

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*.

KRISTINA KENEALLY, M.P.,
Minister for Planning

Copmanhurst Local Environmental Plan 1990 (Amendment No 13)

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Environmental Planning & Assessment Act 1979

1 Name of plan

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

2 Aims of plan

This plan aims to amend *Copmanhurst Local Environmental Plan 1990*:

- (a) to rezone the land bounded by North Coast Railway Line, Trenayr Industrial area, Trenayr Road, the existing Junction Hill 2(a) (Village Zone) and Summerland Way, Junction Hill, to enable the expansion of the urban village consistent with the Clarence Valley Settlement Strategy (March 1999), and
- (b) to protect, conserve and enhance environmentally sensitive land, and
- (c) to provide a noise attenuation and landscape buffer along the rail corridor, industrial land and road network, and
- (d) to remove the Zone No 5(c) (Special Uses (Arterial Roads Proposed) Zone) from any land to which the zone applies, and
- (e) to allow development of the land which complies with a development control plan prepared for the whole of the area the subject of this plan, and
- (f) to require satisfactory arrangements to be made for the provision of essential infrastructure, facilities and services before the subdivision of urban release areas.

3 Land to which plan applies

This plan applies to land generally bounded by North Coast Railway Line, Trenayr Industrial area, Trenayr Road, and the existing Junction Hill 2 (a) (Village Zone), and Summerland Way, Junction Hill, as shown with heavy black edging on the map marked “Copmanhurst Local Environmental Plan 1990 (Amendment No 13)” deposited in the office of the Clarence Valley Council.

4 Amendment of Copmanhurst Local Environmental Plan 1990

Copmanhurst Local Environmental Plan 1990 is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Clause 5

Insert in appropriate order in the definition of *the map*:

Copmanhurst Local Environmental Plan 1990 (Amendment No 13)

[2] Insert in appropriate order:

37 Land bounded by North Coast Railway Line, Trenayr Industrial area, Trenayr Road, and the existing Junction Hill 2(a) (Village Zone), and Summerland Way, Junction Hill – Restrictions On Development

- (1) This clause applies to land generally bounded by North Coast Railway Line, Trenayr Industrial area, Trenayr Road, and the existing Junction Hill 2(a) (Village Zone), and Summerland Way, Junction Hill as shown with heavy black edging on the map marked “Copmanhurst Local Environmental Plan 1990 (Amendment No 13)” deposited in the office of Clarence Valley Council.
- (2) The aim of this clause is to set out the requirements for the expansion of the Junction Hill village that must be met before the land can be developed.
- (3) Consent must not be granted for subdivision of land to which this clause applies unless:
 - (a) there is a development control plan for the land subject to this clause; and
 - (b) the provisions of Part 4 of this plan have been satisfied.
- (4) The development control plan for land to which this clause applies must include the following matters:
 - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing, and
 - (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; and
 - (c) location of public facilities and services, including provision for appropriate traffic management facilities and parking, and
 - (d) location of commercial and retail development and appropriate controls; and
 - (e) management of Aboriginal cultural heritage values; and
 - (f) management of the following areas;
 - (i) environmentally sensitive land and adjacent land, and
 - (ii) buffers between development and the Trenayr Industrial area, and
 - (iii) noise attenuation and landscape buffers along the rail corridor and road network, and
 - (iv) buffers to high voltage electricity transmission lines, and
 - (v) buffers to agricultural land and potential agricultural effluent re-use areas; and
 - (g) management of potentially contaminated lands and constrained sites identified by geotechnical assessment; and

- (h) controls for flood liable land, and
- (i) provision and management of open space consistent with Council policy; and
- (j) residential density or minimum lot size controls; and
- (k) streetscape and lot layout principles; and
- (l) management of remnant vegetation and overall landscaping strategy, including rehabilitation of natural areas and requirements for both the public and private domain; and
- (m) standards for the provision of affordable and adaptable housing; and
- (n) location, function and timing for the provision of community facilities; and
- (o) water cycle management, including stormwater, water supply (potable and recycled), and recycled water; and
- (p) energy efficiency; and
- (q) waste management; and
- (r) timing of augmentation of water and sewerage infrastructure to ensure adequate capacity ahead of new development, and
- (s) noise attenuation management measures, and
- (t) acid sulphate soil management measures.

38 Environmentally Sensitive Land

- (1) This clause applies to environmentally sensitive land identified by a stippled area on the Copmanhurst Local Environmental Plan 1990 (Amendment 13) map.
- (2) The aim of this clause is to protect, enhance and conserve the natural environment including native vegetation, habitats and threatened species.
- (3) All development, other than environmental protection works and recreation areas are prohibited. Environmental protection works and recreation areas require development consent.
- (4) 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.
 - recreation area* means a place used for outdoor recreation that is normally open to the public, and includes:
 - (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) public park, reserve or garden or the like,
 and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

39 Buffer Area - Land Likely To Be Adversely Affected By Rail Noise or Vibration

- (1) This clause applies to land likely to be adversely affected by rail noise or vibration as identified by cross-hatching area on the Copmanhurst Local Environmental Plan 1990 (Amendment 13) map.

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of assessing rail noise or vibration.
- (3) If the development is for the purpose of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building – 35dB(A) at any time between 10.00pm and 7.00 am, and
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

40 Development on Lot 1 DP 1057941

Consent must not be granted to the development of Lot 1 DP 1057941 for any development permitted by the rezoning from 1(d) (Rural (Urban Investigation) Zone to 1(b) Rural (Agricultural Protection) Zone) or 2(a) (Village Zone) unless a Remediation Plan to consider the cattle dip site, and isotope contamination, on Lot 1 DP 1057941 has been prepared by a suitably qualified environmental consultant and land remediated in accordance with the Remediation Plan.

[3] Part 4

Insert after Part 3:

Part 4 Urban Release Areas

41 Aims of Part

The objective of this Part 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 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.

42 Definitions

In this Part:

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) rail infrastructure and land,
- (d) land required for regional open space, and
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure includes infrastructure for any of the following purposes:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) the provision of cycle and pedestrian access,
- (e) the provision of roadworks and traffic management facilities,
- (f) the provision of open space and recreational facilities, and
- (g) the provision of community and cultural facilities.

urban release area means the land shown with heavy black edging on the Copmanhurst Local Environmental Plan 1990 (Amendment No 13) map as 2(a) (Village Zone).

43 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.

44 Application of Part

This Part applies to land an urban release area, but does not apply to any such land if the whole of any part of it is in a special contributions area (as defined by section 93C of the Act).

45 Arrangements for designated State public infrastructure

- (1) Development consent must not be granted for the subdivision of land in 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.
- (2) Subclause (1) 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 utilities, educational facilities, or any other public purpose, or
 - (c) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (3) *State Environmental Planning Policy No 1 – Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

46 Public utility infrastructure

- (1) Development consent must not be granted for subdivision of 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.

- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing and public utility infrastructure referred to in this clause.