



New South Wales

Newcastle Local Environmental Plan 2003 (Amendment No 2)

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*. (N04/00076/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2005 No 573

Clause 1 Newcastle Local Environmental Plan 2003 (Amendment No 2)

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1 Name of plan

This plan is *Newcastle Local Environmental Plan 2003 (Amendment No 2)*.

2 Aims of plan

This plan aims to amend *Newcastle Local Environmental Plan 2003* to enable development for the purposes of seniors housing to be carried out with development consent in accordance with *State Environmental Planning Policy (Seniors Living) 2004* on the land to which this plan applies.

3 Land to which plan applies

This plan applies to Lot 5, DP 654265, known as 138 Lake Road, Elernmore Vale, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 2)" deposited in the office of Newcastle City Council.

4 Amendment of Newcastle Local Environmental Plan 2003

Newcastle Local Environmental Plan 2003 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 26A

Insert after clause 26:

26A Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the consent authority, from carrying out development on land referred to in Schedule 8 for a purpose specified in relation to that land in that Schedule, subject to such conditions (if any) as are so specified.
- (2) Subclause (1) does not affect the application to or in respect of development to which this clause applies of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the consent authority in respect of the development.

[2] Schedule 8

Insert after Schedule 7:

Schedule 8 Development for certain additional purposes

(Clause 26A)

Lot 5, DP 654265, known as 138 Lake Road, Elermore Vale, as shown edged heavy black on the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 2)"

Seniors housing (within the meaning of *State Environmental Planning Policy (Seniors Living) 2004*), comprising a residential care facility with a maximum capacity of 120 beds, subject to the following conditions:

- (a) compliance with *State Environmental Planning Policy (Seniors Living) 2004* as if that policy (clause 4 excepted) applied to the land,
- (b) the making of a development application to the Council within 5 years after the date of gazettal of *Newcastle Local Environmental Plan 2003 (Amendment No 2)*,
- (c) an appropriate Asset Protection Zone (APZ), as determined by the NSW Rural Fire Service, to be provided wholly within the boundaries of the land.

BY AUTHORITY