



New South Wales

Wakool Local Environmental Plan 1992 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

2012 No 174

Clause 1 Wakool Local Environmental Plan 1992 (Amendment No 7)

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under the

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1 Name of Plan

This Plan is *Wakool Local Environmental Plan 1992 (Amendment No 7)*.

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 at Yarrein Street, Barham, being Lots 14–16, DP 1039025, as shown lettered “V” and edged heavy black on the map marked “Wakool Local Environmental Plan 1992 (Amendment No 7)” deposited in the office of the Council of the Shire of Wakool.

Schedule 1 Amendment of Wakool Local Environmental Plan 1992

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

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[2] Clause 41

Insert after clause 40:

41 Development of certain land off Yarrein Street, Barham

- (1) This clause applies to land off Yarrein Street, Barham, being Lots 14–16, DP 1039025, as shown lettered “V” and edged heavy black on the map marked “Wakool Local Environmental Plan 1992 (Amendment No 7)”.
- (2) Despite any other provision of this plan, the Council must not grant development consent to an application to subdivide the land to which this clause applies unless the Council is satisfied that each lot to be created by the subdivision will be connected to a reticulated sewerage system and a reticulated water supply.
- (3) Despite any other provision of this plan, the Council may only grant development consent to development on land in the river front area for the following purposes:
 - (a) boat launching ramps, boat landing facilities and public moorings,
 - (b) paths for pedestrian access,
 - (c) recreation areas,
 - (d) environmental protection works (within the meaning of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*),
 - (e) bush fire hazard reduction work authorised by the *Rural Fires Act 1997*,
 - (f) flood mitigation works and structures (but only after consultation with the Office of Environment and Heritage, Department of Premier and Cabinet),
 - (g) weed control that does not involve the clearing or removal of, or damage to, native vegetation (including trees, shrubs, grass and herbaceous vegetation).

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- (4) The Council must not grant development consent to development on land to which this clause applies unless the Council is satisfied that:
 - (a) there will be public access not less than 5 metres wide to and directly along the bank of the Murray River within the river front area, and
 - (b) the appearance of the development, from both the Murray River and the river front area, will be compatible with the surrounding area, and
 - (c) the development is not likely to cause environmental harm, such as:
 - (i) pollution or siltation of the Murray River, or
 - (ii) an adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause visual disturbance to the riparian landscape, and
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.
- (5) The Council must not grant development consent to residential development on land to which this clause applies unless the Council is satisfied:
 - (a) that:
 - (i) the lowest floor level of any habitable building is to be located at least 500 millimetres above the 100 year ARI flood level, or
 - (ii) the land is to be protected by a levee bank constructed in consultation with, and to the satisfaction of, the Office of Environment and Heritage, Department of Premier and Cabinet, and
 - (b) that the development will include measures to appropriately dispose of local stormwater run-off.
- (6) In this clause:
 - 100 year ARI flood level**, in relation to the land to which this clause applies, means:
 - (a) 77.55 metres Australian Height Datum at the southern boundary, or

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- (b) 77.45 metres Australian Height Datum at the northern boundary.

river front area means that part of the land to which this clause applies that is identified as land within the “Tree and habitat preservation area” and that is not behind the “Minimum building line setback” on the map marked “Wakool Local Environmental Plan 1992 (Amendment No 7)”.