



New South Wales

Grafton Local Environmental Plan 1988 (Amendment No 34)

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*. (G01/00172/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 392

Clause 1 Grafton Local Environmental Plan 1988 (Amendment No 34)

Grafton Local Environmental Plan 1988 (Amendment No 34)

1 Name of plan

This plan is *Grafton Local Environmental Plan 1988 (Amendment No 34)*.

2 Aims of plan

This plan aims:

- (a) to establish criteria where development consent is sought on land subject to flooding in order to minimise the adverse effect of ponding and flooding on the community and new development, and
- (b) to establish assessment criteria for development on flood liable land that recognises suitable economic use of land, and
- (c) to provide a basis for development control plans to supplement the broad controls in *Grafton Local Environmental Plan 1988 (the 1988 plan)* with more detailed local planning policies and other provisions that provide guidance for future development and land management of flood liable land, and
- (d) to remove hatching (that related to flood liable land) from the zoning map supporting the 1988 plan which is no longer applicable.

3 Land to which plan applies

This plan applies to all land within the local government area of the City of Grafton under *Grafton Local Environmental Plan 1988*.

4 Amendment of Grafton Local Environmental Plan 1988

Grafton Local Environmental Plan 1988 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map*:

Grafton Local Environmental Plan 1988 (Amendment No 34)

[2] Clause 9 Zone objectives and development control table

Omit “Dwelling-houses (other than those located in areas shown hatched black on the map).” from item 2 in the matter relating to Zone No 2 (a) in the Table to the clause.

Insert instead “Nil.”

[3] Clause 9, Table, Zone No 2 (a), item 3

Omit “2 or”.

[4] Clause 9, Table, Zone No 3 (b), item 1

Omit “general objectives”. Insert instead “objectives”.

[5] Clause 9, Table, Zone No 3 (b), item 1

Omit:

The further objectives of this zone in areas hatched black on the map are:

- (d) to provide diverse opportunities for development of residentially used land to encourage the relocation of those residential uses from flood prone areas without significant financial loss to owners,
- (e) to provide for the conversion of existing dwellings to make them compatible with flood hazard conditions,
- (f) to provide for the establishment of residential type uses compatible with the flood hazard conditions of the particular site having regard to the likely future occupants of the residentially used land, and

2002 No 392

Grafton Local Environmental Plan 1988 (Amendment No 34)

Schedule 1 Amendments

- (g) to adopt development standards that have regard to existing flood conditions but recognising the need for review of those standards upon implementation of further flood control works.

[6] Clause 21

Omit the clause. Insert instead:

21 Flooding

- (1) The objectives of this clause are:
 - (a) to minimise future potential flood damage by ensuring that only flood compatible development occurs on flood liable land, and
 - (b) to minimise the adverse effect of flooding on the community.
- (2) The Council must not grant consent to development on land that, in the Council's opinion, is likely to be subject to flooding unless it has considered the following matters:
 - (a) the extent and nature of the flooding hazard affecting the land,
 - (b) whether the development would increase the risk or severity of flooding of other land in the vicinity,
 - (c) whether the risk of severity of flooding affecting the development could be reasonably mitigated,
 - (d) the impact of the development on emergency services associated with a flood emergency,
 - (e) the provisions of *Development Control Plan No 9—Development Controls in Flood Liable Land*, and any other relevant development control plan containing provisions affecting development on flood liable land, approved by the Council.

BY AUTHORITY