Plan 2010 (Amendment No 25)*.

### **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 *Nambucca Local Environmental Plan 2010* applies.

### **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] Clauses 7.7 and 7.8

Insert after clause 7.6—

#### 7.7 Floodplain risk management

- (1) The objectives of this clause are as follows—
  - (a) for development with particular evacuation or emergency response issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level,
  - (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.
- (2) This clause applies to—
  - (a) land between the flood planning area and the line indicating the level of the probable maximum flood as shown on the Flood Planning Map, and
  - (b) land surrounded by the flood planning area.
- (3) However, this clause does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.
- (4) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—
  - (a) caravan parks,
  - (b) correctional centres,
  - (c) emergency services facilities,
  - (d) group homes,
  - (e) hospitals,
  - (f) residential care facilities,
  - (g) tourist and visitor accommodation.

- (5) In this clause—

***flood planning area*** means the land shown as “Flood planning area” on the Flood Planning Map.

***probable maximum flood*** has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

**Note.** The probable maximum flood is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

#### 7.8 Events permitted on public reserves and roads without development consent

- (1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.
- (2) Despite any other provision of this Plan, development, including any associated temporary structures, for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.

**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 Land Management Act 2016*.

- (3) In this clause—  
*public reserve* has the same meaning as in the *Local Government Act 1993*.  
*temporary event* means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days, whether or not consecutive, in any period of 12 months.

**[2] Schedule 1 Additional permitted uses**

Insert after clause 3—

**4 Use of certain land at V Wall Tavern, Nambucca Heads**

- (1) This clause applies to the following land at Wellington Drive, Nambucca Heads, identified as “Clause 4 (Pub)” on the Additional Permitted Uses Map—
- (a) part of Lot 1, DP 1187844,
  - (b) Lots 519 and 520, DP 859627.
- (2) Development for the purpose of a pub is permitted with development consent.

**5 Use of certain land at Big 4 Caravan Park and Foreshore Caravan Park, Nambucca Heads**

- (1) This clause applies to the following land at Nambucca Heads, identified as “Clause 5 (Caravan Park)” on the Additional Permitted Uses Map—
- (a) part of Lot 7003, DP 1113130 and Lot 7001, DP 1117183, 26 Swimming Creek Road, being part of the Big 4 Caravan Park,
  - (b) Lot 70, DP 11187005, 25 Riverside Drive, being part of the Foreshore Caravan Park.
- (2) Development for the purpose of a caravan park is permitted with development consent.

**[3] Schedule 2 Exempt development**

Insert in alphabetical order—

**Graves, grave markers and monuments**

- (1) Must only involve—
- (a) the creation of a new grave or monument, or
  - (b) an excavation or disturbance of land for the purpose of carrying out the conservation or repair of a monument or grave marker.
- (2) Must not disturb human remains, relics, Aboriginal objects in the form of grave goods or an Aboriginal place of heritage significance.
- (3) Must be in a cemetery or burial ground.

**[4] Schedule 2**

Omit the matter relating to **Re-stumping an existing building** and **Tennis courts**.

**[5] Schedule 2**

Omit the matter relating to **Signage**. Insert instead—

**Signage—business zones**

**A-frame**

- (a) Only 1 sign per commercial premises.
- (b) Must not be located on a footpath adjacent to a classified road.
- (c) Must be removed from the footpath outside of the approved operating hours of the related business.

**[6] Schedule 3 Complying development**

Omit “, **industrial building alterations and industrial building additions**” from the heading “**Industrial development, industrial building alterations and industrial building additions**” in Part 1.

**[7] Schedule 3, Part 1**

Omit the matter relating to **Strata subdivision**.

**[8] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1—

Scotts Head	Rec Hut	Short Street	Lot 1, DP 1126093	Local	146
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**[9] Dictionary**

Insert in alphabetical order—

***Additional Permitted Uses Map*** means the Nambucca Local Environmental Plan 2010 Additional Permitted Uses Map.

***Flood Planning Map*** means the Nambucca Local Environmental Plan 2010 Flood Planning Map.