



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

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*. (N07/00065/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2008 No 152

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)*.

2 Aims of plan

This plan aims to amend *Lake Macquarie Local Environmental Plan 2004* so as:

- (a) to rezone certain land at Morisset from partly the Zone 10 Investigation Zone and partly the Zone 7 (1) Conservation (Primary) Zone to partly the Zone 2 (1) Residential Zone, partly the Zone 7 (1) Conservation (Primary) Zone and partly the Zone 7 (2) Conservation (Secondary) Zone to allow the land to be used for residential and conservation purposes, and
- (b) to rezone certain land at Edgeworth from the Zone 10 Investigation Zone to the Zone 2 (1) Residential Zone to facilitate residential development of the land, and
- (c) to ensure that adequate provision is made for the provision of necessary public infrastructure when determining development applications relating to future urban development.

3 Land to which plan applies

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to certain land at Morisset, being:

- (a) Lots 55–58, 63, 66, 67, 76–78 and part of Lot 54, DP 755242, and
- (b) parts of Lots 1 and 2, DP 860244, and
- (c) Lot 272 and part of Lot 271, DP 1006208, and
- (d) Lot 1, DP 727748, and
- (e) Lots 811 and 812, DP 829055,

as shown edged heavy black and lettered “2 (1)”, “7 (1)” or “7 (2)” on Sheet 1 of the map marked “Lake Macquarie Local Environmental Plan

2004 (Amendment No 20)” deposited in the office of Lake Macquarie City Council.

- (2) With respect to the aim referred to in clause 2 (b), this plan applies to Lot 39, DP 812338, 40 Transfield Avenue, Edgeworth, as shown edged heavy black and lettered “2 (1)” on Sheet 2 of that map.
- (3) With respect to the aim referred to in clause 2 (c), this plan applies to all land to which *Lake Macquarie Local Environmental Plan 2004* applies.

4 Amendment of Lake Macquarie Local Environmental Plan 2004

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

2008 No 152

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 62

Insert after clause 61:

62 Public infrastructure in urban release areas

(1) **Aim**

The aim of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in urban release areas to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) **Application**

This clause applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

(3) This clause prevails over any other provision of this plan to the extent of any inconsistency.

(4) **Arrangements for designated State public infrastructure**

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 lot.

(5) Subclause (4) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(6) Public utility infrastructure

Development consent must not be granted for development on land in an urban release area unless the consent authority 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.

(7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.**(8) Interpretation**

In this clause:

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) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure means infrastructure for any of the following purposes:

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

urban release area means the land shown edged heavy black on the following maps:

Lake Macquarie Local Environmental Plan 2004
(Amendment No 20)—Sheet 1

[2] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)