



New South Wales

Great Lakes Local Environmental Plan 1996 (Amendment No 70)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(10/22364)

GIOVANNI CIRILLO

As delegate for the Minister for Planning and Infrastructure

2011 No 707

Clause 1 Great Lakes Local Environmental Plan 1996 (Amendment No 70)

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1 Name of Plan

This Plan is *Great Lakes Local Environmental Plan 1996 (Amendment No 70)*.

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 parts of Lot 40, DP 1099070, and to part of Lot 1, DP 1105446, Viney Creek Road, Tea Gardens, as shown edged heavy black and lettered “2 (a)”, “2 (f)”, “7 (a1)” and 7 (b)” on the map marked “Great Lakes Local Environmental Plan 1996 (Amendment No 70)” deposited in the office of Great Lakes Council.

Schedule 1 **Amendment of Great Lakes Local Environmental Plan 1996**

[1] **Part 4**

Insert after clause 38:

Part 4 Urban release areas

39 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 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 lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot to be created by a subdivision on land that was the subject of a previous development consent granted 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) 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).
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (2) applies.

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Schedule 1 Amendment of Great Lakes Local Environmental Plan 1996

40 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 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.

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.

[2] Dictionary

Insert in alphabetical order:

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.

Public utility undertaking has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

Urban release area means the area of land identified as “North Shearwater Urban Release Area” on the Urban Release Area Map.

Urban Release Area Map means the Great Lakes Local Environmental Plan 1996 Urban Release Area Map.

[3] Dictionary, definition of “Map”

Insert in appropriate order in the definition:

Great Lakes Local Environmental Plan 1996 (Amendment No 70)

[4] Schedule 2 Heritage items

Insert at the end of the matter relating to Tea Gardens under the headings Address, Property Description, Item and Significance, respectively:

Myall River	Lot 40 DP 1099070 Viney Creek Road	Site of original Durness homestead, including Canary Island Palms, and gardens surrounding the second Durness homestead	L
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[5] Schedule 3 Special requirements for development of certain land

Insert “(Clause 38)” after the heading to the Schedule.

[6] Schedule 3

Insert at the end of the Schedule in Columns 1 and 2, respectively:

The parts of Lot 40, DP 1099070 and Lot 1, DP 1105446, Viney Creek Road, Tea Gardens within Zone No 2 (a) (Low Density Residential Zone) and Zone No 2 (f) (Mixed Residential-Commercial Zone)

Arrangements, acceptable to the Council, have been made for:

- (a) the rehabilitation of the land shown as “rehabilitation area” in a development control plan that applies to the land, and
- (b) the protection and management of that part of the land within Zone No 7 (a1) (Environmental Protection Zone) as shown edged heavy black and lettered “7 (a1)” on the map marked “Great Lakes Local Environmental Plan 1996 (Amendment No 70)”, and
- (c) the installation of water quality treatment facilities that will maintain or improve the quality of stormwater discharged from the development, and
- (d) the maintenance of those facilities.