



New South Wales

Broken Hill Local Environmental Plan 1996 (Amendment No 8)

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*. (D07/00017/PC)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 523

Clause 1 Broken Hill Local Environmental Plan 1996 (Amendment No 8)

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1 Name of plan

This plan is *Broken Hill Local Environmental Plan 1996 (Amendment No 8)*.

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 to amend *Broken Hill Local Environmental Plan 1996*:

- (a) to rezone certain land from Zone 1 (c) (Rural Small Holdings Zone) to Zone 2 (c) (City Zone) to provide opportunities for a variety of housing types, and
- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in urban release areas to satisfy needs that arise from development on that land, but only if the land is developed intensively for urban purposes, and
- (c) to ensure that development in urban release areas occurs in a logical and cost-effective manner.

4 Land to which Plan applies

- (1) With respect to the aim referred to in clause 3 (a), this Plan applies to land edged heavy black and lettered “2 (c)” on the map marked “Broken Hill Local Environmental Plan 1996 (Amendment No 8)”—Sheets 2–5, deposited in the office of Broken Hill City Council.
- (2) With respect to the aims referred to in clause 3 (b) and (c), this Plan applies to land edged heavy black and hatched on the map marked “Broken Hill Local Environmental Plan 1996 (Amendment No 8)”—Sheet 1, deposited in the office of Broken Hill City Council.

Schedule 1 Amendment of Broken Hill Local Environmental Plan 1996

[1] Clause 5 What do terms in this plan mean?

Insert in alphabetical order in clause 5:

designated State public infrastructure means public facilities or services that are provided by, 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) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following:

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

urban release area means an area of land shown edged heavy black and hatched on the map.

[2] Clause 5, definition of “the map”

Insert in appropriate order:

Broken Hill Local Environmental Plan 1996 (Amendment No 8)

[3] Part 4A

Insert after Part 4:

Part 4A Urban release areas

24A Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the

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Schedule 1

Amendment of Broken Hill Local Environmental Plan 1996

land, but only if the land is developed intensively for urban purposes.

- (2) 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 land.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

24B Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council 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.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

24C Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.