



New South Wales

Lake Macquarie Local Environmental Plan 2014 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MORVEN CAMERON, CHIEF EXECUTIVE OFFICER
LAKE MACQUARIE CITY COUNCIL
As delegate for the local plan-making authority

Lake Macquarie Local Environmental Plan 2014 (Amendment No 56)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2014 (Amendment No 56)*.

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

4 Maps

The maps adopted by *Lake Macquarie Local Environmental Plan 2014* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this plan.

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2014

[1] Land Use Table

Omit the following from Zone R2, item 3—

- Boarding houses;
- Dual occupancies;
- Hostels;
- Secondary dwellings;
- Semi-detached dwellings;
- Seniors housing;
- Shop top housing;

Insert “Residential accommodation;” in appropriate order.

[2] Land Use Table, Zone R3, item 3

Omit the following—

- Dwelling houses;
- Hostels;
- Residential flat buildings;
- Secondary dwellings;
- Shop top housing;

Insert “Residential accommodation;” in appropriate order.

[3] Clause 4.1A Exceptions to minimum subdivision lot size for certain residential development

Omit clause 4.1A(2) and (3). 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 includes the subdivision of land into 2 lots if—
 - (a) the size of each resulting lot is at least 250m², and
 - (b) the consent authority is satisfied a dwelling house or semi-detached dwelling could be appropriately located on each lot.
- (3) Despite clauses 4.1 and 4.1AA, development consent may be granted to development on land in Zone R2 Low Density Residential that includes the subdivision of land into 3 or more lots if—
 - (a) the size of each resulting lot is at least 250m², and
 - (b) each resulting lot has frontage to a road and is not a battle-axe lot, and
 - (c) the consent authority is satisfied one of the following could be appropriately located on each lot—
 - (i) an attached dwelling,
 - (ii) a dwelling house,
 - (iii) a semi-detached dwelling.
- (3A) Subclause (3)(c) does not apply if the consent authority is satisfied the subdivision is consistent with a development control plan prepared for the site.

[4] Clause 4.1A(4B)

Insert after clause 4.1A(4A)—

- (4B) Despite clause 4.1, development consent may be granted to development on land in Zone R3 Medium Density Residential that includes the subdivision of land into 2 lots if the consent authority is satisfied—
 - (a) one of the following could be appropriately located on each lot that is at least 200m²—
 - (i) an attached dwelling,
 - (ii) a dwelling house,
 - (iii) a semi-detached dwelling, and
 - (b) one of the following will be erected on each lot that is less than 200m²—
 - (i) an attached dwelling,
 - (ii) a dwelling house,
 - (iii) a semi-detached dwelling.

[5] Clause 4.1B Exceptions to minimum subdivision lot sizes for certain residential development in urban release areas

Omit clause 4.1B(3)(a). Insert instead—

- (a) at least 250m² but not more than 450m², and

[6] Clause 4.2B, heading

Omit “**Zone R2**”. Insert instead “**Zones R2 and R3**”.

[7] Clause 4.2B(2) and (3)

Omit clause 4.2B(2). Insert instead—

- (2) This clause applies to land in the following zones—
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (3) Development consent must not be granted to development for the purposes of dual occupancies on a battle-axe lot on land to which this clause applies.

[8] Clause 7.25 Development on land in Catherine Hill Bay Village Precinct and Middle Camp Village Precinct

Omit clause 7.25(3). Insert instead—

- (3) Development consent must not be granted to development for the following purposes unless the consent authority is satisfied of the matters specified in subclause (4)—
 - (a) attached dwellings,
 - (b) dual occupancies,
 - (c) multi dwelling housing,
 - (d) residential flat buildings,
 - (e) secondary dwellings,
 - (f) semi-detached dwellings.
- (4) The consent authority must be satisfied of the following—
 - (a) the development will not have an adverse impact on the heritage significance of the land or adjoining land,

- (b) the type, bulk, scale and size of any proposed structure will be compatible with the surrounding area,
- (c) if a proposed structure contains plumbing fixtures—the fixtures will be connected to an approved on-site waste water treatment device or an approved connection to the sewer.

[9] Schedule 1 Additional permitted uses

Omit clause 31.