



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020

under the

Environmental Planning and Assessment Act 1979

, Governor

I, the Honourable Margaret Beazley AC QC, Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 3.20 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this day of 2020.

By Her Excellency's Command,

Minister for Planning and Public Spaces

Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Natural Disasters) Order 2020*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Clause 5.9

Insert after clause 5.8—

5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]

- (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) [set out the zones to which the clause is to apply]
- (3) Despite any other provision 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.