



Lismore Local Environmental Plan 2000 (Amendment No 13)

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*. (G93/00011/S69)

DIANE BEAMER, M.P.,

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

2004 No 82

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 13)

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1 Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 13)*.

2 Aims of plan

This plan aims to substitute clause 22 of *Lismore Local Environmental Plan 2000 (Development on flood affected land)* so that the clause is consistent with the *Lismore Floodplain Management Plan*, dated October 2002, deposited in the office of Lismore City Council.

3 Land to which plan applies

This plan applies to flood affected land within the Lismore urban area, being the land shown as floodway, high flood risk area, flood fringe area, or CBD flood liable on Map 1 (Lismore Flood Hazard Categories) of the *Lismore Floodplain Management Plan*.

4 Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 4)

Clause 22

Omit clause 22. Insert instead:

22 Development on flood affected land

- (1) The consent authority, when considering a development application involving the subdivision of, or the erection or alteration of buildings on, land shown as floodway, high flood risk area, flood fringe area or CBD flood liable on Map 1 (Lismore Flood Hazard Categories) of the *Lismore Floodplain Management Plan*, must consider the following:
 - (a) the need for the floor level of the development to be at or above the flood planning level,
 - (b) the degree of flood-proofing and the need for flood-free storage,
 - (c) the need for access to the development when the land is flooded,
 - (d) the cumulative effect of carrying out the development on the functioning of the floodway,
 - (e) whether the development will increase the risk to life and property and the need for an evacuation plan.
- (2) Despite the provisions of Part 3, the consent authority must not grant consent to the erection of a building on land shown as floodway on Map 1 of the *Lismore Floodplain Management Plan* unless:
 - (a) the building is for the purpose of providing utility installations or community facilities, or
 - (b) the building is located within 10 metres of the boundary of the floodway and a hydraulic study has been carried out for the site which shows, to the consent authority's satisfaction, that the flood impact of the development (including any associated works) will not adversely affect the flood behaviour of, or increase the flooding impacts on, any other land, or
 - (c) the building is located within the general aviation area of Lismore Regional Airport, as indicated on the map marked "Lismore Regional Airport" in the *Lismore*

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Schedule 1 Amendment

Regional Airport Business Strategy Plan dated June 2002, and the development is consistent with that Plan and maintains the cross sectional integrity of the floodway, or

- (d) the building is located on an allotment forming part of the concept plan for the airport industrial estate, as indicated on Map 2 (Concept for Development of Airport Land) of the *Lismore Floodplain Management Plan*.
- (3) Despite the provisions of Part 3, the consent authority must not grant consent to development for the purpose of a dwelling or a caravan park on land shown as high flood risk area on Map 1 of the *Lismore Floodplain Management Plan* unless the consent authority:
- (a) has considered a flood report prepared by a suitably qualified consultant which provides site specific detail relating to the predicted depths and velocities of the 1 in 100 year average recurrent interval (ARI) flood, and
 - (b) is satisfied that the flooding characteristics of the site indicated by the flood report are less hazardous than the criteria for flood depth and velocity adopted for the high flood risk area in the *Lismore Floodplain Management Plan*.
- (4) Despite the provisions of Part 3, a person must not carry out filling on land shown as floodway, high flood risk area, flood fringe area or CBD flood liable on Map 1 (Lismore Flood Hazard Categories) of the *Lismore Floodplain Management Plan* except with development consent.
- (5) In this clause:
- flood planning level*** means the level equivalent to the 1 in 100 year ARI flood level plus freeboard of 300 millimetres. (The 1 in 100 year ARI flood levels for the Lismore urban area are shown on Map 2 of *Development Control Plan No 7—Flood Prone Lands* dated November 2003. The freeboard adopted by that Plan is 300 millimetres. So the flood planning level may be calculated by adding 300 millimetres to the 1 in 100 year ARI flood level for the relevant area shown on Map 2 of that Plan.)

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Amendment

Schedule 1

Lismore Floodplain Management Plan means the *Lismore Floodplain Management Plan* dated October 2002, deposited in the office of the Council.