



New South Wales

# Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)

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*.

RICHARD PEARSON

As delegate for the Minister for Planning and Infrastructure

## 2013 No 229

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)

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### Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

#### 1 Name of Plan

This Plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)*.

#### 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 in the vicinity of Bushells Ridge, Gorokan and Hue Hue Roads at Wyee, being:

- (a) Lots 16 and 17, DP 870597, and
- (b) Lot 1, DP 785709, and
- (c) Lot 1, DP 244839, and
- (d) Lot 212, DP 866437, and
- (e) Lot 215, 860081, and
- (f) Lot 210, DP 846801, and
- (g) Lot 1, DP 103857, and
- (h) Lot 8, Section 10, DP 759124, and
- (i) Lots 202–400, DP 7506, and
- (j) Lot 185, DP 650204, and
- (k) Lot 9, DP 1058113, and
- (l) Lots 186–189, 323, 324, 428–431, 441–443, 472 and 473, DP 755242, and
- (m) Lot 1582, DP 1121660,

as shown edged heavy black on the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)” deposited in the office of Lake Macquarie City Council.

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## Schedule 1      Amendment of Lake Macquarie Local Environmental Plan 2004

### [1]    Clause 42B

Insert after clause 42A:

#### **42B    Environmentally sensitive land**

- (1)    The objectives of this clause are as follows:
  - (a)    to ensure that adverse impacts of proposed development on environmentally sensitive land are minimised or offset,
  - (b)    to identify the land to which this clause applies as environmentally sensitive land.
- (2)    This clause applies to the land shown edged heavy black on Sheet 2 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)”.
- (3)    When assessing a development application for development on land to which this clause applies, the Council must consider:
  - (a)    whether the proposed development will have an adverse impact on the condition and significance of the vegetation on the land, and
  - (b)    the importance of that vegetation to the growth and survival of native fauna, and
  - (c)    whether the proposed development has the potential to fragment, disturb or diminish the biodiversity values of the land.
- (4)    Before granting development consent to development on land to which this clause applies, the Council must be satisfied that:
  - (a)    the development is sited, designed and managed to avoid potential adverse environmental impacts, or
  - (b)    if an impact cannot be avoided by adopting feasible alternatives, the proposed development will mitigate, minimise or offset that impact.

### [2]    Clause 62 Public infrastructure in urban release areas

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)—Sheet 3

## 2013 No 229

Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

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### [3] Schedule 3 Classification and reclassification of public land as operational land

Insert at the end of the table to Part 2 in Columns 1, 2 and 3, respectively:

16a Tullokan Road      Lot 430, DP 755242      Nil.

### [4] Schedule 8 Land subject to special development requirements

Insert at the end of the table to the Schedule under the headings Item No, Column 1 and Column 2, respectively:

- |    |   |  |
|----|---|--|
| 11 | Land at Wyee, being land in the vicinity of Bushells Ridge, Gorokan and Hue Hue Roads, as shown edged heavy black and lettered "2 (1)", "2 (2)", "5", "6 (1)", "7 (1)", "7 (3)" or "7 (5)" on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)". | A development control plan for the land must have been approved by the Council before development consent is granted for any development. The provisions of the development control plan are to include, but are not limited to, the following matters: <ul style="list-style-type: none"><li>(a) a staging plan for the timely and efficient release of urban land-making provision for necessary infrastructure and sequencing,</li><li>(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,</li><li>(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,</li><li>(d) a network of passive and active recreational areas,</li></ul> |
|----|---|--|

- (e) stormwater and water quality management controls,
- (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provisions for appropriate traffic management facilities and parking.

**[5] Dictionary**

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)—Sheet 1