



New South Wales

Warren Local Environmental Plan 2012 (Amendment No 2)

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*.

CHANTELLE CHOW

As delegate for the Minister for Planning and Public Spaces

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1 Name of plan

This plan is *Warren Local Environmental Plan 2012 (Amendment No 2)*.

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 *Warren Local Environmental Plan 2012* applies.

4 Maps

The maps adopted by *Warren 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 Warren Local Environmental Plan 2012

[1] Clause 4.1B

Insert after clause 4.1A—

4.1B Minimum subdivision lot size for certain split zones

- (1) The objectives of this clause are as follows—
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure the subdivision promotes suitable land use and development.
- (2) This clause applies to each lot (an *original lot*) that contains either—
 - (a) land in a residential zone and land in one or more of the following zones—
 - (i) Zone RU1 Primary Production,
 - (ii) Zone RU5 Village,
 - (iii) Zone SP2 Infrastructure,
 - (iv) Zone RE1 Public Recreation, or
 - (b) land in an employment zone and land in one or more of the following zones—
 - (i) Zone RU1 Primary Production,
 - (ii) Zone RU5 Village,
 - (iii) Zone R1 General Residential.
- (3) Despite clauses 4.1, 4.1AA and 4.1A, an original lot referred to in subclause (2)(a) may be subdivided if—
 - (a) one of the resulting lots will contain—
 - (i) land in a residential zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to the land, and
 - (ii) all the land in the following zones that was in the original lot—
 - (A) Zone RU1 Primary Production,
 - (B) Zone RU5 Village,
 - (C) Zone SP2 Infrastructure,
 - (D) Zone RE1 Public Recreation, and
 - (b) all other resulting lots will contain land that has an area not less than the minimum size shown on the Lot Size Map in relation to the land.
- (4) Despite clauses 4.1, 4.1AA and 4.1A, an original lot referred to in subclause (2)(b) may be subdivided if—
 - (a) one of the resulting lots will contain—
 - (i) land in an employment zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to the land, and
 - (ii) all the land in the following zones that was in the original lot—
 - (A) Zone RU1 Primary Production,
 - (B) Zone RU5 Village,
 - (C) Zone R1 General Residential, and

- (b) all other resulting lots will contain land that has an area not less than the minimum size shown on the Lot Size Map in relation to the land.
- (5) In this clause—
resulting lot means a lot created by the subdivision of an original lot.

[2] 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 RU6 Transition,
 - (d) Zone R1 General Residential,
 - (e) Zone 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.

[3] Clause 6.3

Omit clauses 6.3 and 6.4.

Insert instead—

6.3 Watercourses and riverfront areas

- (1) The objectives of this clause are as follows—
 - (a) to protect and maintain water quality and natural flows within watercourses,
 - (b) to protect and improve the stability of riparian areas and the beds of watercourses,
 - (c) to conserve aquatic and riparian species, habitats and ecosystems,
 - (d) to support the natural riverine processes, including the natural migration of river channels,
 - (e) to maintain or improve the scenic, cultural, environmental and recreational value of riparian areas,
 - (f) to protect public access to riverine corridors.
- (2) This clause applies to—
 - (a) land identified as “Watercourse” on the Watercourse Map, and

- (b) land (a **riverfront area**) that is within 40m of the highest bank of a watercourse on land identified in paragraph (a).
- (3) Development consent must not be granted to development on the land unless the consent authority has considered the following—
 - (a) whether the development is likely to have an adverse impact on the following—
 - (i) water quality and flows within a watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems,
 - (iii) the stability of the beds and banks of watercourses,
 - (iv) the free passage of fish and other aquatic organisms,
 - (v) future rehabilitation of watercourses and riparian areas,
 - (b) whether the development is likely to increase water extraction from a watercourse,
 - (c) whether the appearance of the development will be compatible with the surrounding area,
 - (d) whether the development is likely to cause environmental harm, including the following—
 - (i) pollution or siltation,
 - (ii) an adverse effect on surrounding uses, marine or riparian habitat, wetland areas, fauna or flora,
 - (iii) an adverse effect on drainage patterns,
 - (e) whether continuous public access, or opportunities to provide continuous public access, along a riverfront area will be compromised,
 - (f) whether historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land or surrounding land will be maintained,
 - (g) measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Despite another provision of this plan, development consent must not be granted to development on land in a riverfront area in Zone RU1 Primary Production, Zone RU6 Transition or Zone R5 Large Lot Residential unless the consent authority is satisfied the development is for one or more of the following purposes—
 - (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities and marinas,
 - (b) the extension or alteration of an existing building that is wholly or partly in the riverfront area, if the extension or alteration will be located no closer to the bank of a watercourse than the existing building,
 - (c) intensive plant agriculture,
 - (d) environmental facilities, recreation areas and recreation facilities (outdoor),
 - (e) water recreation structures.

[4] Part 6 Additional local provisions

Insert at the end of Part 6, with appropriate clause numbering—

Temporary workers' accommodation

- (1) The objectives of this clause are as follows—

- (a) to enable development for the purposes of residential accommodation for temporary workers if there is a demonstrated need to accommodate workers because of the nature of their work or the location of the land on which the work is carried out,
 - (b) to ensure the development is appropriately located,
 - (c) to ensure the development is not likely to have a detrimental impact on the future use of the land,
 - (d) to minimise the impact of the development on local roads and infrastructure.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU5 Village,
 - (c) Zone R5 Large Lot Residential.
- (3) However, this clause does not apply to a lot, or a part of a lot, that is identified as “Buffer Area” or “Macquarie Marshes” on the Macquarie Marshes Map.
- (4) Development for the purposes of relevant residential accommodation is permitted with development consent on the land if the consent authority is satisfied of the following—
 - (a) the development is necessary considering the nature of the work or the location of the land on which the work will be carried out,
 - (b) infrastructure provided in connection with the development will, if practicable, continue to be used when the accommodation is no longer required,
 - (c) the development will be designed, sited and managed to—
 - (i) avoid significant adverse environmental impacts, particularly impacts on biodiversity, and
 - (ii) mitigate the risk of hazards, for example floods, bush fires and contamination, to the development, and
 - (iii) minimise adverse impacts of the development, including contamination, on the surrounding land.
- (5) In this clause—

relevant residential accommodation means residential accommodation used predominantly as a place of residence by persons employed on a short-term, periodic, fixed-term or seasonal basis in connection with the agricultural sector, a rural industry or a large-scale project, and associated amenities.