



New South Wales

## **Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)**

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*. (N07/00138/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## 2008 No 573

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

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# Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)*.

### 2 Aims of plan

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

- (a) to reclassify land referred to in clause 3 (1), from community land to operational land within the meaning of the *Local Government Act 1993*, and to rezone that land from Zone 6 (1) Open Space Zone to Zone 6 (2) Tourism and Recreation Zone, to enable sale of the land,
- (b) to reclassify land referred to in clause 3 (2), from community land to operational land, and to rezone that land from Zone 5 Infrastructure Zone to Zone 2 (1) Residential Zone, to enable sale of the land,
- (c) to reclassify land referred to in clause 3 (3), from community land to operational land, to enable the development of the land in line with the current zoning,
- (d) to reclassify the land referred to in clause 3 (4), from community land to operational land, to enable sale of the land to the adjoining owner,
- (e) to reclassify the land referred to in clause 3 (5), from community land to operational land, to enable sale of the land to the adjoining owner,
- (f) to reclassify the land referred to in clause 3 (6), from community land to operational land, to enable future development of the land in line with the current zoning,
- (g) to reclassify the land referred to in clause 3 (7), from community land to operational land, and to rezone the land from Zone 6 (1) Open Space Zone to Zone 3(1) Urban Centre (Core) Zone, to enable future development of the land as an urban centre,

- (h) to reclassify the land referred to in clause 3 (8), from community land to operational land, to enable dedication of the land as a public road.

### **3 Land to which plan applies**

- (1) With respect to the aim referred to in clause 2 (a), this plan applies to Lot 11, DP 1097938 (175 Myall Road, Cardiff), as shown edged heavy black and lettered “6 (2)” on Sheet 1 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)” 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 8, DP 244002 (25 Chifley Road, Morisset Park), 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 Lot 421, DP 785216 and Lots 41, 38, 37 and 36, DP 5688 (4, 16 and 22-26 Josephson Street, Swansea) and Lot 2, DP 529225 (104c Pacific Highway, Swansea), as shown edged heavy black on Sheet 3 of that map.
- (4) With respect to the aim referred to in clause 2 (d), this plan applies to Lot 94, DP 9673 (32a Victory Parade, Toronto), as shown edged heavy black on Sheet 4 of that map.
- (5) With respect to the aim referred to in clause 2 (e), this plan applies to Lot 526, DP 859786 (9 Ashton Close, Warners Bay), as shown edged heavy black on Sheet 5 of that map.
- (6) With respect to the aim referred to in clause 2 (f), this plan applies to Lot 1, DP 797827 (47 Charles Street, Warners Bay), Lot 21, Section 28, DP 111125, Lot 20, DP 91634, Lot 19, DP 738537 and Lot 1, DP 782508 (36–42 John Street, Warners Bay) and Lots 1 and 2, DP 521740 (63 King Street, Warners Bay), as shown edged heavy black on Sheet 6 of that map.
- (7) With respect to the aim referred to in clause 2 (g), this plan applies to Lot 50, DP 623626, Lot 4, DP 1002071 and Lot 1, DP 745901 (57–61 King Street, Warners Bay), as shown edged heavy black and lettered “3 (1)” on Sheet 7 of that map.
- (8) With respect to the aim referred to in clause 2 (h), this plan applies to Lot 1, DP 661964 (1c John Street, Warners Bay), as shown edged heavy black on Sheet 6 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.

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Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

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

Insert in alphabetical order of locality in Columns 1, 2 and 3, respectively:

##### Cardiff

|                |  |  |
|----------------|--|--|
| 175 Myall Road | Lot 11, DP 1097938, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Easement for drainage (DP 1097938) as noted on Certificate of Title Folio Identifier 11/1097938. |
|----------------|--|--|

##### Morrisset Park

|                 |  |      |
|-----------------|--|------|
| 25 Chifley Road | Lot 8, DP 244002, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Nil. |
|-----------------|--|------|

#### [2] Schedule 3

Insert in alphabetical and numerical order of street name and number under the heading "Swansea" in Columns 1, 2 and 3, respectively:

|                     |  |      |
|---------------------|--|------|
| 4 Josephson Street  | Lot 421, DP 785216, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Nil. |
| 16 Josephson Street | Lot 41, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"    | Nil. |

## Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Amendments

Schedule 1

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|                      |  |  |
|----------------------|--|--|
| 22 Josephson Street  | Lot 38, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"  | Nil.   |
| 24 Josephson Street  | Lot 37, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"  | Nil.   |
| 26 Josephson Street  | Lot 36, DP 5688, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"  | Any lease that is registered by 30 June 2009 and noted on Certificate of Title Folio Identifier 36/5688. |
| 104c Pacific Highway | Lot 2, DP 529225, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Nil.   |

**[3] Schedule 3**

Insert in alphabetical and numerical order of street name and number under the heading "**Toronto**" in Columns 1, 2 and 3, respectively:

|                    |   |      |
|--------------------|---|------|
| 32a Victory Parade | Lot 94, DP 9673, as shown edged heavy black on Sheet 4 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Nil. |
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Schedule 1 Amendments

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### [4] Schedule 3

Insert in alphabetical and numerical order of street name and number under the heading “**Warners Bay**” in Columns 1, 2 and 3, respectively:

|                   |   |   |
|-------------------|---|---|
| 9 Ashton Close    | Lot 526, DP 859786, as shown edged heavy black on Sheet 5 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”            | Nil.  |
| 47 Charles Street | Lot 1, DP 797827, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”              | Nil.  |
| 1c John Street    | Lot 1, DP 661964, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”              | Nil.  |
| 36 John Street    | Lot 21, Section 28, DP 111125, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)” | Easement for electricity (Book 3721 No 878) as noted on Certificate of Title Folio Identifier 21/28/111125. |
| 38 John Street    | Lot 20, DP 91634, as shown edged heavy black on Sheet 6 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)”              | Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 20/91634.               |

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## Amendments

## Schedule 1

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|                |   |   |
|----------------|---|---|
| 40 John Street | Lot 19, DP 738537, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"       | Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 19/738537.  |
| 42 John Street | Lot 1, DP 782508, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"        | Nil.  |
| 57 King Street | Lot 50, DP 623626, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"       | Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 50/623626. |
| 59 King Street | Lot 4, DP 1002071, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"       | Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 4/1002071. |
| 61 King Street | Lot 1, DP 745901, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)"        | Lease to Warners Bay Early Learning and Care Incorporated (AA805618) (expires 7/12/08) as noted on Certificate of Title Folio Identifier 1/745901.  |
| 63 King Street | Lots 1 and 2, DP 521740, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)" | Nil.  |

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Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)

Schedule 1 Amendments

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### [5] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 32)—Sheets 1, 2 and 7

BY AUTHORITY

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