



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 40)

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*. (S09/01397-MA)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 453

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 40)

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1 Name of Plan

This Plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 40)*.

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 as follows:

- (a) to amend Schedule 7 of the *Lake Macquarie Local Environmental Plan 2004* to permit, with consent, development for the purpose of dwellings, residential flat buildings, shops or commercial premises on certain land within Zone 6 (2) (Tourism and Recreation Zone) at Trinity Point, Morisset Park (*the Trinity Point site*),
- (b) to control the height, and foreshore setback, of buildings within the Trinity Point site,
- (c) to encourage the provision of residential and tourist accommodation, and to control the permitted number and mix of dwellings, residential flat buildings and accommodation for tourists, on the Trinity Point site,
- (d) to regulate the density of development on the Trinity Point site,
- (e) to ensure the significance of the Trinity Point site to the Aboriginal community is given regard by the consent authority.

4 Land to which Plan applies

This Plan applies to certain land situated at Trinity Point, Morisset Park as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 40) Site Identification Map" deposited in the office of the Council of the City of Lake Macquarie.

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

Schedule 7 Additional development allowed on certain land

Insert at the end of the Schedule in Columns 1 and 2 with appropriate item numbering:

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| Land at Trinity Point, Morisset Park as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 40) Site Identification Map" deposited in the office of the Council of the City of Lake Macquarie. | Development for the purpose of dwellings, residential flat buildings, shops or commercial premises, but only if: <ul style="list-style-type: none">(a) such dwellings, residential flat buildings, shops or commercial premises are constructed as part of a tourist resort, and(b) the total number of tourist and residential accommodation units within the tourist resort will not exceed 150, and(c) no more than half of such units are for permanent residential accommodation, and(d) any shops and commercial premises within the resort do not exceed a total floor area of 550m² and are of a nature and scale that reflect the needs of the tourist resort and local community, and(e) a transition of building heights is provided between the Lake and street blocks, and(f) a high quality urban form is achieved for all buildings, while maintaining satisfactory views from the adjoining land within Zone 2 (1) through to the Lake, and(g) view sharing is provided along the edges of the Lake, and |
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Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

- (h) the height of a building on any land will not exceed the maximum height shown for the land on the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 40) Height of Buildings” deposited in the office of the Council of the City of Lake Macquarie, and
- (i) the consent authority is satisfied that the proposed development achieves the following:
 - (i) appropriate height to plan width proportions that are compatible with the massing, street frontage and building forms within the locality,
 - (ii) building heights that complement the height of buildings on adjacent land,
 - (iii) active street frontages, and
- (j) the consent authority is satisfied, having regard to the nature of the tourist resort and its relationship to surrounding land uses, that the granting of consent for any such development will not result in:
 - (i) the dominant use of the land on which the development is carried out being for any purpose other than a tourist resort, or
 - (ii) the uneven distribution, or clustering, of tourist and residential accommodation throughout the tourist resort, and

- (k) the consent authority is satisfied that the development will include an Aboriginal education centre to provide visitors and residents with information about Aboriginal cultural and heritage values and that the Aboriginal midden located on the southern foreshore of the Lake is given appropriate protection, and
- (l) any building has a minimum setback of 6m from the boundary of Lot 32, DP 1117408.