



New South Wales

# **Albury Local Environmental Plan 2010 (Amendment No 6)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**SAM HADDAD**

As delegate for the Minister for Planning and Infrastructure

## **2012 No 331**

Clause 1            Albury Local Environmental Plan 2010 (Amendment No 6)

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### **Albury Local Environmental Plan 2010 (Amendment No 6)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of Plan**

This Plan is *Albury Local Environmental Plan 2010 (Amendment No 6)*.

#### **2 Commencement**

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

#### **3 Land to which Plan applies**

This Plan applies to all the land to which *Albury Local Environmental Plan 2010* applies.

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## **Schedule 1      Amendment of Albury Local Environmental Plan 2010**

### **Clause 7.5**

Omit clause 7.5. Insert instead:

### **7.5      Development on river front areas**

- (1) The objectives of this clause are as follows:
  - (a) to support the natural migration of the river channel, including riverine processes,
  - (b) to protect and improve the bed and bank stability of rivers,
  - (c) to maintain or improve the water quality of rivers,
  - (d) to protect the amenity, scenic landscape values and cultural heritage of rivers,
  - (e) to protect public access to riverine corridors,
  - (f) to conserve and protect riverine corridors, including wildlife habitat.
- (2) Despite any other provision of this Plan, development consent may be granted to development on land in a river front area only for the following purposes:
  - (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
  - (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building,
  - (c) environmental protection works,
  - (d) extensive agriculture and intensive plant agriculture,
  - (e) environmental facilities, recreation areas and recreation facilities (outdoor),
  - (f) water recreation structures.
- (3) Development consent must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following:
  - (a) that the development will contribute to achieving the objectives for the zone in which the land is located,

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Schedule 1 Amendment of Albury Local Environmental Plan 2010

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- (b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,
  - (c) that the development is not likely to cause environmental harm such as:
    - (i) pollution or siltation of the river, or
    - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or
    - (iii) an adverse effect on drainage patterns,
  - (d) that the development will only cause minimal visual disturbance to the existing landscape,
  - (e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,
  - (f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.
- (4) In this clause:
- bed**, of a river, means the whole of the soil of the channel in which the river flows, including the portion:
- (a) that is alternatively covered or left bare with a rise or fall in the supply of water, and
  - (b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

**river** means the Murray River.

**river bank** means the limit of the bed of a river.

**river front area** means:

- (a) in Zone R5 Large Lot Residential or an urban release area—the land within 40 metres of the high bank of the river, or
- (b) in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation or Zone E3 Environmental Management—the land within 100 metres of the high bank of the river.