



New South Wales

## **Wakool Local Environmental Plan 1992 (Amendment No 5)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(S99/01209)

Minister for Urban Affairs and Planning

Sydney, 18 December 2000

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## 2001 No 2

Clause 1 Wakool Local Environmental Plan 1992 (Amendment No 5)

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# Wakool Local Environmental Plan 1992 (Amendment No 5)

## 1 Name of plan

This plan is the *Wakool Local Environmental Plan 1992 (Amendment No 5)*.

## 2 Aims of plan

This plan aims to do the following:

- (a) rezone certain of the land to which this plan applies from Zone No 1 (a) General Rural to Zone No 1 (c) Rural Small Holdings under Wakool Local Environmental Plan 1992,
- (b) identify a tree and habitat preservation area on that land,
- (c) promote sustainable development and management of that land (in the context of its proximity to an urban centre),
- (d) emphasise the environmental and landscape benefits of native vegetation on the land to which this plan applies and protect native vegetation and habitat within the riparian corridor on that land,
- (e) ensure adequate fire protection measures are taken in respect of that land,
- (f) highlight the application of planning principles in *Murray Regional Environmental Plan No 2—Riverine Land* in relation to that land,
- (g) protect and promote the high scenic value and rural river character across the local government area.

## 3 Land to which plan applies

This plan applies to all land within the Shire of Wakool.

## 4 Amendment of Wakool Local Environmental Plan 1992

The *Wakool Local Environmental Plan 1992* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert at the end of the definition of *the map* in clause 5 (1):

Wakool Local Environmental Plan 1992 (Amendment No 5)

### [2] Clause 15 Subdivision for the purpose of dwelling-houses in Zone No 1 (c)

Omit clause 15 (4) (d). Insert instead:

- (d) the physical suitability of the land for on-site disposal of wastes, and
- (e) the principles set out in Part 2 of *Murray Regional Environmental Plan No 2—Riverine Land*.

### [3] Clause 15 (6)–(8)

Insert after clause 15 (5):

- (6) The Council may consent to the subdivision of, or the carrying out of other development on, land within Zone No 1 (c) only if the Council is satisfied that:
  - (a) measures will be taken to protect water quality by reducing nutrient accessions to any river, and
  - (b) measures will be taken to prevent degradation of existing vegetation and fauna habitat, and
  - (c) new native vegetation will be allowed to grow so as to minimise any disturbance to wildlife and aquatic habitat and to protect any river banks from erosion, and
  - (d) scenic, rural river character and habitat values will be protected, and
  - (e) appropriate fire protection measures will be taken and maintained (including creating and maintaining fire radiation zones), and

## 2001 No 2

Wakool Local Environmental Plan 1992 (Amendment No 5)

Schedule 1 Amendments

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- (f) the dwelling-house will be located at a sufficient distance from the edge of any tree and habitat preservation area (as identified on the map) to allow the matters stated in the preceding paragraphs to be achieved.
- (7) For the purpose of satisfying itself of the matter referred to in subclause (6) (a) in relation to the erection of a dwelling-house on land within Zone No 1 (c) within 100 metres of a river, the Council must consider a plan that shows how the site is to be landscaped.
- (8) The Council may consent to subdivision of land within Zone No 1 (c) to create allotments to be connected to a reticulated water supply only if the Council is satisfied that reticulated sewerage is also to be provided to those allotments.

### [4] Clause 32 Development along rivers

Insert after clause 32 (3):

- (4) Despite any other provision of this plan, the Council must not consent to the carrying out of development on any land identified on the map as a tree and habitat preservation area other than development that is to be used for any purpose described in subclause (2) (d).

### [5] Clause 39

Insert after clause 38:

#### **39 Subdivision of certain land at Barham**

- (1) This clause applies to land at Barham, being Lot 1, DP 174943 and Lot 1A, DP 385172, as shown edged heavy black and lettered "1 (c)" on the map marked "Wakool Local Environmental Plan 1992 (Amendment No 5)".
- (2) The Council must not consent to the subdivision of, or the carrying out of other development on, the land unless the Council is satisfied that the area identified as a tree and habitat preservation area on the map referred to in subclause (1) will be maintained as a natural riparian woodland (subject to any development allowed under clause 32 (4)).

- (3) The minimum setback for a dwelling-house from the tree and habitat preservation area on the land is 15 metres (to be measured from the eastern boundary of the tree and habitat preservation area).