



New South Wales

Copmanhurst Local Environmental Plan 1990 (Amendment No 13)

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*. (09/01495-2)

TONY KELLY, MLC
Minister for Planning

2010 No 707

Clause 1 Copmanhurst Local Environmental Plan 1990 (Amendment No 13)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is Copmanhurst Local Environmental Plan 1990 (Amendment No 13).

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 the land shown edged heavy black on the map marked “Copmanhurst Local Environmental Plan 1990 (Amendment No 13)” deposited in the office of the Clarence Valley Council.

Schedule 1 Amendment of Copmanhurst Local Environmental Plan 1990

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

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[2] Clause 25E

Insert after clause 25D:

25E Junction Hill—restrictions on development

- (1) This clause applies to the land shown edged heavy black on the map marked “Copmanhurst Local Environmental Plan 1990 (Amendment No 13)”.
- (2) The aim of this clause is to protect, enhance and conserve the natural environment (including native vegetation habitats and threatened species) with respect to environmentally sensitive land.
- (3) **Development control plan**
Development consent must not be granted for the subdivision of land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (4) The development control plan must provide for all of the following:
 - (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) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,
 - (d) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (e) management of Aboriginal cultural heritage values,

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- (f) controls for the following:
 - (i) environmentally sensitive land and adjacent areas,
 - (ii) a buffer area between the land to which this clause applies and the Trenayr industrial area,
 - (iii) noise attenuation and landscape buffer areas along the rail corridor and road network,
 - (iv) any areas in the vicinity of high voltage electricity transmission lines,
 - (v) the area between the land to which this clause applies and agricultural land and potential agricultural effluent re-use areas,
 - (g) management of potentially contaminated lands and constrained sites identified by geotechnical assessment,
 - (h) controls for flood liable land,
 - (i) management of open space,
 - (j) residential density or minimum lot size controls,
 - (k) streetscape and lot layout principles,
 - (l) management of remnant vegetation and overall landscaping strategy, including rehabilitation of natural areas and requirements for both the public and private domain,
 - (m) location and function of community facilities,
 - (n) water cycle management, including the management of stormwater, water supply (potable and recycled) and recycled water,
 - (o) energy efficiency,
 - (p) waste management,
 - (q) augmentation of water and sewerage infrastructure to ensure adequate capacity,
 - (r) noise attenuation management measures,
 - (s) acid sulphate soil management measures.
- (5) **Environmentally sensitive land**
Except as provided by subclause (6), development is prohibited on environmentally sensitive land.
- (6) Development for the purposes of environmental protection works and recreation areas may be carried out with development consent on environmentally sensitive land.

(7) **Definitions**

In this clause:

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

environmentally sensitive land means the land shown stippled on the map marked “Copmanhurst Local Environmental Plan 1990 (Amendment No 13)”.

[3] **Clause 32A**

Insert after clause 32:

32A Public infrastructure in urban release areas

(1) **Objective**

The objective 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 does not apply to any 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).

(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) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (4) applies.

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- (6) 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 utility undertakings, educational facilities, or any other public purpose, or
 - (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(7) **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.

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

(9) **Definitions**

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, bus services 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 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 red with black cross hatching on the following maps:

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