



New South Wales

Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)

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*. (09/05066-1)

TONY KELLY, MLC
Minister for Planning

2010 No 288

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)*.

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 Lot 101, DP 880089, as shown edged heavy black on Sheets 1 and 2 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)” deposited in the office of Lake Macquarie City Council.

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

[1] Clause 7 Definitions

Insert after clause 7 (1):

- (1A) Words and expressions used in this plan in relation to development on land in Zone B4 Mixed Use Zone have the same meaning as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[2] Clause 15 General controls for land within zones

Insert in the Land use table after the matter relating to Zone 3 (2) Urban Centre (Support) Zone:

Zone B4 Mixed Use Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to provide for a mixture of compatible land uses, and
- (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling, and
- (c) to enable development that complements and enhances the core retail function and trading performance of the local area within the regional retail hierarchy.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- advertising structures
- amusement centres
- backpackers' accommodation
- boarding houses
- building identification signs

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business identification signs
business premises
car parks
child care centres
community facilities
drainage
earthworks
emergency services facilities
entertainment facilities
environmental facilities
environmental protection works
exhibition homes
food and drink premises
function centres
funeral chapels
funeral homes
group homes
group homes (permanent)
home-based child care
home businesses
home industries
hospitals
hostels
hotel or motel accommodation
information and education facilities
kiosks
medical centres
mixed use development
mortuaries
multi dwelling housing
neighbourhood shops
office premises
passenger transport facilities
places of public worship

public administration buildings
public utility undertakings
pubs
recreation areas
recreation facilities (indoor)
registered clubs
residential care facilities
residential flat buildings
restaurants
retail premises
seniors housing
serviced apartments
shop top housing
shops
signage
take away food and drink premises
tourist and visitor accommodation
vehicle sales or hire premises
veterinary hospitals
waterbodies (artificial)
waterbodies (natural)
watercourses
wetland

4 Prohibited

Development not listed in item 2 or 3.

Note. Words and expressions used in relation to development on land in this zone have the same meaning as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[3] Clause 36 Mixed use development

Insert “(including recreational facilities (indoor) for development in Zone B4)” after “facilities” in clause 36 (1) (a).

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[4] Clause 62 Public infrastructure in urban release areas

Insert in appropriate order in the definition of *urban release area* in clause 62 (8):

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[5] Schedule 1 Exempt development

Omit “and 3 (2)” from Column 2 of the Table in paragraph (b) of the matter relating to Advertising structures used for display.

Insert instead “, 3 (2) and B4”.

[6] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 in paragraph (e) of the matter relating to Advertising structures used for display.

[7] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Amusement devices.

[8] Schedule 1, Table

Insert “, B4” after “3 (2),” in Column 2 of the matter relating to Arcade amusement devices.

[9] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Automatic teller machines (ATM).

[10] Schedule 1, Table

Insert “B4,” after “2 (1),” in Column 2 of the matter relating to Bridges (pedestrian) and staircases installed in public parks and recreation spaces.

[11] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Charity bins/clothing and recycling bins.

[12] Schedule 1, Table

Omit “and 3 (2)” from Column 2 of the matter relating to Different use resulting from change of use of shop to an office or other commercial premises, or vice versa.

Insert instead “, 3 (2) and B4”.

[13] Schedule 1, Table

Omit “and 3 (2)” from Column 2 of the matter relating to Different use resulting from change of use of an office to an office.

Insert instead “, 3 (2) and B4”.

[14] Schedule 1, Table

Omit “and 3 (2)” from Column 2 of the matter relating to Different use resulting from change of use of a shop to a shop.

Insert instead “, 3 (2) and B4”.

[15] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Fences—security.

[16] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Flagpoles.

[17] Schedule 1, Table

Omit “Zone 6 (1)” from Column 2 of the matter relating to Goal posts, sight screens, promotional signs and similar ancillary sporting structures on sporting or playing fields.

Insert instead “Zones B4 and 6 (1)”.

[18] Schedule 1, Table

Omit “and 3 (2)” from Column 2 of the matter relating to Internal alterations comprising office or shop fit-out.

Insert instead “, 3 (2) and B4”.

[19] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Playground equipment on land not controlled by the Council and not on school land.

[20] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Ponds/pools.

[21] Schedule 1, Table

Insert “B4,” after “3 (2),” in Column 2 of the matter relating to Shade structures.

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[22] Schedule 1, Table

Insert "B4," after "3 (2)," in Column 2 of the matter relating to Windows, glazed areas and external doors.

[23] Schedule 2 Subdivision standards

Insert in the table after the matter relating to Zone 3 (2) Urban Centre (Support):

| | |
|--------------|-----------------------|
| B4 Mixed Use | No numeric standards. |
|--------------|-----------------------|

[24] Schedule 7 Additional development allowed on certain land

Insert at the end of the Schedule with appropriate item numbering:

| | |
|---|---|
| Land at Wangi Wangi, being part of Lot 101, DP 880089, known as Wangi power station, as shown lettered "B4" and edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)" deposited in the office of the Council. | Development for the purpose of bed and breakfast accommodation, bulky goods premises, home occupations, recreation facilities (indoor), research stations, residential accommodation, self-storage units, service stations, sewerage systems, storage premises, swimming pools, water recreation structures and water recycling facilities. |
|---|---|

Note. Words and expressions used in relation to development on land in Zone B4 have the same meaning as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[25] Schedule 8 Land subject to special development special requirements

Insert at the end of the Schedule with appropriate item numbering:

| | |
|--|--|
| Land at Wangi Wangi, being Lot 101, DP 880089, known as Wangi power station, as shown edged heavy black on Sheets 1 and 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)" deposited in the office of the Council. | A development control plan for the land, providing for the following matters, must have been adopted by the Council before consent is granted for any development: (a) mixed use development and a land use mix that takes account of Wangi Wangi local centre, |
|--|--|

- (b) flora, fauna and vegetation corridors,
- (c) visual impacts, view corridors and design principles for development,
- (d) identification of any recreation, community and social facilities on the land,
- (e) conservation and interpretation of the heritage significance of the land in accordance with Part 6 and any conservation management plan prepared by the Council,
- (f) measures to reduce any potential conflicts with adjoining land uses, including Myuna colliery,
- (g) traffic, pedestrian and cycle networks,
- (h) staging and sequencing of the development of the land within Zone 2 (2),
- (i) identification of landscape areas for revegetation,
- (j) sustainable stormwater management, including water re-use,
- (k) waste management and demolition,
- (l) measures to ensure that any noise abatement measures will not conflict with other building design requirements, including solar access, ventilation and Mine Subsidence Board requirements.

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[26] Schedule 9 Consent to development subject to special requirements

Insert at the end of the Schedule with appropriate item numbering:

Land at Wangi Wangi, being Lot 101, DP 880089, known as Wangi power station, as shown edged heavy black on Sheets 1 and 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)" deposited in the office of the Council.

Any proposed residential development:

- (a) will not, or is unlikely to, be adversely affected by noise, visual or odour impacts from the adjoining mining and petroleum production operation, and
- (b) incorporates all practical mitigation measures for the management of noise, visual and odour impacts from the adjoining mining and petroleum production operation.

The gross floor area of all buildings that will be used for retail development (that is, retail premises, shops and shop top housing) will not exceed 5,000 square metres.

The remaining gross floor area (that is, the floor area other than the area used for retail development) is to be used for a combination of other uses permitted on the land, other than retail development.

[27] Dictionary

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 33)