



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

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*. (N04/00152/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 430

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)*.

2 Aims of plan

This plan aims:

- (a) to reclassify part of the land to which this plan applies from community land to operational land (within the meaning of the *Local Government Act 1993*), to rezone that land to the Zone 2 (1) Residential Zone under *Lake Macquarie Local Environmental Plan 2004 (the 2004 plan)* and to restrict development on the land to development for the purpose of a children's playground, and
- (b) to reclassify the remaining land from community land to operational land, to rezone that land to the Zone 2 (1) Residential Zone under the 2004 plan and to restrict development on the land to development for the purpose of car parking (and any associated works).

3 Land to which plan applies

- (1) In respect of the aim set out in clause 2 (a), this plan applies to part of Lot 63, DP 570307, 1A Water Street, Cardiff South, as shown edged heavy black and lettered "2 (1)" on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)" deposited in the office of the Council of the City of Lake Macquarie.
- (2) In respect of the aim set out in clause 2 (b), this plan applies to part of Lot PT 4, DP 227813, 1A Lawson Road, Macquarie Hills, and Lot 51, DP 790843, 2B Blaxland Road, Macquarie Hills, as shown edged heavy black and lettered "2 (1)" on Sheets 2 and 3, respectively, of that map.

4 Amendment of Lake Macquarie Local Environmental Plan 2004

Lake Macquarie Local Environmental Plan 2004 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 42A

Insert after clause 42:

42A Restricted development

Despite any other provision of this plan, the only development permissible on land described in Column 1 of Schedule 11 is development specified for the land in Column 2 of that Schedule.

[2] Clause 61 Reclassification of community land as operational land

Omit clause 61 (2). Insert instead:

- (2) In accordance with section 30 of the *Local Government Act 1993*, land described in Columns 1 and 2 of Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Schedule 3, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

[3] Schedule 3 Reclassification of community land as operational land

Insert:

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Cardiff South		
1A Water Street	Part of Lot 63, DP 570307, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.

2006 No 430

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Schedule 1 Amendments

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Macquarie Hills		
2B Blaxland Road	Lot 51, DP 790843, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 51/790843.
1A Lawson Road	Part of Lot PT4, DP 227813, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.

[4] Schedule 11

Insert after Schedule 10:

Schedule 11 Restricted development

(Clause 42A)

Item No	Column 1	Column 2
1	Land at Cardiff South, being part of Lot 63, DP 570307, 1A Water Street, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Children's playground associated with the adjoining school.
2	Land at Macquarie Hills, being part of Lot PT4, DP 227813 (1A Lawson Road) and Lot 51, DP 790843 (2B Blaxland Road), as shown edged heavy black on Sheets 2 and 3, respectively, of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Car parking (and any associated works, including retaining walls, landscaping and fencing) associated with the adjoining church.

[5] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment
No 3)