



New South Wales

# **Macleay Local Environmental Plan 2001 (Amendment No 24)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**TOM GELLIBRAND**

As delegate for the Minister for Planning and Infrastructure

## **2011 No 636**

Clause 1 Maclean Local Environmental Plan 2001 (Amendment No 24)

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## **Maclean Local Environmental Plan 2001 (Amendment No 24)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Maclean Local Environmental Plan 2001 (Amendment No 24)*.

### **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 *Maclean Local Environmental Plan 2001* applies and, in particular, to land at Sheehans Lane, Gulmarrad, being Lot 2, DP 1036498.

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## Schedule 1      Amendment of Maclean Local Environmental Plan 2001

### [1]    Clause 7 Dictionary

Insert in alphabetical order in clause 7 (1):

*car park* means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

*jetty* means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

*private open space* means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

*road* means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

### [2]    Clause 7 (1), definition of “caravan park”

Omit the definition. Insert instead:

*caravan* has the same meaning as in the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

*caravan park* means land used for the accommodation of caravans or other moveable dwellings.

### [3]    Clause 7 (1), definition of “the map”

Insert in appropriate order:

Maclean Local Environmental Plan 2001 (Amendment No 24)

### [4]    Clause 7 (1), definition of “urban release area”

Omit the definition. Insert instead:

*urban release area* means land in Zone No 2 (c) or Zone No 2 (d).

### [5]    Clause 24 Zones indicated on the map

Insert after the matter relating to “Zone No 2 (c)” under the heading **Residential Zones**:

Zone No 2 (d), Residential (General) Zone—uncoloured with heavy black edging and lettered “2 (d)”.

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**[6] Clause 24**

Omit the heading **Business Zone**. Insert instead **Business Zones**.

**[7] Clause 24**

Insert after the matter relating to “Zone No 3 (a)” under the heading **Business Zones**:

Zone No 3 (b), Neighbourhood Business Zone—uncoloured with heavy black edging and lettered “3 (b)”.

**[8] Clause 46 Residential, business and industrial zones applying in this plan, zone objectives and development control table**

Insert the following in clause 46 (1) in numeric and alphabetical order by zone:

- 2 (d) Residential (General)
- 3 (b) Neighbourhood Business

**[9] Clause 46, Table**

Insert after the matter relating to Zone No 2 (b) Residential (Medium Density) Zone:

**Zone No 2 (d) Residential (General) Zone**

**1 Aim of zone**

The primary aim of this zone is to provide for a range of sustainable urban housing types within an urban release area that are compatible with the surrounding area.

**2 Objectives of zone**

The particular objectives of this zone are:

- (a) to provide for the housing needs of the community, and
- (b) to provide for a variety of housing types and densities, and
- (c) to provide for other land uses that provide facilities or services to meet the day to day needs of the residents, and
- (d) to permit development that complies with a development control plan.

**3 Without development consent**

Development for the purpose of:  
ancillary removal of native vegetation; bushfire control; public utility undertakings.

**4 Only with development consent**

Development for the purpose of:

business identification signs; caravan parks; child care centres; clearing; cluster housing; dual occupancies; dwelling houses; home industries; hospitals; neighbourhood centres; residential flat buildings; tourist facilities; utility installations (other than generating works).

**5 Prohibited**

Any development not included in item 3 or 4.

**[10] Clause 46, Table**

Insert after the matter relating to Zone No 3 (a) Business Zone:

**Zone No 3 (b) Neighbourhood Business Zone**

**1 Aim of zone**

The primary aim of this zone is to provide a range of small-scale retail, business and community uses to serve the needs of people who live in the surrounding neighbourhood.

**2 Objectives of zone**

The particular objectives of this zone are:

- (a) to allow business development at a density and scale that is compatible with the nearby residential environment and does not detract from the character and amenity of the locality, and
- (b) to allow commercial and business development at a scale appropriate to the regional retail hierarchy, and
- (c) to allow for non-business related uses that do not prejudice the long-term development of neighbourhood business activities.

**3 Without development consent**

Development for the purpose of:

ancillary removal of native vegetation; bushfire control; clearing; flood mitigation works; jetties with a maximum of 2 vessels used for private use; private open space; public utility undertakings; roads.

Exempt development.

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### 4 Only with development consent

Development for the purpose of:

advertisements; advertising structures; bus stations; car parks; car repair stations; child care centres; clubs; commercial premises; community centres; dual occupancies (but only in conjunction with shops or commercial premises); dwelling houses; educational establishments; home industries; hotels; motels; motor showrooms; places of assembly; places of public worship; professional consulting rooms; public buildings; recreation facilities; refreshment rooms; residential flat buildings (but only in conjunction with shops or commercial premises); service stations; shops; tourist facilities.

Any other development not included in item 3 or 5.

**Note.** Consent for development included in this item will be refused if the proposed development is not consistent with the objectives of the zone.

### 5 Prohibited

Development for the purpose of:

brothels.

### [11] Clause 76 Development control plan

Insert after clause 76 (4):

- (5) Subclauses (3) (b) and (k) do not apply to land in Zone No 2 (d).
- (6) A development control plan for land in Zone No 2 (d) must provide for an overall transport movement hierarchy showing the major circulation routes, collector roads and local street connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists that is well connected to adjoining and nearby residential neighbourhoods.