



New South Wales

Wakool Local Environmental Plan 1992 (Amendment No 8)

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 175

Clause 1 Wakool Local Environmental Plan 1992 (Amendment No 8)

Wakool Local Environmental Plan 1992 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Wakool Local Environmental Plan 1992 (Amendment No 8)*.

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 Murray Downs Drive, Murray Downs, being part of Lots 1 and 2, DP 1144152 that is either:

- (a) within the 40 metre setback, as shown cross hatched and lettered “1 (a)”, or
 - (b) shown edged heavy black and lettered “V”,
- on the map marked “Wakool Local Environmental Plan 1992 (Amendment No 8)” 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 39A

Insert after clause 39:

39A Development of certain land at Murray Downs Drive, Murray Downs

- (1) This clause applies to land at Murray Downs Drive, Murray Downs, being part of Lots 1 and 2, DP 1144152 that is either:
 - (a) within the 40 metre setback, as shown cross hatched and lettered “1 (a)” (the *river front area*), or
 - (b) shown edged heavy black and lettered “V” (the *subject land*),on the map marked “Wakool Local Environmental Plan 1992 (Amendment No 8)”
- (2) Despite any other provision of this plan, the Council must not grant development consent to an application to subdivide the subject land 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),

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Schedule 1 Amendment of Wakool Local Environmental Plan 1992

- (g) weed control that does not involve the clearing, removal or damage to native vegetation (including trees, shrubs, grass and herbaceous vegetation).
- (4) The Council must not grant development consent to development on the subject land 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 the surrounding land will be maintained.
- (5) The Council must not grant development consent to development for the purpose of a dwelling house on the subject land unless the Council is satisfied that:
 - (a) the dwelling house is to be erected on land above 69 metres Australian Height Datum, or
 - (b) the subject 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.