



New South Wales

## **Deniliquin Local Environmental Plan 2013 (Amendment No 7)**

under the

Environmental Planning and Assessment Act 1979

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

DAMIEN PFEIFFER, DIRECTOR REGIONS, WESTERN, EDWARD RIVER COUNCIL  
As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Deniliquin Local Environmental Plan 2013 (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 to which *Deniliquin Local Environmental Plan 2013* applies.

### **4 Maps**

The maps adopted by *Deniliquin Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

## **Schedule 1      Amendment of Deniliquin Local Environmental Plan 2013**

### **[1]    Clause 6.2 Flood planning**

Omit clause 6.2 (2). Insert instead:

- (2) This clause applies to:
  - (a) land that is identified as “Flood planning area” on the Flood Planning Map and that is at or below the flood planning level, and
  - (b) any other flood liable land.

### **[2]    Clause 6.2 (5)**

Insert after clause 6.2 (4):

- (5) In this clause:  
*land at or below the flood planning level* means land at or below the level of:
  - (a) a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard, or
  - (b) a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard,based on the *Edward River at Deniliquin Flood Study 2014* and the *Edward River at Deniliquin Floodplain Risk Management Study and Plan 2017*, available from the office of the Council.

### **[3]    Clause 6.9**

Insert after clause 6.8:

#### **6.9    Kyalite Stables development on Edward River**

- (1) The objectives of this clause are as follows:
  - (a) to minimise the flood risk to life and property associated with the use of land at Deniliquin known as Kyalite Stables,
  - (b) to avoid significant adverse impacts on flood behaviour and support natural riverine processes, including the migration of the Edward River’s channels,
  - (c) to protect and improve the bed and bank stability of the Edward River,
  - (d) to maintain and improve the water quality of the Edward River,
  - (e) to protect the amenity and scenic landscape values of the Edward River,
  - (f) to facilitate limited large lot residential development at Kyalite Stables that is compatible with the land’s flood hazard, taking into account site-specific flood studies and flood modelling work.
- (2) This clause applies to certain land at 21701–21703 Riverina Highway, Deniliquin, being Lots 2 and 3, DP 562598 and Lot 1, DP 1121183, known as “Kyalite Stables”.
- (3) Despite any other provision of this Plan, development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and

- (b) takes into account the *Edward River at Deniliquin Flood Study 2014* and the *Edward River at Deniliquin Floodplain Risk Management Study and Plan 2017*, available from the office of the Council, and
  - (c) takes into account any flood impact assessment or flood modelling work carried out in accordance with the Floodplain Development Manual in relation to land to which this clause applies, available from the office of the Council, and
  - (d) incorporates appropriate measures to manage risk to life from flood, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
  - (f) is not on land in the river front area, and
  - (g) is likely to cause only minimal visual disturbance to the existing landscape, and
  - (h) is such that the appearance of the dwelling house from the river front area is compatible with the surrounding area, and
  - (i) is not likely to cause environmental harm, including (but not limited to) the following:
    - (i) pollution or siltation of the Edward River,
    - (ii) any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,
    - (iii) any adverse effect on drainage patterns.
- (4) Despite any other provision of this Plan, development consent may be granted to development on land to which this clause applies that is in a river front area only for the following purposes:
- (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
  - (b) environmental facilities, recreation areas or recreation facilities (outdoor),
  - (c) environmental protection works,
  - (d) water recreation structures.
- (5) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual unless it is otherwise defined in this clause.
- (6) In this clause:
- Floodplain Development Manual*** means the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.
- river front area*** means the land shown as “river front area” on the River Front Area Map.

#### [4] Dictionary

Insert in alphabetical order:

***Flood Planning Map*** means the Deniliquin Local Environmental Plan 2013 Flood Planning Map.

***River Front Area Map*** means the Deniliquin Local Environmental Plan 2013 River Front Area Map.