



New South Wales

Glen Innes Severn Local Environmental Plan 2012 (Amendment No 5)

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*.

**KANE DUKE, ACTING DIRECTOR DEVELOPMENT, PLANNING AND REGULATORY
SERVICES**

GLEN INNES SEVERN COUNCIL

As delegate for the local plan-making authority

Glen Innes Severn Local Environmental Plan 2012 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Glen Innes Severn Local Environmental Plan 2012 (Amendment No 5)*.

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 *Glen Innes Severn Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Glen Innes Severn Local Environmental Plan 2012* 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 Glen Innes Severn Local Environmental Plan 2012

[1] Clause 4.2A, heading

Omit “environmental protection”. Insert instead “conservation”.

[2] Clause 4.2A(1)(b)

Omit “environmental protection”. Insert instead “conservation”.

[3] Clause 4.2A(2)(c)

Omit “Zone E3”. Insert instead “Zone C3”.

[4] Clause 4.2A(3)(d)

Omit the paragraph.

[5] Clause 4.2A(3)(f)

Omit “or a holding referred to in paragraphs (a)–(d)”.

Insert instead “referred to in paragraphs (a)–(c)”.

[6] Clause 4.2A(5)

Omit the subclause.

[7] Clause 5.9

Omit the clause. Insert instead—

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,
 - (b) Zone RU5 Village,
 - (c) Zone R1 General Residential,
 - (d) Zone R2 Low Density Residential,
 - (e) Zone R5 Large Lot Residential,
 - (f) Zone B2 Local Centre,
 - (g) Zone B6 Enterprise Corridor,
 - (h) Zone IN1 General Industrial,
 - (i) Zone C3 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.

[8] Part 7 Local provisions

Insert at the end of the Part, with appropriate clause numbering—

Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following—
 - (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to the land shown as “Riparian Land” on the Riparian Lands and Watercourses Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
 - (a) whether the development is likely to have an adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) the future rehabilitation of the watercourse and riparian areas, and
 - (b) whether the development is likely to increase water extraction from the watercourse, and
 - (c) appropriate measures to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
 - (b) if a significant adverse environmental impact cannot be avoided—the development is designed, sited and will be managed to minimise the impact, or
 - (c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

[9] Dictionary

Insert in alphabetical order—

Riparian Lands and Watercourses Map means the Glen Innes Severn Local Environmental Plan 2012 Riparian Lands and Watercourses Map.