



New South Wales

Lake Macquarie Local Environmental Plan 2014 (Amendment No 53)

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*.

CRAIG DISS

As delegate for the Minister for Planning and Public Spaces

Lake Macquarie Local Environmental Plan 2014 (Amendment No 53)

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1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2014 (Amendment No 53)*.

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 following land in Morisset Park—

- (a) Lot 34, DP 1117408, 69C Trinity Point Drive,
- (b) Lots 101 and 102, DP 1256630, 81 and 85 Trinity Point Drive,
- (c) Lot 1, DP 1252681, 81D Trinity Point Drive.

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] Clause 7.16

Omit the clause. Insert instead—

7.16 Development on certain land at Trinity Point, Morisset Park

- (1) This clause applies to land identified as “Morisset Park Area 1” or “Morisset Park Area 2” on the Additional Permitted Uses Map.
- (2) Development for the purposes of commercial premises is permitted with development consent on land in Morisset Park Area 1 if—
 - (a) the development is part of mixed use development that includes tourist and visitor accommodation, and
 - (b) the gross floor area of all buildings used for the purposes of commercial premises does not exceed 550m².
- (3) Development for the purposes of residential accommodation is permitted with development consent on land in Morisset Park Area 2 if the development is part of mixed use development that includes tourist and visitor accommodation.
- (4) Subclauses (2) and (3) do not apply unless the consent authority is satisfied of the following—
 - (a) the development will provide for the protection of Aboriginal middens located on the southern and south-eastern foreshore of Lake Macquarie,
 - (b) the development will provide or maintain pedestrian access and view corridors between Trinity Point Drive and Trinity Point Reserve,
 - (c) the buildings resulting from the development, other than buildings that are part of a marina, will have a setback of at least 6m from the boundary of Trinity Point Reserve.
- (5) The floor space ratio of all buildings on the site area must not exceed 1.17:1.
- (6) A building on land to which this clause applies may have a maximum height of RL 34m.
- (7) Subclause (6) applies only if—
 - (a) a design review panel has reviewed the development, and
 - (b) the consent authority is satisfied the development exhibits design excellence, and
 - (c) if the development includes an architectural roof feature—the consent authority is satisfied of the matters specified in clause 5.6(3)(a) and (b).
- (8) In deciding whether the development exhibits design excellence, the consent authority must consider the following—
 - (a) the advice of the design review panel,
 - (b) whether a high standard of landscape and architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (c) whether the form and external appearance of the development is in keeping with the surrounding area and natural landscape,
 - (d) the nature and scale of any commercial premises, having regard to the needs of the local community and visitors to the area,

- (e) whether the development detrimentally impacts on view corridors,
 - (f) whether the development will provide an opportunity for the public to engage with Aboriginal heritage items by providing information about the Aboriginal cultural and heritage values of Trinity Point,
 - (g) whether the development will have suitable and safe road access,
 - (h) how the development addresses the following—
 - (i) existing and proposed uses and use mix,
 - (ii) the relationship with neighbouring sites, in terms of transitions in building heights, separation, setbacks, amenity and urban form,
 - (iii) pedestrian access to Trinity Point Reserve,
 - (iv) the bulk, massing and modulation of buildings,
 - (v) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
 - (vi) the achievement of the principles of ecologically sustainable development,
 - (vii) the impact on, and proposed improvements to, the public domain,
 - (viii) the impact on heritage items, heritage conservation areas and the cultural heritage values of the site area.
- (9) Clause 5.6 applies to an architectural roof feature included in development on land to which this clause applies.
- (10) For the purposes of subclause (9), the reference to the height limits set by clause 4.3 is to be read as the height limits set by this clause.
- (11) In this clause—
design review panel means a panel of 2 or more persons established by the consent authority.
Trinity Point Reserve means Lot 32, DP 1117408, Trinity Point Drive, Morisset Park.

[2] Schedule 1 Additional permitted uses

Insert at the end of the schedule, with appropriate clause numbering—

Use of certain land at Trinity Point, Morisset Park

- (1) This clause applies to land identified as “Morisset Park Area 3” on the Additional Permitted Uses Map.
- (2) Development for the purposes of a single helipad is permitted with development consent.