



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)

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.

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.