



New South Wales

Grafton Local Environmental Plan 1988 (Amendment No 44)

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*. (G03/00172/PC-1)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 460

Clause 1 Grafton Local Environmental Plan 1988 (Amendment No 44)

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1 Name of Plan

This Plan is *Grafton Local Environmental Plan 1988 (Amendment No 44)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Aims of Plan

The aims of this Plan are to amend *Grafton Local Environmental Plan 1988*:

- (a) to enable the establishment of a new urban village consistent with the *Clarence Valley Settlement Strategy* (March 1999), by rezoning an area of land bounded by Alipou Creek, the Pacific Highway, Centenary Drive, Duncans Road and the Pacific Highway from partly Zone No 1 (a) (Rural Zone), partly Zone No 1 (b) (Rural Small Holdings Zone) and partly Zone No 9 (a) (Roads (Proposed Arterial Road Reservation) Zone):
 - (i) to partly Zone No 2 (a) (Living Area Zone) and partly Zone No 3 (b) (Special Development Zone), in respect of that part of that land that is suitable for residential development and village centres, and to identify the land as an urban release area, and
 - (ii) to partly Zone No 1 (a) (Rural Zone), in respect of that part of the land that is flood liable land and is suitable for future open space and to provide a buffer between certain uses, and
 - (iii) to partly Zone No 5 (a) (Special Uses (Public Purposes) Zone), in respect of that part of the land that is occupied by educational establishments or sewerage treatment works, and

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- (b) to permit the subdivision of that land with development consent, subject to the preparation of a development control plan that addresses the matters contained in the *Clarence Valley Settlement Strategy* (March 1999) and other relevant matters, and
 - (c) to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land, with development consent, in an urban release area, where that land is developed intensively for urban purposes.

4 Land to which Plan applies

- (1) In respect of the aims referred to in clause 3 (a) and (b), this Plan applies to land generally bounded by Alipou Creek, the Pacific Highway, Centenary Drive, Duncans Road and the Pacific Highway, Clarenza, as shown edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 44)” deposited in the office of the Clarence Valley Council.
- (2) In respect of the aim referred to in clause 3 (c), this Plan applies to the land shown edged heavy black and hatched on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 44)” deposited in the office of the Clarence Valley Council.

2009 No 460

Grafton Local Environmental Plan 1988 (Amendment No 44)

Schedule 1 Amendment of Grafton Local Environmental Plan 1988

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[1] Clause 5 Definitions

Insert in alphabetical order:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) land required for regional open space,
- (c) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

urban release area means an area of land shown edged heavy black and hatched on the maps marked as follows:

Grafton Local Environmental Plan 1988
(Amendment No 44)

[2] Clause 5, definition of “the map”

Insert in appropriate order:

Grafton Local Environmental Plan 1988 (Amendment No 44)

[3] Clause 45

Insert after clause 44:

45 Development of certain land at Clarenza

- (1) This clause applies to land generally bounded by Alipou Creek, the Pacific Highway, Centenary Drive, Duncans Road and the Pacific Highway, Clarenza, as shown edged heavy black on the map marked “Grafton Local Environmental Plan 1988 (Amendment No 44)”.
- (2) The objective of this clause is to ensure that development as a new urban village occurs in accordance with a development control plan that has been prepared for the land.

- (3) Development consent must not be granted for the subdivision of land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (4) A development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes for the Pacific Highway and local roads and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (d) a network of passive and active recreational areas, consistent with *Lifestyle Grafton: Grafton City Open Space Plan*, adopted by the Council on 18 May 2004,
 - (e) water cycle management, including water supply, recycled water, stormwater and water quality management controls,
 - (f) amelioration of natural, environmental and land use hazards, including bush fire, flooding from the Clarence River and Alipou Creek, site contamination, the Clarenza Sewage Treatment Works and high voltage electricity transmission lines,
 - (g) detailed urban design controls for land in an urban release area, including the residential densities or minimum lot size criteria, streetscape and lot layout principles and standards for the provision of affordable and adaptable housing,
 - (h) measures to encourage higher density living around transport, open space and service nodes,
 - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses, including the location of centres and uses along the Pacific Highway,
 - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities for the Pacific Highway and local roads and parking,

2009 No 460

Grafton Local Environmental Plan 1988 (Amendment No 44)

Schedule 1 Amendment of Grafton Local Environmental Plan 1988

- (k) measures to conserve the Aboriginal cultural heritage relating to the land.

[4] Part 4

Insert after clause 45 (as inserted by item [3] of this Schedule):

Part 4 Urban release areas

46 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

47 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

48 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.