



New South Wales

Lake Macquarie Local Environmental Plan 2014 (Amendment No 9)

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*.

BRIAN BELL, GENERAL MANAGER, LAKE MACQUARIE CITY COUNCIL
As delegate for the Minister for Planning

Lake Macquarie Local Environmental Plan 2014 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Lake Macquarie Local Environmental Plan 2014 (Amendment No 9)*.

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 to which *Lake Macquarie Local Environmental Plan 2014* applies.

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2014

[1] Clause 4.1AA Minimum subdivision lot size for community title schemes

Insert after clause 4.1AA (2):

Note. Land in any other zone may be subdivided under the *Community Land Development Act 1989* to create lots that are less than the minimum size shown on the Lot Size Map in relation to that land.

[2] Clause 4.1A (2)–(4)

Omit the subclauses. Insert instead:

- (2) Despite clause 4.1, development consent may be granted to development on land in Zone R1 General Residential or Zone R2 Low Density Residential that is both of the following:
 - (b) the erection of a dual occupancy,
 - (a) the subdivision of the land into 2 lots if the size of each lot resulting from the subdivision is at least 250 square metres.
- (3) Despite clause 4.1, development consent may be granted to development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential that is both of the following:
 - (a) the subdivision of land into 3 or more lots that each have frontage to a road,
 - (b) the erection of:
 - (i) a dwelling house or semi-detached dwelling on land in Zone R2 Low Density Residential if the size of each lot resulting from the subdivision is at least 300 square metres but no more than 450 square metres, or
 - (ii) a dwelling house or an attached dwelling on land in Zone R3 Medium Density Residential if the size of each lot resulting from the subdivision is at least 200 square metres but no more than 450 square metres.
- (4) Despite subclause (3), development consent may be granted for development under subclause (3) (a), but only if the consent authority is satisfied that:
 - (a) an attached dwelling, dwelling house or semi-detached dwelling could be appropriately located on each lot, or
 - (b) the subdivision would be consistent with a development control plan prepared specifically for the site.

[3] Clause 4.1C Exceptions for subdivisions involving battle-axe lots or corner lots in certain zones

Omit “If a” wherever occurring from clause 4.1C (2) and (3).

Insert instead “Despite clause 4.1, if a”.

[4] Clause 4.1C (2) and (3)

Insert “at least” after “an area of” wherever occurring in clause 4.1C (2) and (3).

[5] Clause 4.1C (3) (a)

Omit “600”. Insert instead “500”.

[6] Clause 4.1C (4) and (5)

Insert after clause 4.1C (3):

- (4) Despite subclauses (2) and (3), development consent must not be granted to a subdivision that would result in more than 2 battle-axe lots with the same access handle as the only means of vehicular access to the road.
- (5) This clause does not apply to the subdivision of land under clause 4.1A or 4.1B.

[7] Clause 4.1D

Insert after clause 4.1C:

4.1D Exceptions to minimum subdivision lot sizes for certain split zones

- (1) The objectives of this clause are as follows:
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development, while protecting the rural and environmental attributes of the land,
 - (c) to allow for the subdivision of certain land in environment protection zones to protect the environmental values of the land.
- (2) This clause applies to each lot (an *original lot*) that contains:
 - (a) land in a residential, business or industrial zone, Zone RU4 Primary Production Small Lots or Zone E4 Environmental Living, and
 - (b) land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the *resulting lots*) if:
 - (a) one of the resulting lots will contain:
 - (i) land in a residential, business or industrial zone, Zone RU4 Primary Production Small Lots or Zone E4 Environmental Living that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Despite subclause (3), development consent may be granted to subdivide an original lot to create a lot that contains land only in Zone E2 Environmental Conservation or Zone E3 Environmental Management that is less than the minimum size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that the subdivision will facilitate the ongoing protection and management, for conservation purposes, of the land.
- (5) Before granting consent to development to which this clause applies, the consent authority must be satisfied that the subdivision:
 - (a) is not likely to have a significant adverse impact on the environmental values of the land, and

- (b) will not compromise the continued protection and long-term maintenance of any land in an environment protection zone, and
- (c) is not likely to have a significant adverse impact on the agricultural viability of land in a rural zone.

[8] Clause 4.2A Erection of dual occupancies (attached) and dwelling houses on land in certain rural and environment protection zones

Insert “dual occupancies (attached) and” before “dwelling houses” in clause 4.2A (1) (b).

[9] Clause 4.2A (3)–(5)

Insert “dual occupancy (attached) or” before “dwelling house” wherever occurring.