

Lake Macquarie Local Environmental Plan 2004 (Amendment No [insert])

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

Lake Macquarie Local Environmental Plan 2004 (Amendment No [insert])

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No [insert])*.

2 Aims of plan

This plan aims to amend *Lake Macquarie Local Environmental Plan 2004 (the 2004 plan)* by rezoning land referred to in clause 3 (1) from 4(1) Industrial (Core), Zone 5 Infrastructure and Zone and 7(2) Conservation (Secondary) Zone to 2 (1) Residential Zone, 2(2) Residential (Urban Living) Zone, 4(2) Industrial (General) Zone, 4(3) Industrial (Urban Services) Zone and 7(2) Conservation (Secondary) Zone to facilitate residential, commercial and industrial development and protection of scenic qualities.

3 Land to which plan applies

This plan applies to Pt Lot 201 DP 805914, Lot 1 DP 225720 and Lot 1 DP 523781.

4 Amendment of Lake Macquarie Local Environmental Plan 2004

Lake Macquarie Local Environmental Plan 2004 is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Dictionary, definition of “the map”

Insert in appropriate order “*Lake Macquarie Local Environmental Plan 2004 (Amendment No [insert]).*”

[2] Schedule 8 Land subject to special development requirements

Pursuant to clause 42 (1), insert at the end of Schedule 8, the following:

- (a) Insert in column “Item No.” of Schedule 8, in numerical order, the next sequential number.
- (b) Insert in “Column 1” of Schedule 8 and adjacent to the number inserted in accordance with clause [2](a) above:

Land at Pasminco off Main Road, Boolaroo being Part Lot 201 DP 805914, Lot 1 DP 225720 and Lot 1 DP 523781, being land in Zone 2(1), 2(2) and 4(3).

- (c) Insert in “Column 2” of Schedule 8 and adjacent to the text inserted in accordance with clause [2](b) above:

A development control plan must have been adopted by Council before consent is granted for development or subdivision.

The development control plan must address to the satisfaction of Council, site access and mobility, connectivity with adjoining areas including road, pedestrian and cycleway linkages, urban design outcomes, the provision of public open space in accordance with any voluntary planning agreement for the site, measures to protect amenity at the interface between land zoned residential and industrial, noise attenuation, heritage interpretation, management of open space, landscaping, public domain, stormwater management and visual impact.

- (d) Insert in “Column 3” of Schedule 8 and adjacent to the text inserted in accordance with clause [2](c) above:

‘Savings and Transitional’

Notwithstanding the above provisions, consent may be granted for development prior to the adoption of a Development Control Plan, only for Development Applications lodged with Council prior to 31 December 2009.

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

Pursuant to clause 42 (2), insert at the end of Schedule 9, the following:

- (a) Insert in column "Item No." of Schedule 9, in numerical order, the next sequential number.
- (b) Insert in "Column 1" of Schedule 9 and adjacent to the number inserted in accordance with clause [3](a) above:

Land at Pasminco and Incitec off Main Road, Boolaroo being Part Lot 201 DP 805914, Lot 1 DP 225720 and Lot 1 DP 523781, being land in Zone 2(1), 2(2), 4(2) and 4(3).

- (c) Insert in "Column 2" of Schedule 9 and adjacent to the text inserted in accordance with clause [3](b) above:

Development consent should not occur unless Council is satisfied that there are no significant land use conflicts between the proposed development and the ongoing remediation of the remainder of the site.

Land within the site that has been subdivided shall not be occupied including interim and final occupation (in accordance with the provisions of Section 109H of the *Environmental Planning and Assessment Act 1979*) until remediation activities involving handling of contaminated materials in adjacent lots or in a buffer zone of at least 200 metres in the adjacent lots, whichever is the greatest, have been completed, unless agreed by the Department of Planning, the Department of Environment and Climate Change and Council.

LEGEND

- 2(1) Residential
- 2(2) Residential (Urban Living)
- 4(1) Industrial (Core)
- 4(2) Industrial (General)
- 4(3) Industrial (Urban Services)
- 7(2) Conservation (Secondary)

