



New South Wales

# **Murray Local Environmental Plan 1989 (Amendment No 16)**

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*.

**TOM GELLIBRAND**  
As delegate for the Minister for Planning

## **2010 No 686**

Clause 1 Murray Local Environmental Plan 1989 (Amendment No 16)

---

## **Murray Local Environmental Plan 1989 (Amendment No 16)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Murray Local Environmental Plan 1989 (Amendment No 16)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to Lots 232 and 233, DP 751152, Nicholas Drive, Moama, as shown edged heavy black on Sheet 1 of the map marked "Murray Local Environmental Plan 1989 (Amendment No 16)" deposited in the office of Murray Shire Council.

---

## Schedule 1      Amendment of Murray Local Environmental Plan 1989

### [1]    Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

***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) 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 the land shown edged heavy black on the following maps:

Murray Local Environmental Plan 1989 (Amendment No 16)  
(Sheet 2)

### [2]    Clause 5 (1)

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

Murray Local Environmental Plan 1989 (Amendment No 16)  
(Sheet 1)

### [3]    Part 4

Insert after Part 3:

## Part 4    Urban release areas

### 38    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

## 2010 No 686

Murray Local Environmental Plan 1989 (Amendment No 16)

Schedule 1 Amendment of Murray Local Environmental Plan 1989

---

release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

- (2) The Council must not grant consent to development 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 Council that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (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 the subdivision of land to which subclause (2) 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).

### 39 Public utility infrastructure

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

### 40 Development control plan

- (1) The Council must not grant consent to development on land within an urban release area unless a development control plan

---

that provides for the matters specified in subclause (2) has been prepared for the land.

- (2) The development control plan referred to in subclause (1) must provide for all of the following matters:
- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (3) Subclause (2) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
  - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
  - (c) a subdivision of land in a zone in which the erection of structures is prohibited,

## **2010 No 686**

Murray Local Environmental Plan 1989 (Amendment No 16)

Schedule 1      Amendment of Murray Local Environmental Plan 1989

---

- (d) proposed development on land that is of a minor nature only, if the Council is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

### **41 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.