



Grafton Local Environmental Plan 1988 (Amendment No 28)

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*. (G00/00199/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 183

Clause 1 Grafton Local Environmental Plan 1988 (Amendment No 28)

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1 Name of plan

This plan is *Grafton Local Environmental Plan 1988 (Amendment No 28)*.

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 1 (c) (Rural/Residential Zone) to Zone No 2 (a) (Living Area Zone) under *Grafton Local Environmental Plan 1988*, and
- (b) to allow, with development consent, the land to be subdivided for residential purposes, subject to consideration of:
 - (i) potential soil contamination issues, and
 - (ii) buffer distance and design between nearby agricultural land and future residential development, and
 - (iii) management and treatment of stormwater drainage, and
 - (iv) potential dust nuisance from nearby unsealed roads.

3 Land to which plan applies

This plan applies to land being Lot 46 DP 751371 and Lots 1 and 2 DP 799823, 362 North Street, Grafton, as shown by distinctive colouring and edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 28)” deposited in the office of the Council of the City of Grafton.

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 28)

[2] Clause 42

Insert after clause 41:

42 Land in North Street, Grafton—restrictions on development

- (1) This clause applies to land being Lot 46 DP 751371 and Lots 1 and 2 DP 799823, 362 North Street, Grafton, as shown by distinctive colouring and edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 28)” deposited in the office of the Council.
- (2) Consent must not be granted for development of land to which this clause applies unless the Council is satisfied that:
 - (a) the land does not contain chemical residues in soil exceeding the acceptable thresholds for residential habitation of that land, and
 - (b) any dwelling-houses on the land will be located no closer than 20 metres to the boundary of the land where it adjoins the Carr Street road reserve and that the use of land within the 20 metre setback will be compatible with the use of adjacent agricultural land, and
 - (c) stormwater generated by residential development on the land will be managed and treated on-site to limit the impacts of flow and pollutants on the local and downstream environment to pre-development levels consistent with the Stormwater Management Plan adopted by the Council, and
 - (d) the potential for dust nuisance from nearby unsealed roads will be mitigated.