



Grafton Local Environmental Plan 1988 (Amendment No 29)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00036/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 830

Clause 1 Grafton Local Environmental Plan 1988 (Amendment No 29)

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under the

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1 Name of plan

This plan is *Grafton Local Environmental Plan 1988 (Amendment No 29)*.

2 Aims of plan

This plan aims to amend *Grafton Local Environmental Plan 1988*:

- (a) to rezone certain land from Zone No 1 (a) (Rural Zone) to Zone No 2 (a) (Living Area Zone), and
- (b) to allow, with consent, development of the land to which this plan applies only if the council is satisfied that the following issues have been dealt with:
 - (i) potential soil contamination issues, and
 - (ii) stormwater management and associated revegetation issues, and
 - (iii) filling and regrading works and impacts on stormwater flooding characteristics issues, and
 - (iv) issues relating to proposed levee relocation.

3 Land to which plan applies

This plan applies to land being Lot 2, DP 1020592, Lot 60, DP 1037049, part of Lot 5, DP 1035702 and parts of Lots 1–4, DP 871488, Clarence and Hoof Streets, Grafton, as shown by distinctive colouring and edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 29)” 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 Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order:

stormwater flooding means inundation resulting from the incapacity of urban stormwater drainage works to handle runoff whether or not flood gates on drains have been closed due to the height of river flooding.

[2] Clause 5

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

Grafton Local Environmental Plan 1988 (Amendment No 29)

[3] Clause 43

Insert in appropriate order:

43 Land in Clarence and Hoof Streets, Grafton-restrictions on development

- (1) This clause applies to land being Lot 2, DP 1020592, Lot 60, DP 1037049, part of Lot 5, DP 1035702 and parts of Lots 1–4, DP 871488, Clarence and Hoof Streets, Grafton, as shown by distinctive colouring and edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 29)” deposited in the office of the Council of the City of Grafton.
- (2) Consent must not be granted for development on land to which this clause applies unless:
 - (a) the Council is satisfied that:
 - (i) the land does not contain chemical residues in soil exceeding the acceptable thresholds for residential habitation of that land, and
 - (ii) stormwater generated by residential development on the land will be managed and treated to limit impacts of flow and pollutants on the local and downstream environment to pre-development levels consistent with the Council’s Stormwater Management Plan as adopted in March 2000, and

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Schedule 1 Amendments

- (iii) arrangements are in place to revegetate land associated with stormwater management with suitable endemic vegetation, and
 - (iv) filling or regrading works do not reduce the area below RL 4.2m AHD available for storage of stormwater flooding as existed during March 1974, and
 - (v) arrangements are in place for any levee relocation work to be completed to the satisfaction of the Clarence River County Council, and
- (b) the Council has considered whether any land required for stormwater management needs to be acquired by the Council by dedication or otherwise.

BY AUTHORITY
