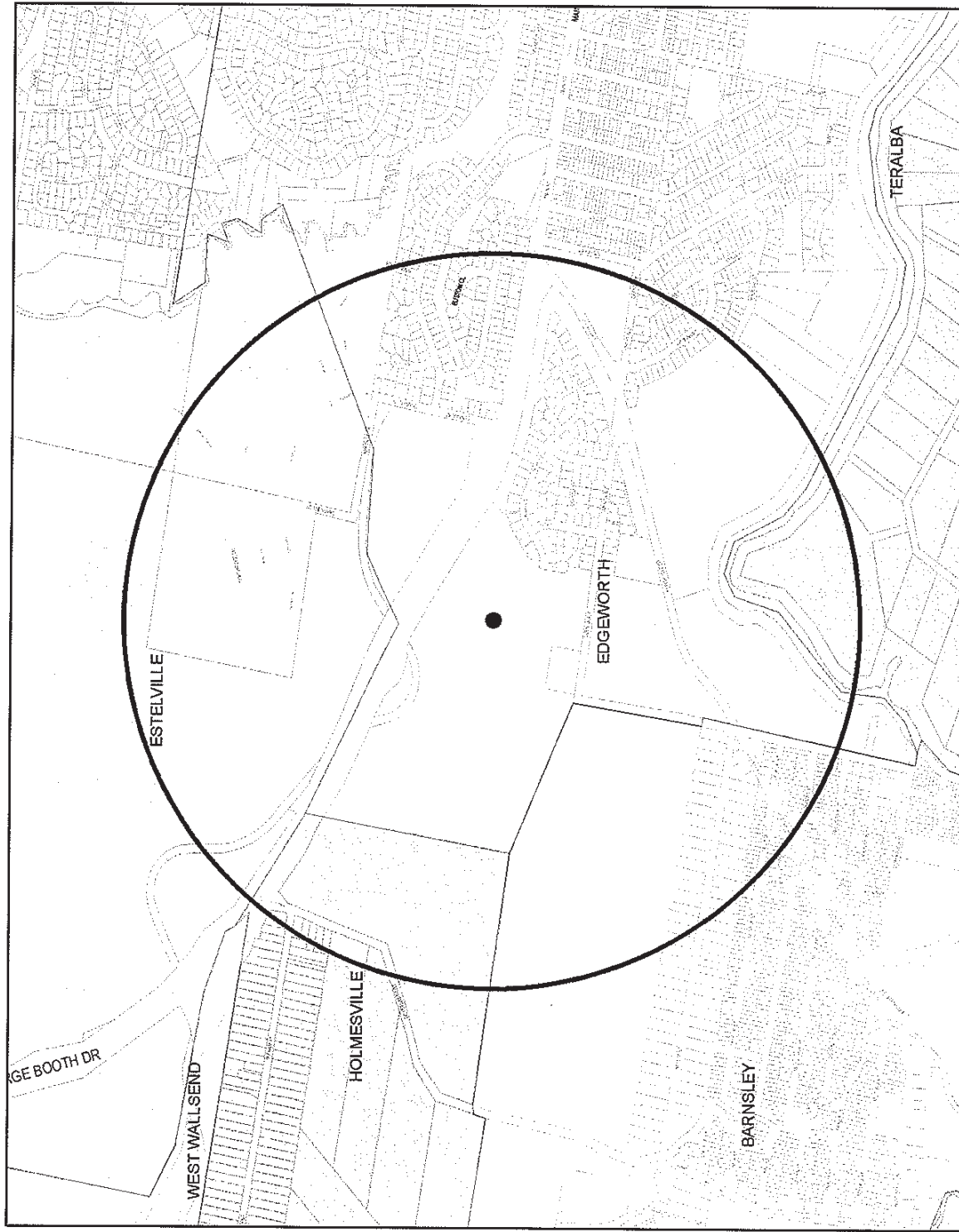


Appendix C

Site History Information

Groundwater Bores in Edgeworth Our Ref: 4044/2008



Produced by the Department of Water & Energy
Water Monitoring East Maitland
Date: 28 July 2008 Number: 4044/2008
Projection: Geographic Datum: GDA94
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Enquiries should be directed to the Water Monitoring,
Department of Water & Energy
PO Box 553
EAST MAITLAND NSW 2228

SOURCES
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Department of Water & Energy, NSW
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NSW Department of Lands

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DISCLAIMER
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care is taken to ensure a high degree of accuracy, users are invited
to verify the accuracy of the data independently.
Department of Water & Energy of any map discrepancies.



Print



Close page

Search results

Your search for: LGA: Lake Macquarie City Council

Matched 13 notices relating to 5 sites.

Suburb	Address	Site Name	Notices related to this site
Boolaroo	Parts of Cockle Creek and Cockle Bay	Cockle Creek and Cockle Bay Sediments	3 current
Boolaroo	Main Road	Incitec Pivot	2 current
Boolaroo	Main Road	Pasminco Cockle Creek Smelter	2 current
Marks Point	768-772 Pacific Highway	Mobil Marks Point	3 current
Teralba	21 Racecourse Road	Scrap Metal Yard	1 current and 3 former

Page 1 of 1

11 August 2008



Our Ref: D08/084604
Your Ref: Emma Coleman

2 September 2008

Attention: Ms Coleman
Coffey Environments Pty Ltd
19 Warabrook Bvd
Warabrook NSW 2304

Dear Ms Coleman

RE SITE: Lot 17 DP849003 George Booth Drive Edgeworth NSW 2285.

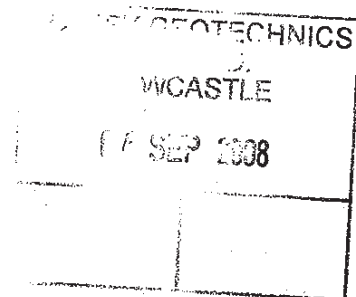
I refer to your search request of 27th August 2008 requesting information on licences to Keep Dangerous Goods for the above site.

A search of the Stored Chemical Information Database (SCID) and the microfiche records held by WorkCover has not located any records pertaining to the above-mentioned premises.

If you have any further queries, please contact Dangerous Goods Licensing staff on (02) 4321 5500.

A handwritten signature in black ink, appearing to read 'M.A. Jones'.

Brent Jones
**Senior Licenceing Officer
Dangerous Goods**



WorkCover. **Watching out for you.**

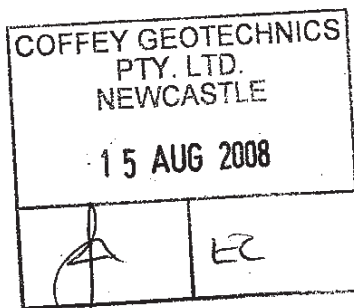
WorkCover NSW ABN 77 682 742 966 92-100 Donnison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
Telephone 02 4321 5000 Facsimile 02 4325 4145 WorkCover Assistance Service 13 10 50
DX 731 Sydney Website www.workcover.nsw.gov.au

WC03116 0208

Our Ref: D08/078485
Your Ref: Emma Coleman

13 August 2008

Attention: Ms Coleman
Coffey Environments Pty Ltd
19 Warabrook Blvd
Warabrook NSW 2304



Dear Ms Coleman

RE SITE: 40 Carinda Avenue Edgeworth NSW 2285.

I refer to your search request of 12th August 2008 requesting information on licences to Keep Dangerous Goods for the above site.

A search of the Stored Chemical Information Database (SCID) and the microfiche records held by WorkCover has not located any records pertaining to the above-mentioned premises.

If you have any further queries, please contact Dangerous Goods Licensing staff on (02) 4321 5500.

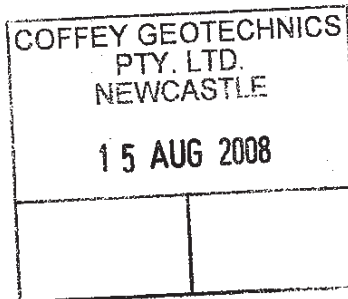


Brent Jones
Senior Licenceing Officer
Dangerous Goods

WorkCover. **Watching out for you.**



Our Ref: D08/078487
Your Ref: Emma Coleman



13 August 2008

Attention: Ms Coleman
Coffey Environments Pty Ltd
19 Warabrook Blvd
Warabrook NSW 2304

Dear Ms Coleman

RE SITE: 2 Cologne Cl Edgeworth NSW 2285.

I refer to your search request of 12th August 2008 requesting information on licences to Keep Dangerous Goods for the above site.

A search of the Stored Chemical Information Database (SCID) and the microfiche records held by WorkCover has not located any records pertaining to the above-mentioned premises.

If you have any further queries, please contact Dangerous Goods Licensing staff on (02) 4321 5500.

Brent Jones
**Senior Licenceing Officer
Dangerous Goods**

WorkCover. **Watching out for you.**



Our Ref: D08/082675
Your Ref: Alisa Johnson

25 August 2008

Attention: Ms Johnson
Coffey Environments
19 Warabrook Blvd
Warabrook NSW 2304

Dear Ms Johnson

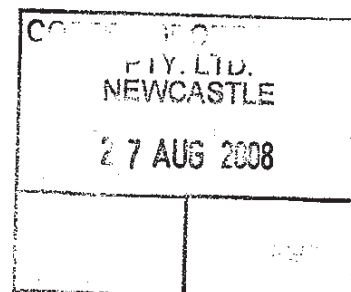
RE SITE: 23 Government Road Holmesville NSW 2286.

I refer to your search request of 21st August 2008 requesting information on licences to Keep Dangerous Goods for the above site.

A search of the Stored Chemical Information Database (SCID) and the microfiche records held by WorkCover has not located any records pertaining to the above-mentioned premises.

If you have any further queries, please contact Dangerous Goods Licensing staff on (02) 4321 5500.

Brent Jones
Senior Licenceing Officer
Dangerous Goods



WorkCover. Watching out for you.

WorkCover NSW ABN 77 682 742 966 92-100 Donnison Street Gosford NSW 2250 Locked Bag 2906 Lisarow NSW 2252
Telephone 02 4321 5000 Facsimile 02 4325 4145 WorkCover Assistance Service **13 10 50**
DX 731 Sydney Website www.workcover.nsw.gov.au

SHAM ST

1/7748/10023

1226586
1/7748 10023
Eg 940

FILE

FILE WITH _____
DATE _____

9.5.94.
Date:

The General Manager
Lake Macquarie City Council
P O Box 21
BOOLAROO NSW 2284

Records

PLEASE REGISTER

+ FILE

Dear Sir

RE: AUTHORITY TO DUMP FILL ON PRIVATE PROPERTY

LOT _____ DP _____ H/NO. 53
23 GOVERNMENT RD SUBURB HOLMESVILLE
CONTACT PHONE NUMBER 551498

The abovementioned land is owned by me and I hereby give permission to Lake Macquarie City Council to dump surplus fill material on my land. I understand that the material to be dumped will be material from road and drainage or construction works being undertaken by Council. I require approximately 1000 m³ of fill material.

I will not hold Council responsible for:-

- (a) any damage caused to my property as a result of vehicles delivering the fill;
- (b) providing a machine or spreading material.

I also advise that I have made enquiries with Council and obtained any Council requirements for filling being placed on my land.

Yours faithfully

ES. McDermott

ES. McDermott

50-5233
480

11th March, 1980.

Mr. & Mrs. M.E. Gerke,
Government Road,
ESTELVILLE. 2286.

Dear Mr. & Mrs. Gerke,

UNSATISFACTORY DISPOSAL OF SULLAGE WASTE WATER
LOT 6, D.P. 4687, 23 GOVERNMENT ROAD, ESTELVILLE

I refer to the recent inspection of your premises by Council's Area Health Inspector regarding the above matter.

It was determined that sullage waste water is being discharged into an open channel towards the rear of your allotment.

It is considered that such a discharge constitutes insanitary conditions and a nuisance.

Your attention is therefore directed to the attached notice served on you under the provisions of Section 64/65 of the Public Health Act, 1900, directing that you dispose of the sullage waste water from the various sanitary fittings installed within your dwelling without creating a nuisance.

This may be achieved by constructing an adequate on-site disposal area or alternatively, by directing all sullage waste water to a collection well of approved capacity, the contents of which shall be regularly removed from the premises by Council's Effluent Removal Contractor.

Should the former be adopted as a method of disposal, your attention is directed to the attached detail indicating a section through a transposition area. It is considered that an area constructed in this manner would abate any nuisances created.

Should you require further information on this matter, please contact the Area Health Inspector between the hours of 9.30 a.m. to 10.30 a.m. any weekday. I trust you will comply with Council's direction within the time stated and thus make further action unnecessary.

Yours faithfully,

E. K. CUMMING,
TOWN CLERK.
Per:

Encl.

180: Inspection revealed rubble trench on the allotment, however
Mr Gerke was in hospital. HK.
and the trench was incomplete R/H - 1 month rule/s noted on 6/11



1/7748/0025

Ref: 5536

04 / 0040 HH

Associated Applications

/	/
/	/

RECORDS USE ONLY

DOC. No.	
FILE No.	
REC'D - 2	LMC
REFER	
FILE WITH	

**APPLICATION FOR APPROVAL TO OPERATE
A SYSTEM OF SEWAGE MANAGEMENT**

Local Government Act 1993 - Section 68

LOCATION

House No.	25	Street	GOVERNMENT RD
Suburb	HOLMESVILLE	Lot(s)	7
Section	-	D.P.	4647

APPLICANT

Surname/Company	KING		
Given Names	STEVE & KATHY		
Postal Address	25 GOVERNMENT RD		
	HOLMESVILLE	Post Code	2286
Email	skking@iprimus.com.au		
Phone	49551154	Mobile	0418581207
Fax			
Applicant's Signature	D King	Date	17-12-03
Your Ref	?		

METHOD OF
DISPOSAL

- ☐ Septic Tank - On Site ☐ Septic Tank - Pump Out
☐ Septic Tank - Pump to Sewer ☐ Septic Tank - Pump to Sewer on Premises
☒ Aerated Waste Water Treatment System
☐ Other

OWNER

Surname/Company	AS ABOVE		
Given Names			
Postal Address			
		Post Code	
Email			
Phone		Mobile	
Fax			

HOUSEHOLD

As the owner(s) of the above property, I/we consent to this application:

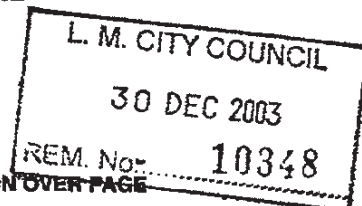
Name(s) STEVE KING
KATHY KINGSignature(s) *D King*
x *K King*

Date: 17/12/03

Company Seal

Before signing this form see the notes overleaf.

PLEASE COMPLETE THE FOLOWING INFORMATION OVER PAGE



1. Type of premises eg. dwelling, shop, factory etc DWELLING
2. Are there other systems of sewage management on the property?

☐ YES ☒ NO

If yes, please complete an application form for each system.

ONLY COMPLETE QUESTIONS 3-8 IF WASTEWATER IS DISPOSED OF ON THE SITE

3. What is the distance from the effluent disposal area to the nearest side/rear boundary.
3 metres.
4. What is the distance from the effluent disposal area to the nearest creek/gully/river/waterway?
100 metres.
5. What is the depth to any groundwater table (if known)? unknown ?
6. Please indicate the soil type in the effluent disposal area:
- | | | | |
|-------------------------------|---------------------------------|--|-------------------------------------|
| ☐ Sand | ☐ Loam | ☒ Light Clay | ☐ Heavy Clay |
| ☐ Rock | ☐ Gravel | ☐ Other | |
7. Please indicate the slope of the land in the effluent disposal area:
- | | | |
|--|-----------------------------------|--------------------------------|
| ☒ Flat | ☐ Moderate | ☐ Steep |
|--|-----------------------------------|--------------------------------|
8. Please indicate the type of water supply.
- | | | | |
|--|-------------------------------|---|------------------------------|
| ☒ Tank | ☐ Bore | ☐ Reticulated (town) | ☐ Dam |
|--|-------------------------------|---|------------------------------|
9. Please describe the current method of maintenance and management of the sewage management facility installed on the land eg. service contractor, by owner/occupier, plumber etc.
- REGULAR SERVICE BY "SUPER TREAT". (CONTRACT)

PERSONAL PRIVACY

Under the Privacy and Personal Information Protection Act (PIPPA), Council is required to advise you that personal information being collected from you in relation to this matter will only be used for the lawful and proper functions of Council. Any such use will be in accordance with this Act and its associated Management Plan and Codes.

ENTRY ONTO LAND

You are advised that access to your property may be required by Authorised Officers of Council in order for them to process your application and determine compliance with any consent that may be issued. By the submission of this application or by authorising its submission by another person/s it is accepted that you are giving approval of entry to your premises to Council staff. Access may be made in your absence. Should access be required, staff may make contact with you beforehand to make the necessary arrangements. See Section 118 of the Environmental Planning & Assessment Act for further details.

Applications are to be returned to Council with the required fee of \$30

HOW TO LODGE YOUR APPLICATION

Address the application to:

The General Manager
Lake Macquarie City Council

and send it to us by any of the following methods:

Mail:

Box 1906
Hunter Region Mail Centre 2310

Courier or personal delivery:

126-138 Main Road
Speers Point NSW 2284

How to contact us:

Phone: (02) 4921 0333
Fax: (02) 4958 7257

3 Donnelly Road
Arcadia Vale, 2283
Ph: (02) 4975 3003
Fax: (02) 4975 2804
Mobile: 0408 753 003

SUPER-TREAT

SEWAGE TREATMENT SYSTEMS

Established 1984 • Drainers & Builders Lic. No. 33732

MAINTENANCE REPORT for:

RECEIVED

22 MAY 2007

LAKE MACQUARIE
CITY



Steve & Kathy King
25 Government Road
HOLMESVILLE 2286
Phone: (B)49581207 (H)49551154

0427 581209 FAX 49588937

START-UP DATE: 95 05 31 Council: Lake Macquarie
ADULTS 5 CHILDREN 0 TOTAL 5
INSTALLATION No: 153 MODEL: SC330 KP200 Batch No: 2-8/790

MAINTENANCE SCHEDULE

Service Date: 3/8/06

Septic Tank	Square junctions in place	Y/N	Sludge level	OK/No
	Crust formed	Y/N	Clean outlet filter	Y/N
	Desludge required	Y/N	<i>NEEDS Cleanout Both tanks.</i>	
Treatment Tank	Air blower OK	Y/N	Air filter cleaned	Y/N
	Temperature	OK/High	Noise level	OK/High
	Venturi operating	Y/N	Balance aeration	Y/N
	Clarifier needed cleaning	Y/N	Decanter cleaned	Y/N
	Sludge return operating	Y/N	Biomass growth OK	Y/N
	Any odours	Y/N	Aeration on	Y/N
	Sludge build up in aeration tank	Y/N	Colour of liquid	<i>poor</i>
<i>Unblocked chambers 2,3,4</i>				
Contact Tank	Any surface scum	Y/N	Cleaned bottom residue	Y/N
Chlorinator	No. of tabs replenished	<i>22 smk</i>	Clean out unit	Y/N
Electrical Box	Check and reset timer	Y/N	Connections checked	Y/N
	Red light operating	Y/N	General condition	Good/Fair/Poor <i>Rusty</i>
Irrigation	Effluent pump operating	Y/N	Pump float switch working	Y/N
			High water floats working	Y/N
Disposal Area	Sprinklers working	Y/N *	Any odour	Y/N
	Any run-off	Y/N	Any ponding	Y/N
<i>No Sprays fitted.</i>				
Analyses	Chlorine	mg/L pH 6-8	Y/N	D.O. in range 2-6
Y/N				

Comments

Technician

(Print)

Report to:

Customer (White)

Council (Green)

Office (Pink)

WW Ext 305
Council Ref: 1/7748/0025

22 December 1999

Mr S A & Mrs K D King
25 Government Road
HOLMESVILLE NSW 2286

Dear Sir/Madam

SUBJECT: WASTE WATER TREATMENT PLANT - LOT 7, DP 4647, H/NO 25
GOVERNMENT ROAD, HOLMESVILLE

Council has been notified by Super-Treat sewage treatment systems that the existing waste water treatment plant installed on the abovementioned property has no irrigation sprays fitted to the line exiting from the tank.

In order to rectify the problem it is requested that sprays be fitted to the line to allow the effluent to spray evenly over the designated irrigation area.

Council's Environmental Health and Building Surveyor has been instructed to carry out a further inspection of your property within twenty eight (28) days of date shown hereon.

If you require any further information please contact Warren Wisemantel on 49210305 between the hours of 3.00pm and 4.30pm Monday to Friday.

Yours faithfully

WARREN WISEMANTEL
ENVIRONMENTAL HEALTH & BUILDING SURVEYOR
DEVELOPMENT ASSESSMENT & COMPLIANCE DEPARTMENT



1 September 2008

COFFEY ENVIRONMENTS
Att : Emma Coleman
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref: 42881
Your Ref:
GEOTWARAZ0544AC
ABN 81 065 027 868

SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Fee Paid: 100.00
Receipt No: 5511685
Receipt Date: 1 September 2008

DESCRIPTION OF LAND

Address: 2 Cologne Close, EDGEWORTH NSW 2285
Lot Details: Lot 107 DP 1000408
Parish: Teralba
County: Northumberland

For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 15 – Rural Landsharing Communities

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

7(3) Environment (General)

10 Investigation Zone

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

Yes

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).
- (a) The identity of the zone applying to the land.
Nil
- (b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.
Specified in Attachment A
- (c) The purposes for which the Draft Plan provides that development may be carried out within the zone except with development consent.
Specified in Attachment A
- (d) The purposes for which the Draft Plan provides that development is prohibited within the zone.
Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

- (e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.
Specified in Attachment A - Schedule 2.
- (f) Whether the land includes or comprises critical habitat.
No
- (g) Whether the land is in a conservation area (however described).
No
- (h) Whether an item of environmental heritage (however described) is situated on the land.
See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information and mine subsidence and advise whether existing structures comply with the requirements of the *Act*.

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

No

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

ALL of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Council is not aware of any current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.
- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Council is not aware of any valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Rezoning Applications

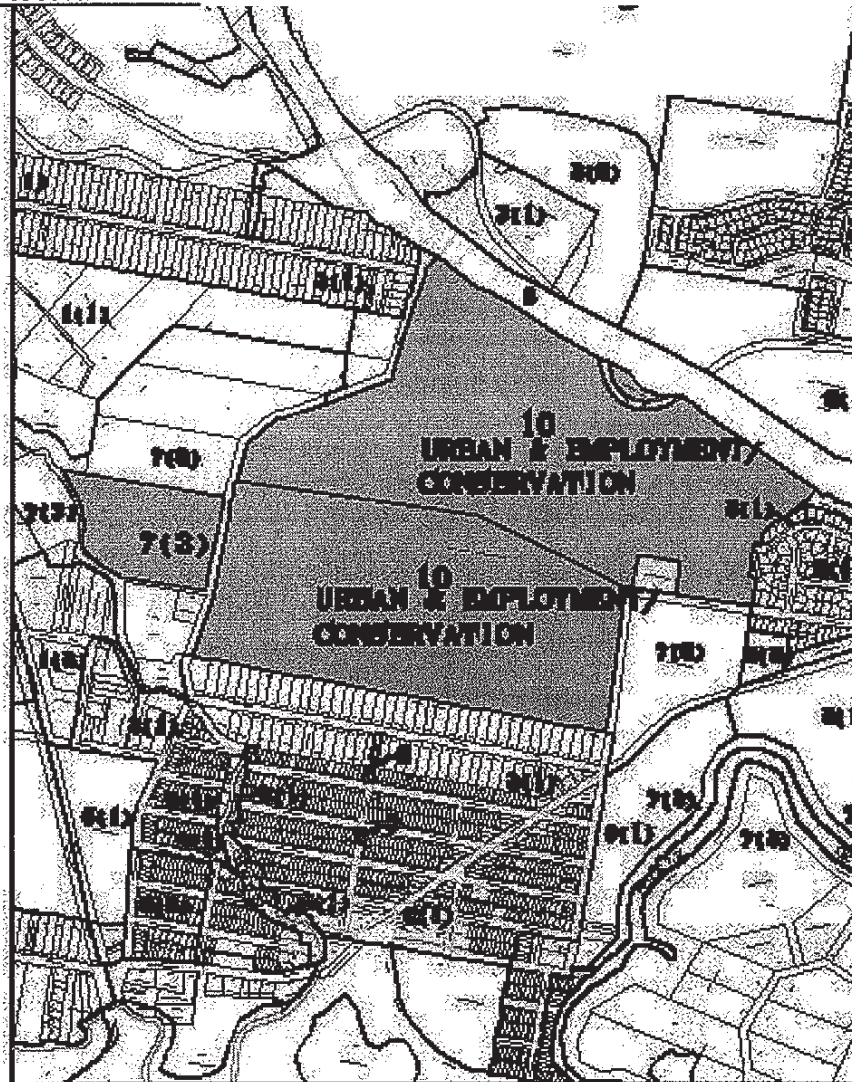
Council is in receipt of the following rezoning application/s for this property. Please contact Council's Integrated Planning Department for further information.

RZ/9/2005 PROPOSED REZONING FROM 10 ZONE INVESTIGATION

ATTACHMENTS:

- A Lake Macquarie Local Environmental Plan 2004 instrument
- B Lake Macquarie Local Environmental Plan 2004 zoning map

ATTACHMENT B:



**LAKE MACQUARIE CITY COUNCIL
LOCAL ENVIRONMENTAL PLAN 2004-Zoning Map**

149 Cert. No.: 42881



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Land and Property Information NSW

Printed: 02-09-2000
Printed by: Jbayce

Not to
Scale

1 September 2008

COFFEY ENVIRONMENTS
Att : Emma Coleman
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:42880
Your Ref:
GEOTWARAZ0544AC
ABN 81 065 027 868

SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Fee Paid: 100.00
Receipt No: 5511685
Receipt Date: 1 September 2008

DESCRIPTION OF LAND

Address: 40 Carinda Avenue, EDGEWORTH NSW 2285
Lot Details: Lot 88 DP 755262
Parish: Teralba
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

- 1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans**
- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 15 – Rural Landsharing Communities

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

10 Investigation Zone

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).
- (a) The identity of the zone applying to the land.
Nil
- (b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.
Specified in Attachment A
- (c) The purposes for which the Draft Plan provides that development may be carried out within the zone except with development consent.
Specified in Attachment A
- (d) The purposes for which the Draft Plan provides that development is prohibited within the zone.
Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

- (e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.
Specified in Attachment A - Schedule 2.
- (f) Whether the land includes or comprises critical habitat.
No
- (g) Whether the land is in a conservation area (however described).
No
- (h) Whether an item of environmental heritage (however described) is situated on the land.
See Attachment A - Schedules 4, 5 and 6
An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information and mine subsidence and advise whether existing structures comply with the requirements of the *Act*.

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

No

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

ALL of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Council is not aware of any current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.
- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Council is not aware of any valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Rezoning Applications

Council is in receipt of the following rezoning application/s for this property. Please contact Council's Integrated Planning Department for further information.

RZ/9/2005 PROPOSED REZONING FROM 10 ZONE INVESTIGATION

ATTACHMENT:

- A Lake Macquarie Local Environmental Plan 2004 instrument

1 September 2008

COFFEY ENVIRONMENTS
Att : Emma Coleman
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:42879
Your Ref:
GEOTWARAZ0544AC
ABN 81 065 027 868

SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Fee Paid: 100.00
Receipt No: 5511685
Receipt Date: 1 September 2008

DESCRIPTION OF LAND

Address: 23 Government Road, HOLMESVILLE NSW 2286
Lot Details: Lot 6 DP 4647
Parish: Teralba
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 15 – Rural Landsharing Communities

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 30 – Intensive Agriculture

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

1(1) Rural (Production)

10 Investigation Zone

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

- (2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).
- (a) The identity of the zone applying to the land.
Nil
- (b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.
Specified in Attachment A
- (c) The purposes for which the Draft Plan provides that development may be carried out within the zone except with development consent.
Specified in Attachment A
- (d) The purposes for which the Draft Plan provides that development is prohibited within the zone.
Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

- (e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.
Specified in Attachment A - Schedule 2.
- (f) Whether the land includes or comprises critical habitat.
No
- (g) Whether the land is in a conservation area (however described).
No
- (h) Whether an item of environmental heritage (however described) is situated on the land.
See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information and mine subsidence and advise whether existing structures comply with the requirements of the *Act*.

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

Yes,

ADVICE: Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

SOME of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Council is not aware of any current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.
- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Council is not aware of any valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Rezoning Applications

Council is in receipt of the following rezoning application/s for this property. Please contact Council's Integrated Planning Department for further information.

RZ/9/2005 PROPOSED REZONING FROM 10 ZONE INVESTIGATION

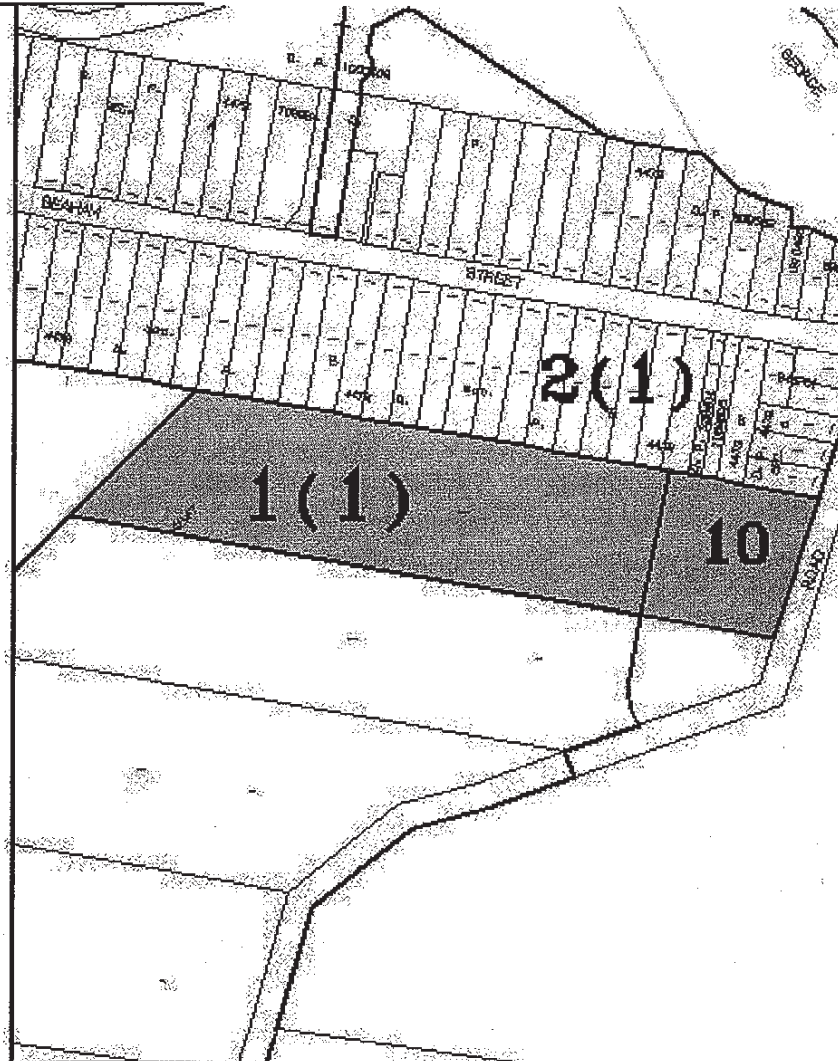
25 Proposed Road Widening

The land is affected by a road widening proposal. Contact Council's Asset Management Department for further details.

ATTACHMENT:

- A Lake Macquarie Local Environmental Plan 2004 instrument
- B Lake Macquarie Local Environmental Plan 2004 zoning map

ATTACHMENT B:



LAKE MACQUARIE CITY COUNCIL
LOCAL ENVIRONMENTAL PLAN 2004-Zoning Map

149 Cert. No.: 42879



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Land and Property Information NSW

Printed: 02-09-2000
Printed by: Jheyce

Not to
Scale

1 September 2008

COFFEY ENVIRONMENTS
Att : Emma Coleman
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:42877
Your Ref:
GEOTWARAZ0544AC
ABN 81 065 027 868

SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Fee Paid: 100.00
Receipt No: 5511685
Receipt Date: 1 September 2008

DESCRIPTION OF LAND

Address: Lot 17 DP 849003 George Booth Drive, EDGEWORTH NSW 2285
Lot Details: LOT 17 DP 849003
Parish: Teralba
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

State Environmental Planning Policy No. 15 – Rural Landsharing Communities

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

10 Investigation Zone

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

(2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).

(a) The identity of the zone applying to the land.

Nil

(b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Draft Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Draft Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information and mine subsidence and advise whether existing structures comply with the requirements of the *Act*.

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

No

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide.(2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

ALL of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Council is not aware of any current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.
- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Council is not aware of any valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

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As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

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An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

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The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Rezoning Applications

Council is in receipt of the following rezoning application/s for this property. Please contact Council's Integrated Planning Department for further information.

RZ/9/2005 PROPOSED REZONING FROM 10 ZONE INVESTIGATION

ATTACHMENT:

- A Lake Macquarie Local Environmental Plan 2004 instrument

1 September 2008

COFFEY ENVIRONMENTS
Att : Emma Coleman
19 Warabrook Bvd
WARABROOK NSW 2304

Our Ref:42878
Your Ref:
GEOTWARAZ0544AC
ABN 81 065 027 868

SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Fee Paid: 100.00
Receipt No: 5511685
Receipt Date: 1 September 2008

DESCRIPTION OF LAND

Address: 25 Government Road, HOLMESVILLE NSW 2286
Lot Details: Lot 7 DP 4647
Parish: Teralba
County: Northumberland



For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans

- (1) (a) The name of each local environmental plan and deemed environmental planning instrument applying to the land.
Lake Macquarie Local Environmental Plan 2004
- (b) The name of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1)(b) of the Act.
Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)
- (c) The name of each development control plan applying to the land that has been made by the relevant planning authority under Division 6 of Part 3 of the Act (including any made by the council under section 72, or the Director-General under section 51A, before the repeal of those sections).
Development Control Plan No. 1 – Principles of Development
Development Control Plan No. 2 – Complying Development
- (2) (a) The name of each regional environmental plan applying to the land.
Hunter Regional Environmental Plan 1989
- (b) The name of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act.
Nil
- (3) (a) The name of each State environmental planning policy applying to the land.
State Environmental Planning Policy - (Housing for Seniors or People with a Disability) 2004 (This SEPP applies to the land to the extent provided by Clause 4 of the SEPP)
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Projects) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development (except Clause 6-10)

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State Environmental Planning Policy No. 10 – Retention of Low-Cost Rental Accommodation (insofar as Clause 6 of the SEPP may apply)

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State Environmental Planning Policy No. 19 – Bushland in Urban Areas

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State Environmental Planning Policy No. 36 – Manufactured Homes Estates (except as maybe excluded by Clause 6 of the SEPP)

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 50 – Canal Estate Development

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 62 - Sustainable Aquaculture

State Environmental Planning Policy No. 64 – Advertising and Signage

- (b) The name of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act.

Draft State Environmental Planning Policy (Application of Development Standard) 2004

Draft State Environmental Planning Policy No. 1 Development Standards (Amendment No. 1)

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

2 Zoning and land use under relevant Local Environmental Plans

(1) The following answers (a) to (h) relate to the Plan (see 1(1)(a) above).

(a) The identity of the zone applying to the land.

7(3) Environment (General)

10 Investigation Zone

(b) The purposes for which the Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

Yes

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

(2) The following answers (a) to (h) relate to the Draft Plan (see 1(1)(b) above).

(a) The identity of the zone applying to the land.

Nil

(b) The purposes for which the Draft Plan provides that development may be carried out within the zone without the need for development consent.

Specified in Attachment A

(c) The purposes for which the Draft Plan provides that development may be carried out within the zone except with development consent.

Specified in Attachment A

(d) The purposes for which the Draft Plan provides that development is prohibited within the zone.

Specified in Attachment A

NOTE: The advice in sections (b), (c) and (d) above relates only to restrictions that apply by virtue of the zones indicated. The Lake Macquarie LEP 2004 includes additional provisions that require development consent for particular types of development, or in particular circumstances, irrespective of zoning.

(e) Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed.

Specified in Attachment A - Schedule 2.

(f) Whether the land includes or comprises critical habitat.

No

(g) Whether the land is in a conservation area (however described).

No

(h) Whether an item of environmental heritage (however described) is situated on the land.

See Attachment A - Schedules 4, 5 and 6

An item of environmental heritage, namely Aboriginal heritage, listed within the Aboriginal Heritage Information Management System, may affect the land. The applicant should contact the Department of Environment and Climate Change for more information.

3 Repealed

4 Coastal Protection

Whether or not the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979, but only to the extent that the Council has been so notified by the Department of Public Works.

No

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

The land is within a proclaimed Mine Subsidence District under the *Mine Subsidence Compensation Act 1961*. The approval of the Mines Subsidence Board is required for all subdivision and building, except for certain minor structures. Surface development controls are in place to prevent damage from old, current or future mining. It is strongly recommended prospective purchasers consult with the Mine Subsidence Board regarding mine subsidence and any surface development guidelines. The Board can assist with information and mine subsidence and advise whether existing structures comply with the requirements of the Act.

6 Road widening and road realignment

Whether the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993.

No

- (b) any environmental planning instrument.

No

- (c) any resolution of the Council.

No, other road widening proposals may affect this land and if so, will be noted on the SECTION 149(5) certificate.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (i) adopted by the Council, or
- (ii) adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council,

that restricts the development of the land because of the likelihood of:

- (a) land slip or subsidence

Yes

All land within the Lake Macquarie City Council area is affected by the Councils Geotechnical Policy dated 19th April 1993, on land slip or subsidence. If you require any further clarification on the policy and how it may affect any possible development applications contact the Council on 02 4921 0242.

- (b) bushfire

Yes

- (c) tidal inundation

No

- (d) acid sulfate soils

Yes if indicated on the Acid Sulfate Soils Planning Maps supplied by The Department of Land & Water Conservation marked Edition 2, dated December 1997, available at the Council.

- (e) any other risk (other than flooding).

No

NOTE: The absence of a council policy restricting development of the land by reason of a particular natural hazard does not mean that the risk from that hazard is non-existent.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

Yes,

ADVICE: Further information on the development restriction mentioned, may be obtained from Council upon application for a "Development Restriction Certificate – Flooding/Tidal Inundation."

8 Land reserved for acquisition

Whether or not any environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

No

9 Contributions Plans

The name of each contributions plan applying to the land.

The Lake Macquarie Section 94 Contributions Plan No.1 - Citywide (2004) as amended

10 Matters arising under the Contaminated Land Management Act 1997 (s.59(2))

- (a) Is the land within land declared to be an investigation area or remediation site under Part 3 of the Contaminated Land Management Act 1997.

No

- (b) Is the land subject to an investigation order or remediation order within the meaning of the Contaminated Land Management Act 1997.

No

- (c) Is the land the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

No

- (d) Is the land the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

No

11 Bush Fire Prone Land

ALL of the land is bush fire prone land.

NOTE: The Lake Macquarie Bush Fire Prone Land Map can be inspected at Council's Administration Building during normal office hours or contact Council on 02 4921 0333.

12 Property Vegetation Plans

The land IS NOT subject to a property vegetation plan under the Native Vegetation Act 2003.

NOTE: The advise provided in this section is based on notification by the Hunter Central Rivers Catchment Management Authority of the approval of a plan. Further information about property vegetation plans should be obtained from that Authority.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

The land IS NOT subject to an order made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

If there is a direction by the Minister in force under section 75P (2) (c1) of the Act that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect, a statement to that effect identifying the provision that does not have effect.

Nil

15 Site compatibility certificates and conditions for seniors housing

- (a) Council is not aware of any current site compatibility certificate, issued under clause 25 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in respect of proposed development on the land.
- (b) If a development application is granted on or after the date on which this clause commences under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with respect to the land, a statement setting out the terms of any conditions on which the application was granted of the kind referred to in clause 18 (2) of that Policy.

Nil

16 Site compatibility certificates for infrastructure

Council is not aware of any valid site compatibility certificate, issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land.

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(5)

NOTE: SECTION 149(6) OF THE ACT STATES THAT A COUNCIL SHALL NOT INCUR ANY LIABILITY IN RESPECT OF ANY ADVICE PROVIDED IN GOOD FAITH PURSUANT TO SECTION 149(5).

17 Clearing and lopping of trees

The land IS AFFECTED by Clause 34 – Trees and Native Vegetation, Lake Macquarie Local Environmental Plan 2004. Consent must be obtained to clear any tree or native vegetation in accordance with this clause. Please contact the Council for further information.

18 Easements

The land is NOT affected by a proposed easement in favour of Lake Macquarie City Council.

As to affectation by existing easements, a search of the relevant Title of the land should be undertaken.

19 Outstanding Notices

The land is NOT AFFECTED by an outstanding notice.

The information provided in this part of the certificate is not exhaustive. The recipient may seek additional information relating to the land by making a further inquiry to Council.

20 Earthquake

An earthquake was experienced throughout most of the city area on 28/12/89. Prospective purchasers should make their own enquiries as to whether buildings/structures on the land sustained any structural damage.

21 Lifestyle 2020

Council has prepared a strategy to provide direction for future land use planning, urban design and development of the City until the year 2020. A copy of "Lifestyle 2020 - A Strategy for Our Future" is available from Council.

22 New South Wales Government Coastal Policy, 1997.

The NSW Coastal Policy 1997 applies to the land and development located within the Coastal Zone as depicted on a Map signed by the Minister for Natural Resources. The Coastal Zone generally extends one kilometre inland from the Lake shore and one kilometre inland from the Coast and includes the whole Wallarah Peninsula. The Environmental Planning and Assessment Act requires Consent Authorities to take the Coastal Policy into consideration when determining Development Applications for affected land.

23 Sustainable Water Cycle Management.

The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity of the resource from its various source/s and its use and transport in the natural and built environment.

24 Rezoning Applications

Council is in receipt of the following rezoning application/s for this property. Please contact Council's Integrated Planning Department for further information.

RZ/9/2005 PROPOSED REZONING FROM 10 ZONE INVESTIGATION

25 Access Problem

The road has not been constructed and Council has no plans to construct the road in the foreseeable future. No development or building approvals will be approved until the road has been constructed. Any enquiries should be referred to the Customer and Technical Services Coordinator within the Asset Management department of Council.

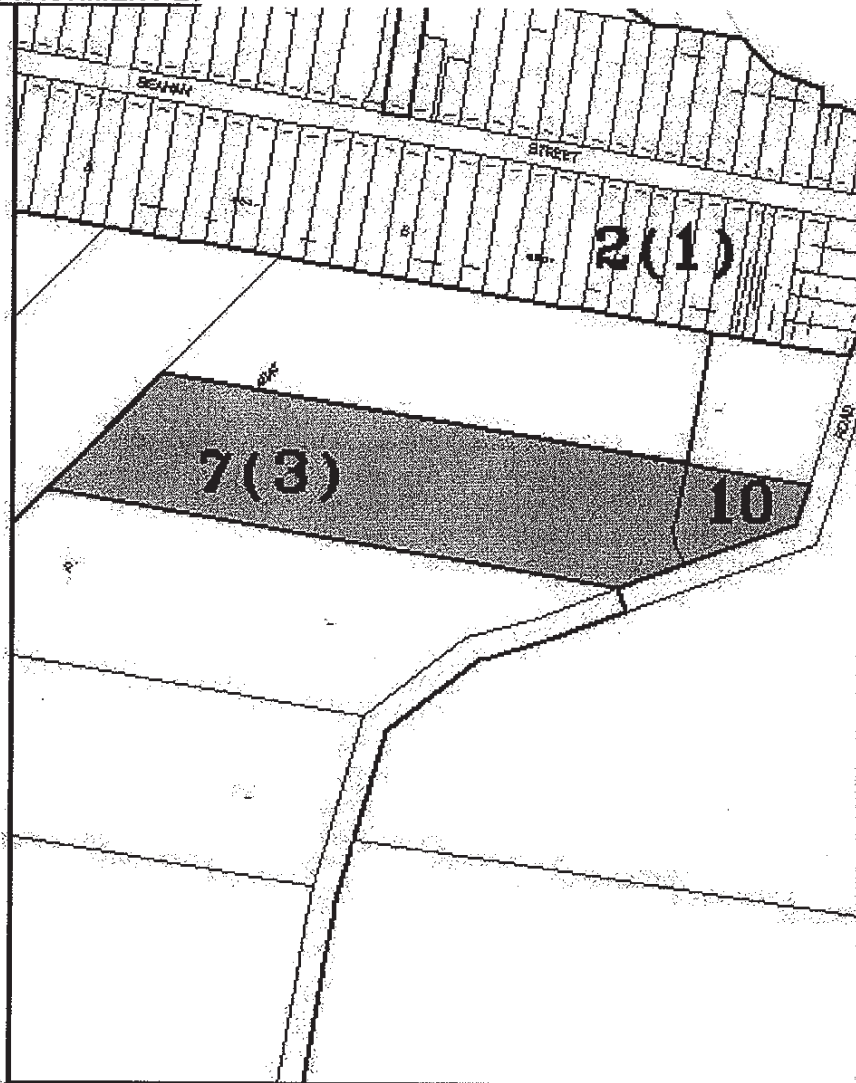
26 Proposed Road Widening

The land is affected by a road widening proposal. Contact Council's Asset Management Department for further details.department of Council.

ATTACHMENTS:

- A Lake Macquarie Local Environmental Plan 2004 instrument
- B Lake Macquarie Local Environmental Plan 2004 zoning map

ATTACHMENT B:



LAKE MACQUARIE CITY COUNCIL
LOCAL ENVIRONMENTAL PLAN 2004-Zoning Map

149 Cert. No.: 42878



Lake Macquarie

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Not to
Scale



LAKE MACQUARIE
Local Environmental Plan, 2004

As at 4 June 2008

Summary of draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.

Draft Lake Macquarie Local Environmental Plan (LMLEP) 2004 Amendment No.28 is a 'housekeeping' LEP that aims to address a range of administrative, policy, rezoning and land reclassifications matters.

The following is a summary of the proposed changes:

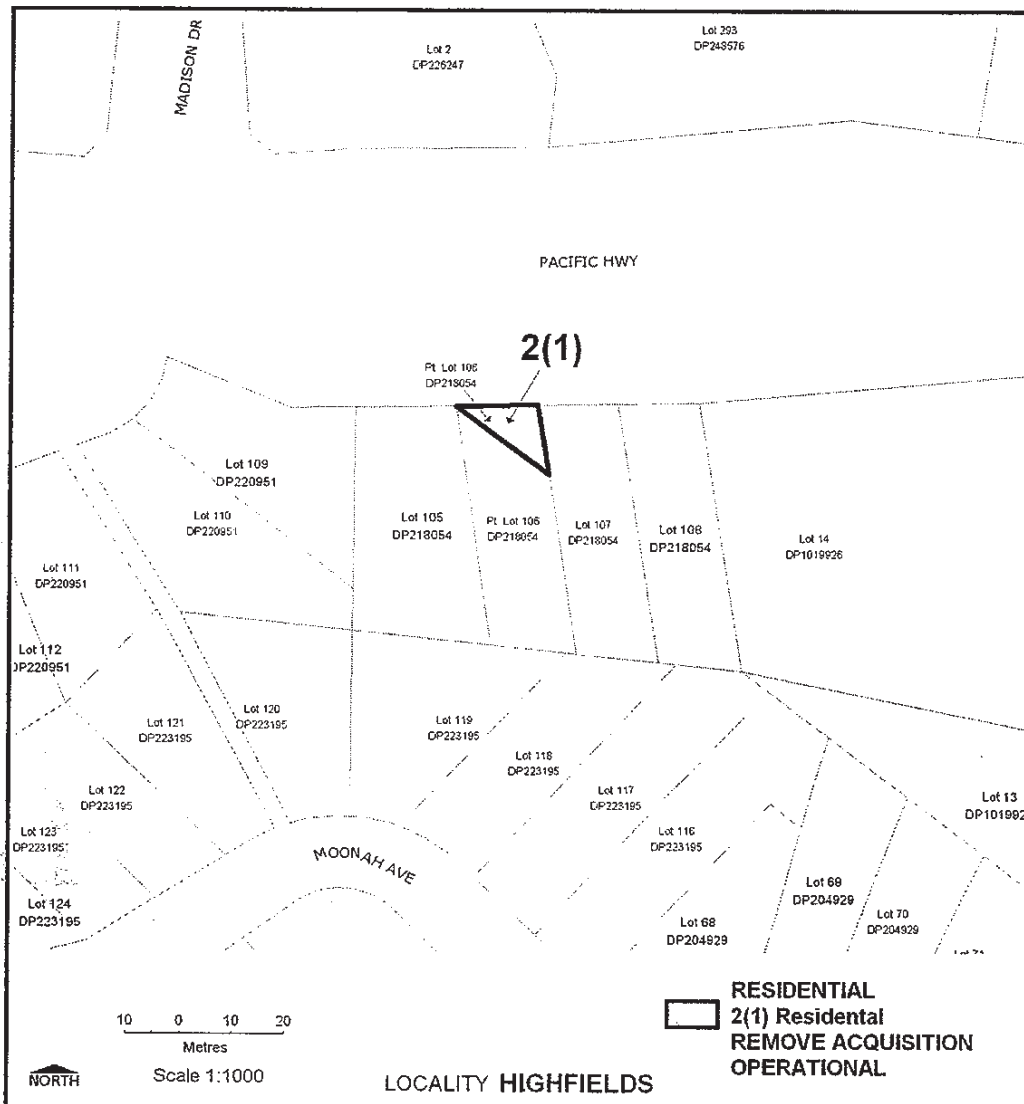
Amendment affects:	Proposed change
<i>Changes to the land use table</i>	
Clause 15 General controls for land within zones	Insert 'hotel accommodation' as a permissible use in zone 3 (1) Urban Centre (Core) Zone and zone 3 (2) Urban Centre (Support) Zone. Insert 'hostels', 'backpackers' accommodation', 'hotel accommodation' and 'tourist and visitor accommodation' as permissible uses in zone 6 (2) Tourism and Recreation Zone.
Clause 15 General controls for land within zones	Replace 'bulky goods showrooms' with 'bulky goods premises' in zone 3(2) Urban Centre (Support) Zone and 4(3) Industrial Zone.
Clause 15 General controls for land within zones	Insert 'high technology industries' as a new use in zone 4(3) Industrial (Urban Services) Zone.
<i>Administrative and policy changes</i>	
Clause 9 Complying development	Replace the clause with that of the Standard Instrument. The amended clause will also 'call up' a new schedule for complying development.
Clause 24 Subdivision	Insert the requirement that subdivision certificates are issued for small lot housing <i>after</i> the dwellings are constructed to lock up stage. Omit the sub clause that prohibits the subdivision of small lot housing and dual occupancies if it results in the creation of battle axe lots. Amend the sub clause which relates to the subdivision of small lot housing in Zone 2 (2) to include Zone 2 (1).
Clause 26 Dwelling houses and dual occupancies in Zone 1(1), 7(2), 7(3) or 10	Amend sub clause 26 (7). The amended sub clause sets requirements for the development of land comprising an existing holding.
Clause 27 Dwelling houses and dual occupancies in Zone 1 (2), 2 (1), 2 (2) or 7 (5)	Amend the title to read: Clause 27 Dwelling houses, dual occupancies and small lot housing in Zone 1 (1), 2 (1), 2 (2), or 7 (5). Insert two new sub clauses that prohibit the erection or creation of dual occupancy- attached, dual occupancy-detached and small lot

Amendment affects:	Proposed change
	housing on a battle axe lot.
Clause 36 Mixed use development	Amend clause 36 to allow a variation to the minimum 20% gross floor area set aside for commercial, retail or recreation facilities if Council is satisfied that the development provides an active street frontage. The amended clause defines active street frontage as a street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.
New: Part 8 Development Standards Clause 62 Standards for residential development in Zone 2 (1) Clause 63 Standards for residential development in Zone 2 (2)	Introduce Part 8 and subsequent clauses to LMLEP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses. The new clauses state the minimum land area required for the following types of residential development: dual occupancy-attached, dual occupancy-detached, small lot housing, multiple dwelling housing and residential flat buildings.
Changes to schedules	
Schedule 1 Exempt development	The draft Amendment makes a range of changes to provisions for many existing exempt development uses in Schedule 1 Exempt development, including the following: ▪ Update the reference to the bushfire prone land maps in Schedule 1 Exempt development. ▪ Replace references to 'advertising structures' with 'signage'. The term 'signage' is consistent with the Standard Instrument – Principal Local Environmental Plan. ▪ Remove references to Development Control Plan No.1 and replace with relevant provisions in Schedule 1 Exempt development. ▪ Insert new exempt development uses and provisions for including 'real estate signage', 'directional real estate signage', 'floodlighting (installed by an energy service provider or Council)' and 'temporary structures (tents)'. The changes aim to reduce the number of low-impact development types that require a development application. The changes reflect Council resolutions or internal / external stakeholder requests.
Schedule 2 Subdivision standards	Simplify the format, remove development standards, amend minimum lot sizes for small lot housing, introduce minimum building areas, and provide additional provisions for Strata subdivision.

Amendment affects:	Proposed change
Schedule 3 Reclassification of community land as operational land	Update the schedule to reflect recent land reclassifications, and those that are proposed as part of this housekeeping amendment.
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
Schedule 9 Consent to development subject to special requirements	Amend incorrect property descriptions in the schedule.
New: Schedule 12 Complying development	Insert a new schedule containing Complying Development provisions. The new schedule will be known as Schedule 12 Complying development. It will repeal and replace Development Control Plan No.2. This will assist the transition to the Standard Instrument, as it too includes a schedule for complying development.
Dictionary changes	
Definitions	The draft LEP introduces definitions for 'backpackers accommodation', 'hostel', 'hotel accommodation' and 'tourist and visitor accommodation'. The new definitions capture a wider range of tourist accommodations aimed at better representing the variety of accommodation types throughout the City.
Definitions	The draft Amendment amends the existing definitions of: 'boarding house', 'bulky goods showroom', 'home business', 'home industry', 'home occupation' and 'potential archaeological site'. The amended definitions are predominately consistent with the standard instrument. It is considered that these definitions better represent the land uses.
Land rezoning / land reclassification / removal of acquisition Council's liability	
Rezoning and removal of acquisition	Rezone part of Lot 106 DP 218054 Pacific Highway Highfields from 6(1) Open Space Zone to 2(1) Residential Zone and remove Council's acquisition liability from that land. Refer to Sheet 1 of 12.
Rezoning	Rezone Lots 23, 26 and 27 DP 8179 Cary Street, Toronto from 7(2) Conservation (Secondary) Zone to 2(2) Residential Zone. Refer to Sheet 2 of 12.
Rezoning	Rezone Lots 2-4 DP 831958, Lot 1 DP 531366, Lot 1 DP 831957 and Lot 3 DP 831957 Railway Street, Teralba from 5 Infrastructure Zone to 2(1) Residential Zone. Refer to Sheet 3 of 12.

Amendment affects:	Proposed change
Rezoning	Rezone land known as 'road reserve' off Stingaree Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.
Rezoning and reclassification	Rezone part of Lots 6 and 7 DP 1066866 Leo Lewis Close, Toronto from 6(1) Open Space Zone to 4(2) Industrial (General) Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 5 of 12.
Rezoning and reclassification	Rezone part of Lot 1 DP 358543 Tudor Street, Belmont and Lot 2 DP 358543 Ross Street, Belmont from 6(1) Open Space Zone to 5 Infrastructure Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 6 of 12.
Reclassification	Reclassify Lot 157 DP 245903 Tona Close, Edgeworth and Lot 158 DP 245903 Huntly Close, Edgeworth from Community Land to Operational Land. Refer to Sheet 7 of 12.
Reclassification	Reclassify Lot 29 DP 745867 and Lot 131 DP 529234 John Street, Lot 130 DP 529234 Lake Street, Lot 1 DP 995571 and Lot 3 Section 28 DP 111125 Charles Street Warners Bay from Community Land to Operational Land. Refer to Sheet 8 of 12.
Rezoning and reclassification	Rezone part of Lot 36 DP 18797 Lake Road, Swansea from 6(1) Open Space Zone to 6(2) Tourism and Recreation Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 9 of 12.
Rezoning	Rezone part of Lot 41 DP 1054136, part of Lot 103 DP 855072, part of Lot 104 DP 862208, part of Lot 1 Sec A DP 216, part of SP 56227, part of Lot 100 DP 792853, Part of Lots 2 and 3 DP 581429, Charlestown Road, Charlestown and part of Lot 1 DP 800486 Pacific Highway, Charlestown from 5 Infrastructure Zone to 3(1) Urban Centre (Core) Zone. Refer to Sheet 10 of 12.
Removal of acquisition	Remove Council's acquisition liability (under clause 57 of the Lake Macquarie Local Environmental Plan 2004) from part of Lot 103 DP 855072, part of SP 56227, part of Lot 100 DP 792853, part of Lots 2 and 3 DP 581429 Charlestown Road, Charlestown and part of Lot 1 DP 800486 Pacific Highway, Charlestown. Refer to Sheet 11 of 12.
Rezoning	Rezone Lot 1001 DP 1092785 George Booth Drive, Cameron Park from 2(1) Residential Zone and 2(2) Residential (Urban Living) Zone to 3(1) Urban Centre (Core) Zone. Refer to Sheet 12 of 12.

For more detailed information, please refer to our website www.lakemac.com.au



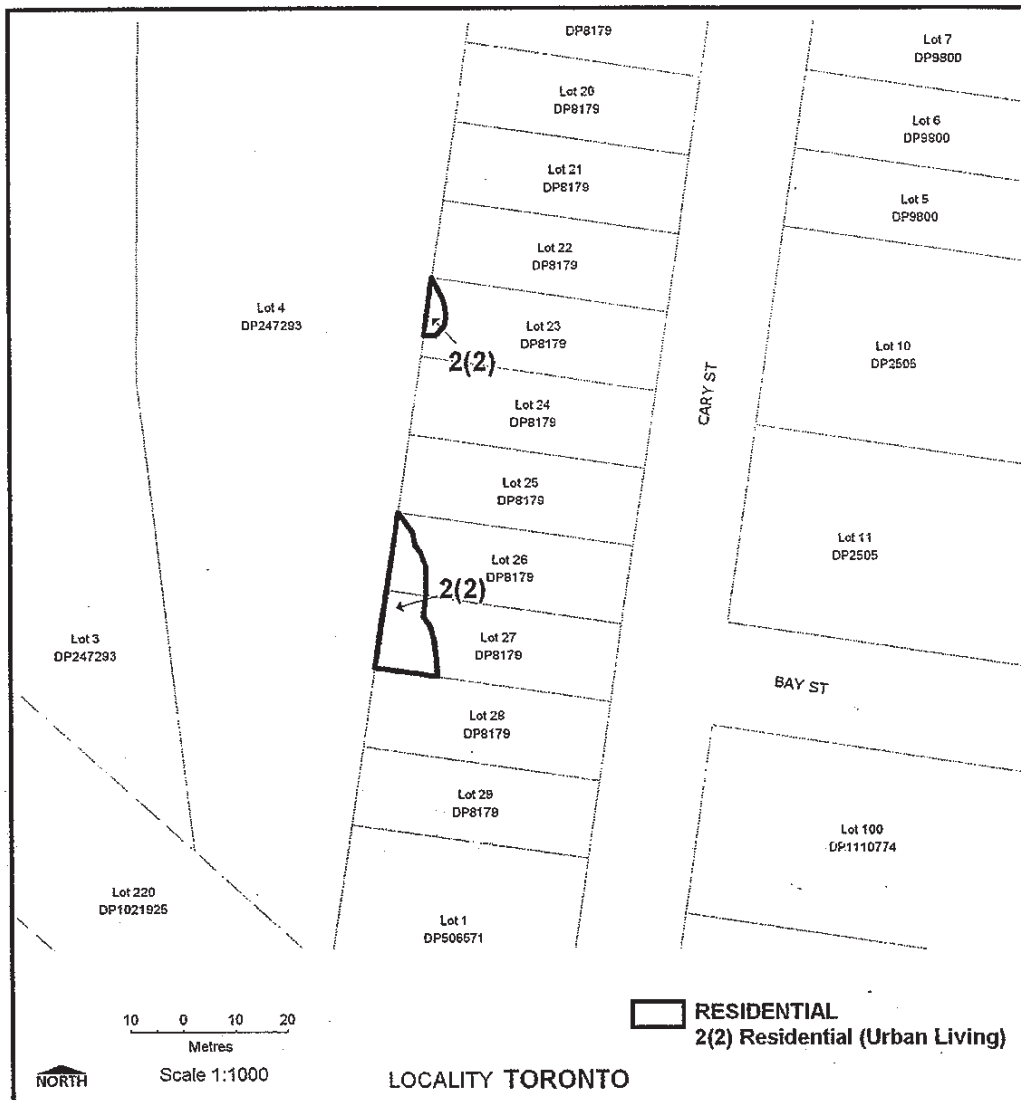
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

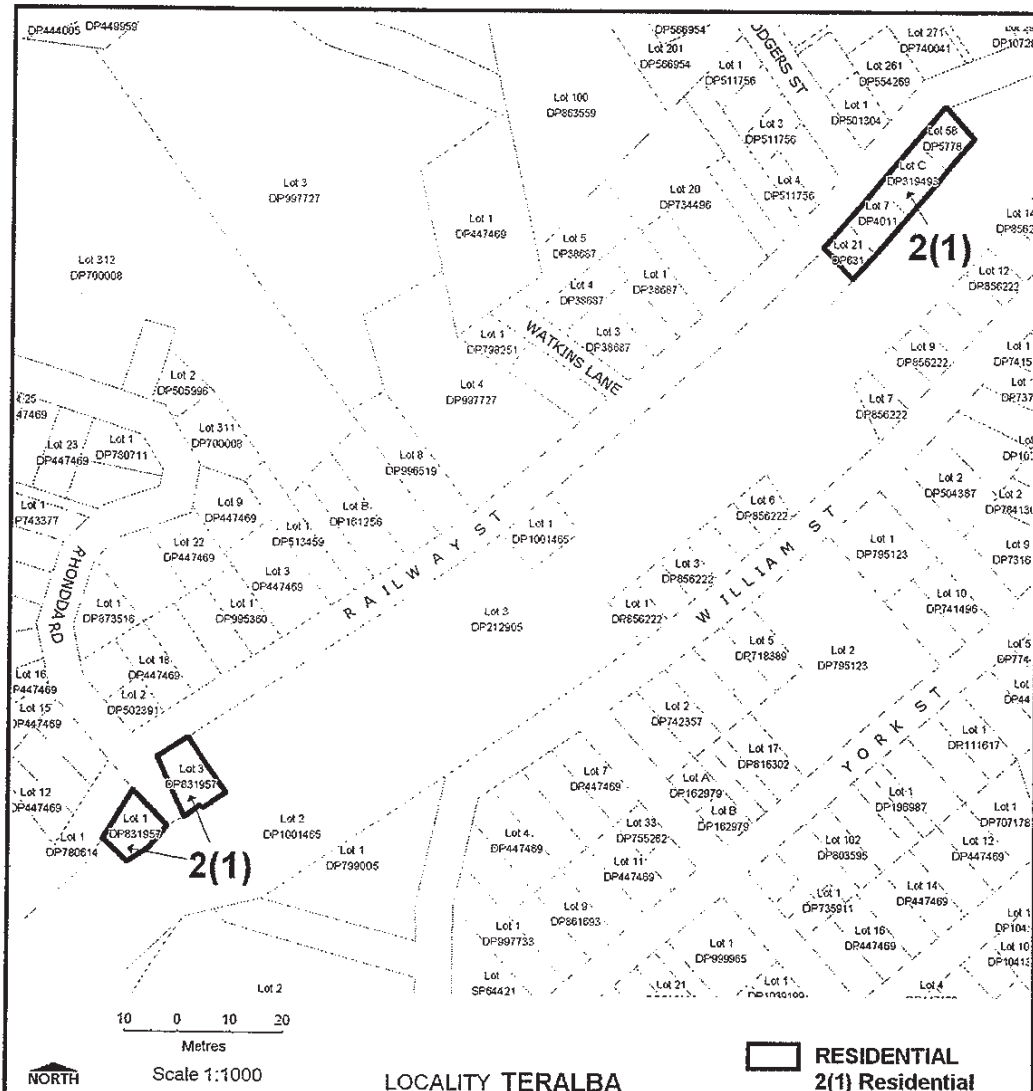
SHEET 1 OF 12

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
PLAN 2004 DRAFT (AMENDMENT NO.28)**

DRAWN BY	GAH	DATE	02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004			
PLANNING OFFICER	EM						
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.			GENERAL MANAGER	DATE
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE	PUBLISHED IN GOVT GAZETTE NO..		OF		



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 2 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY GAH PLANNING OFFICER EM	DATE 14/09/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
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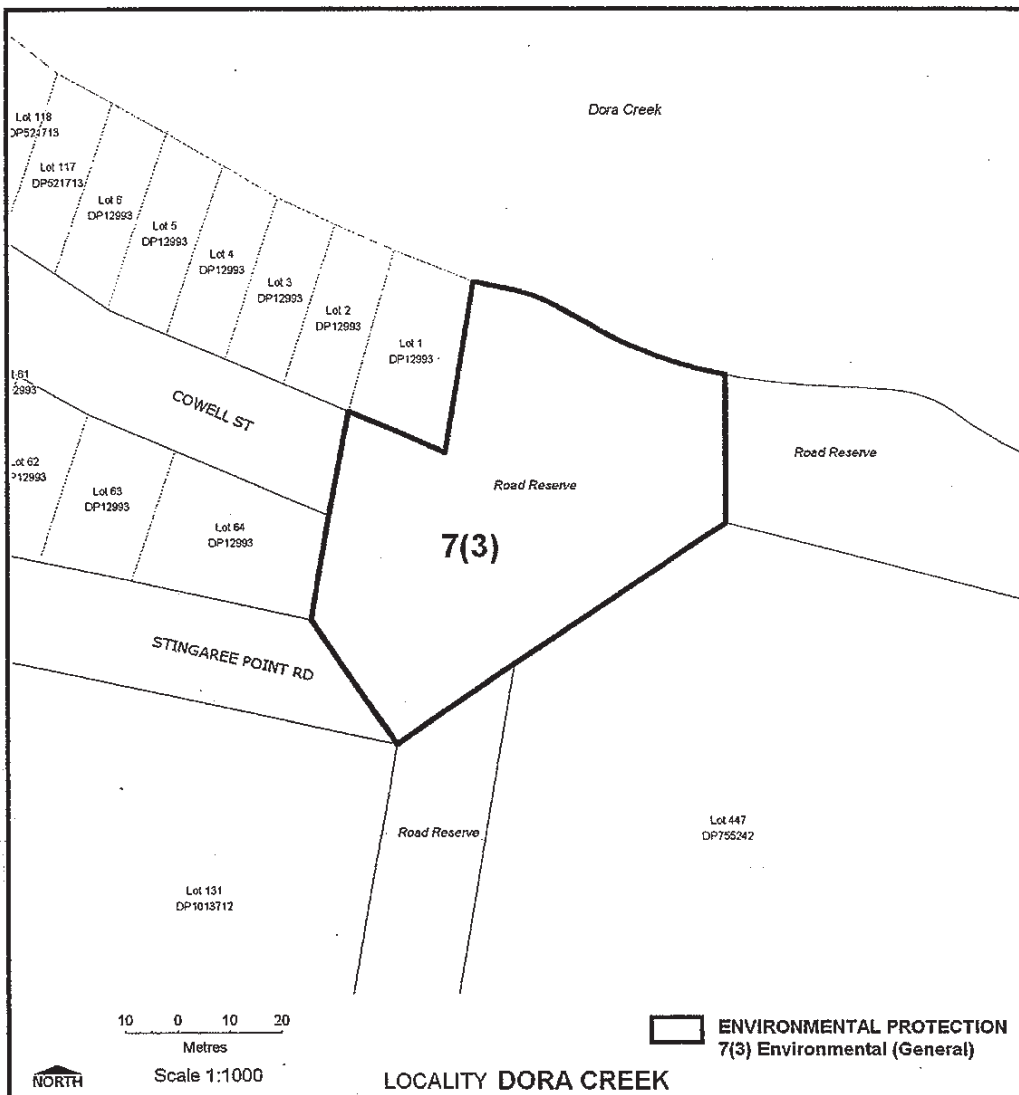


CITY OF LAKE MACQUARIE

SHEET 3 OF 12

LAKE MACQUARIE LOCAL ENVIRONMENTAL
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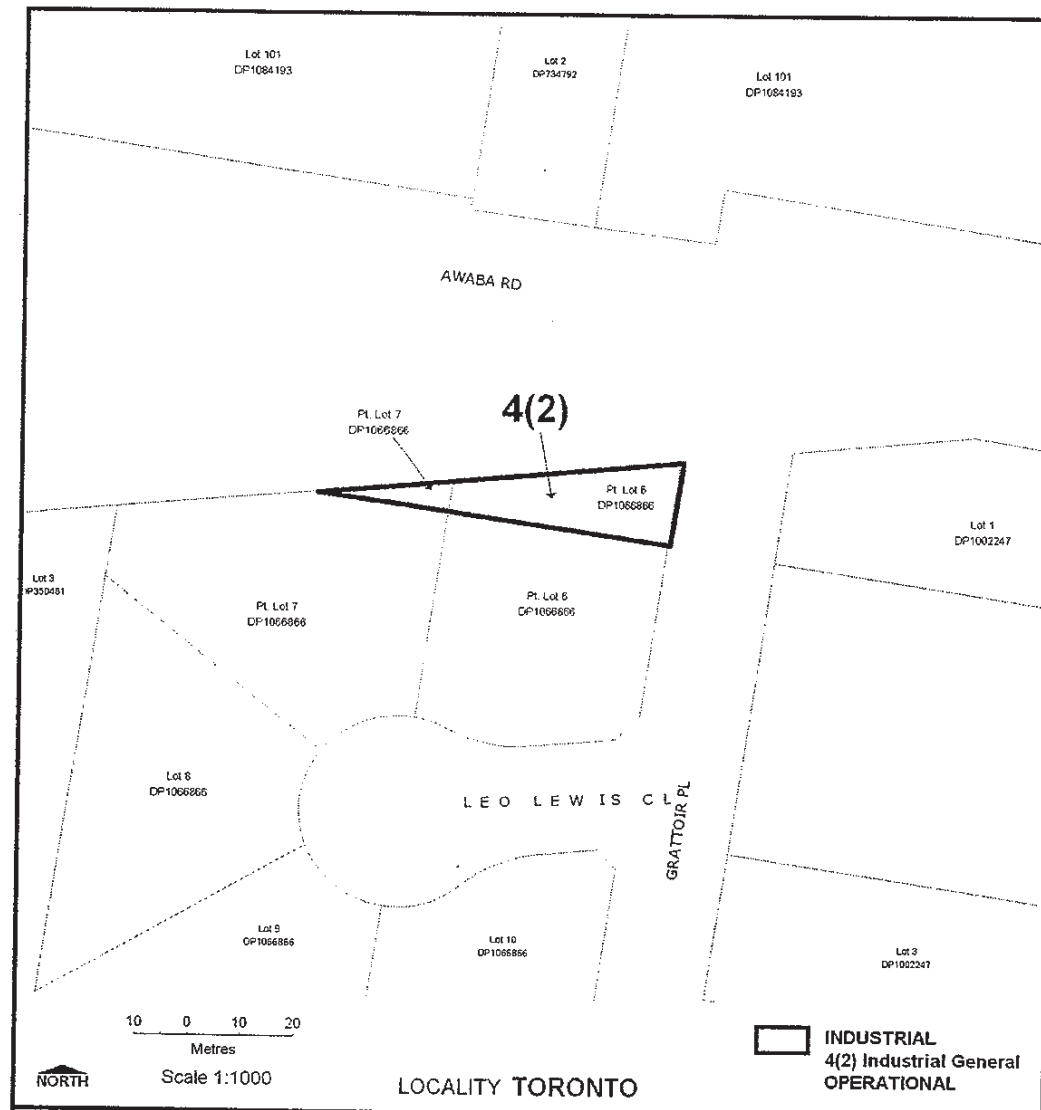


CITY OF LAKE MACQUARIE

SHEET 4 OF 12

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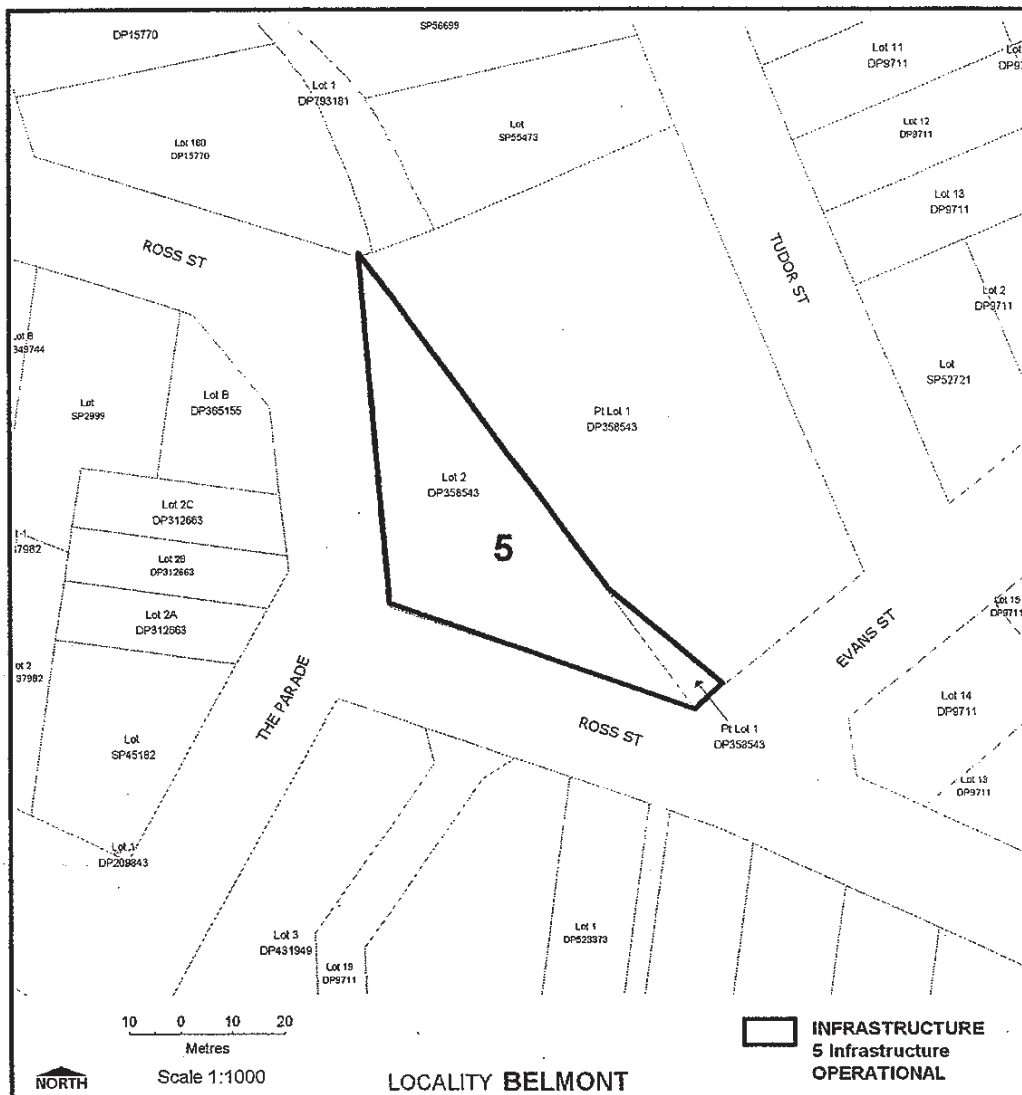
CITY OF LAKE MACQUARIE

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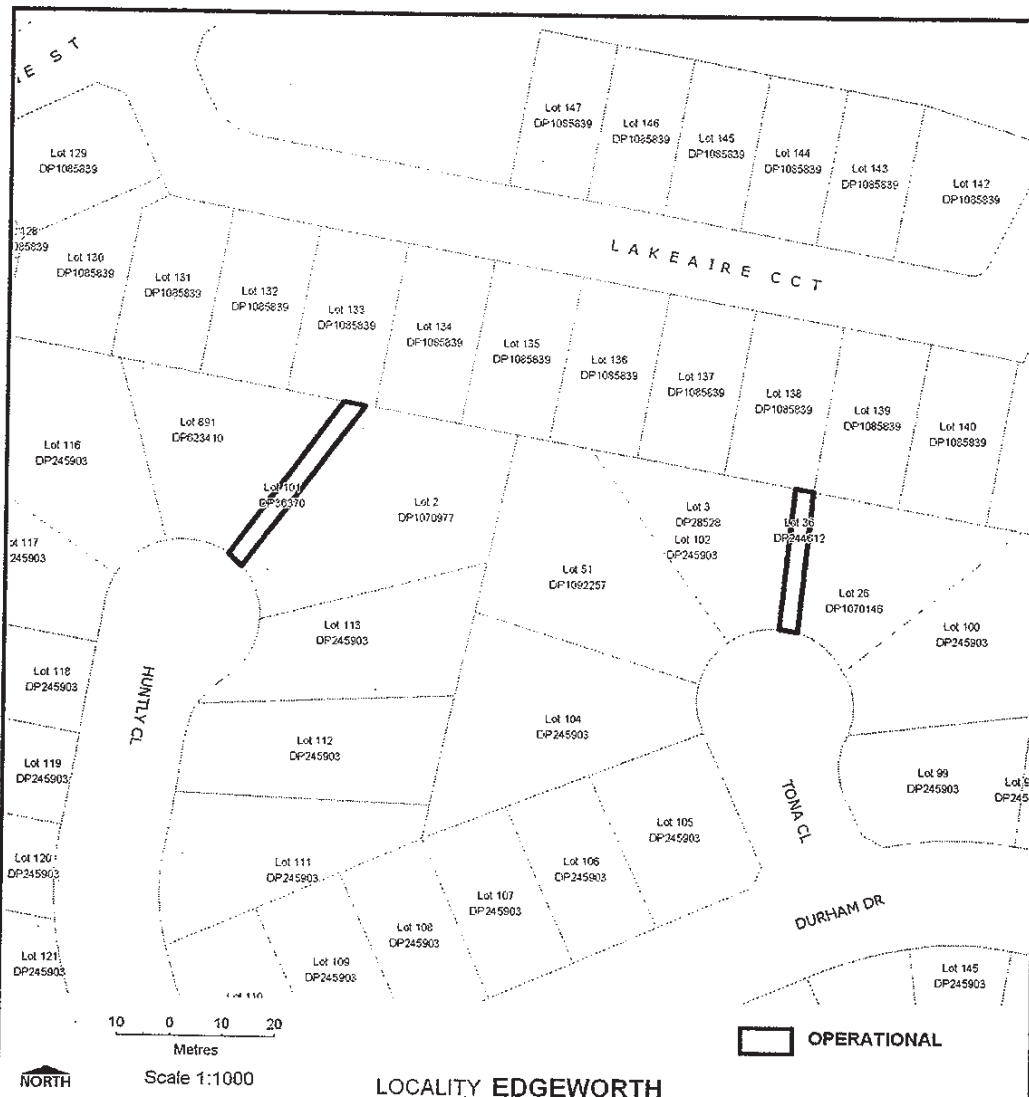


CITY OF LAKE MACQUARIE

SHEET 6 OF 12

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
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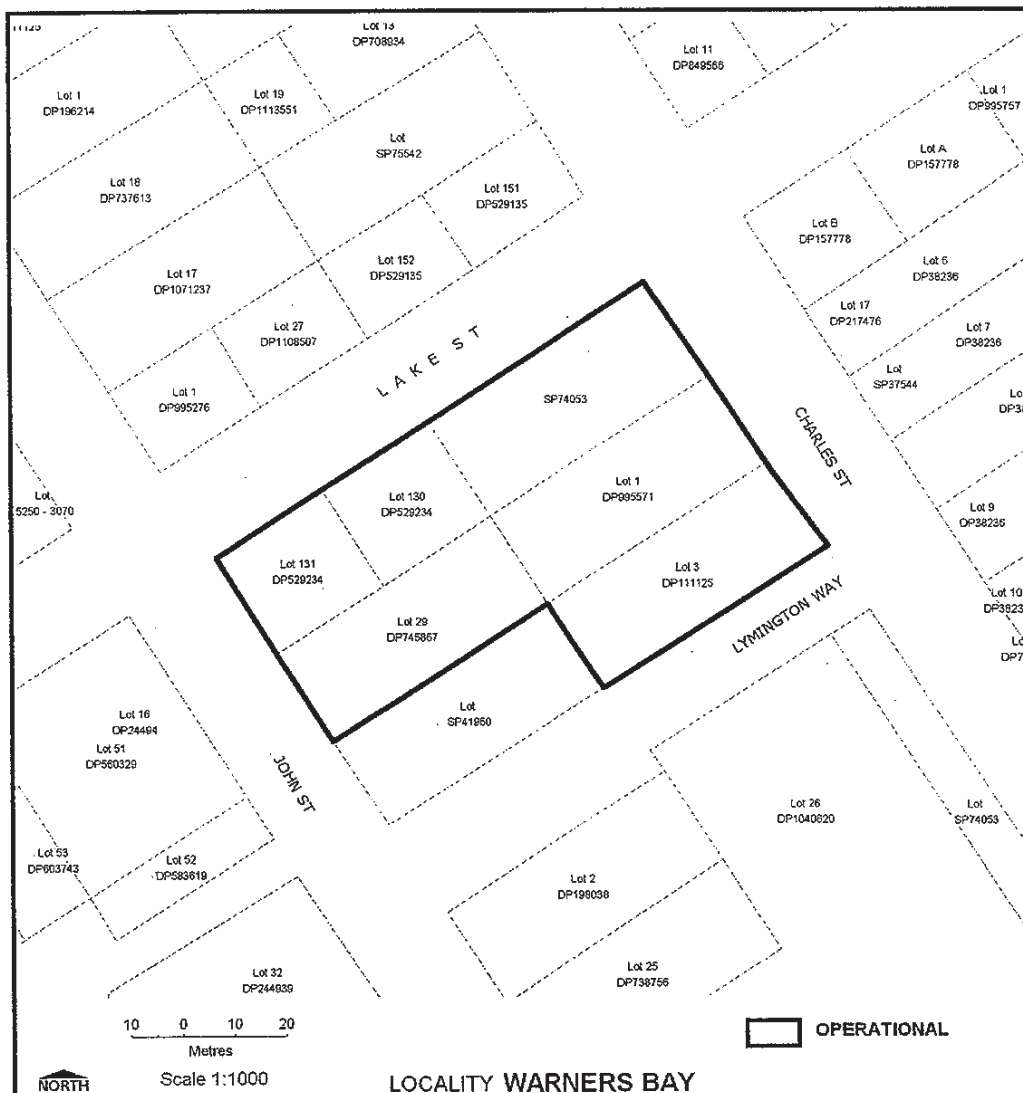
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

SHEET 7 OF 12

LAKE MACQUARIE LOCAL ENVIRONMENTAL
PLAN 2004 DRAFT (AMENDMENT NO.28)

DRAWN BY	GAH	DATE	02/03/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
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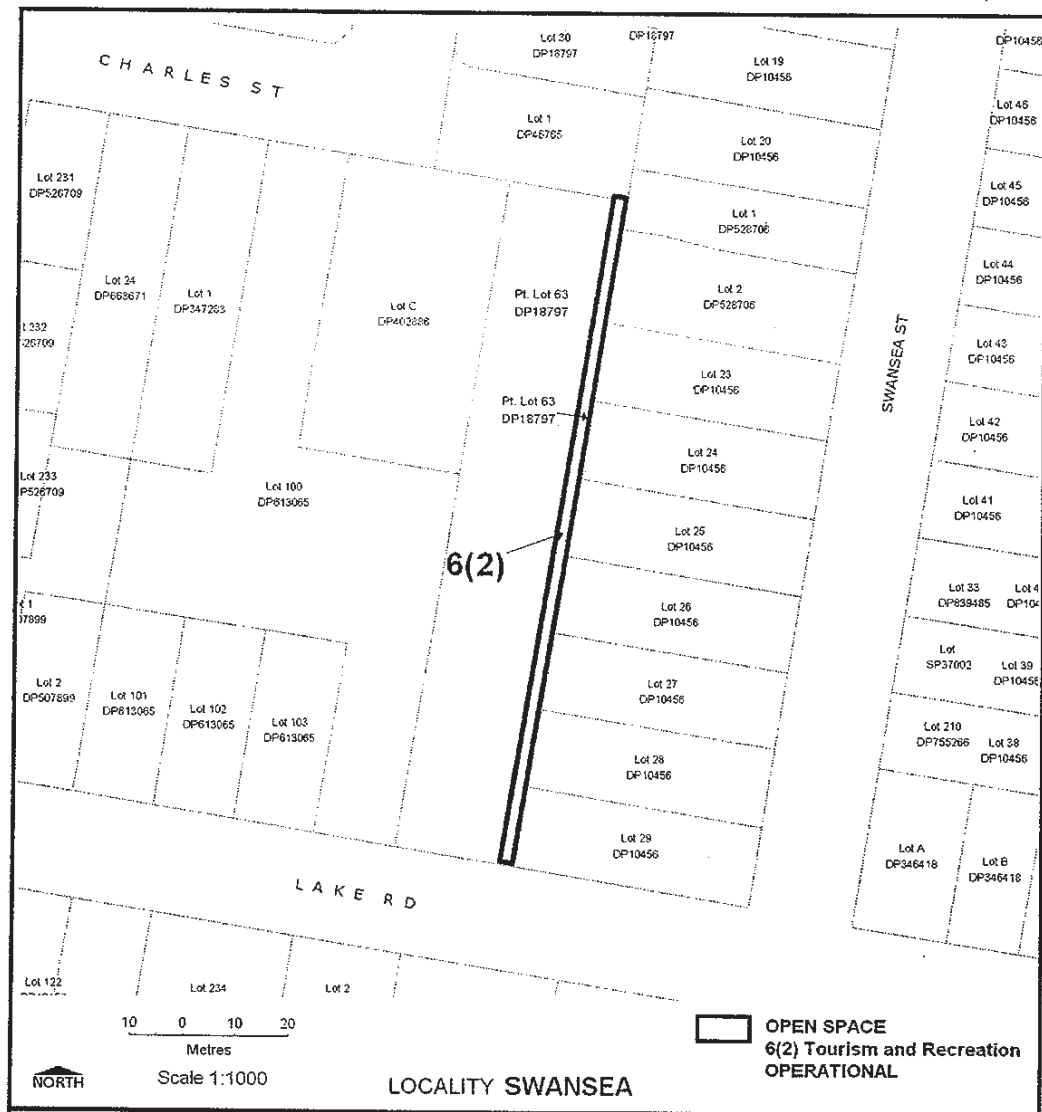
CITY OF LAKE MACQUARIE

SHEET 8 OF 12

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
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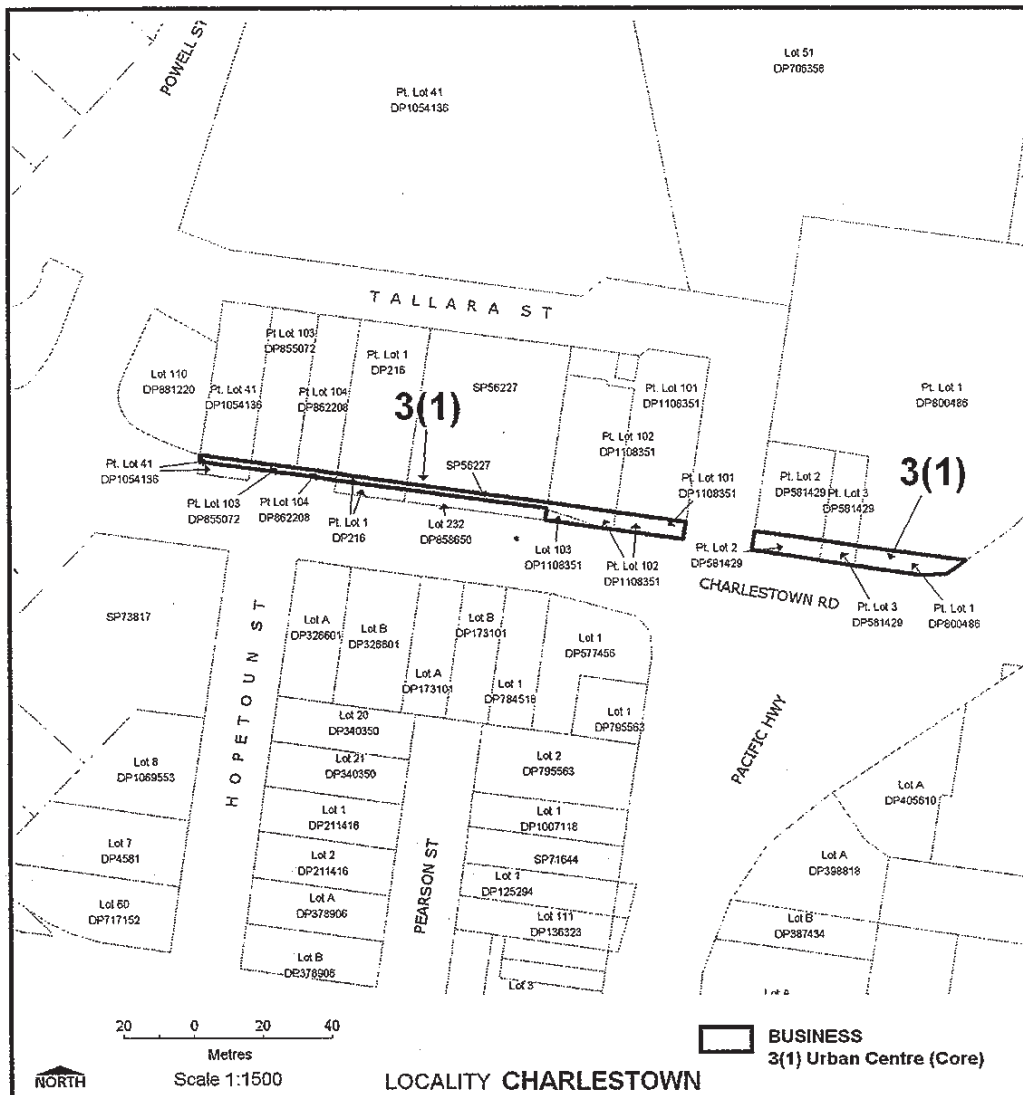
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CITY OF LAKE MACQUARIE

SHEET 9 OF 12

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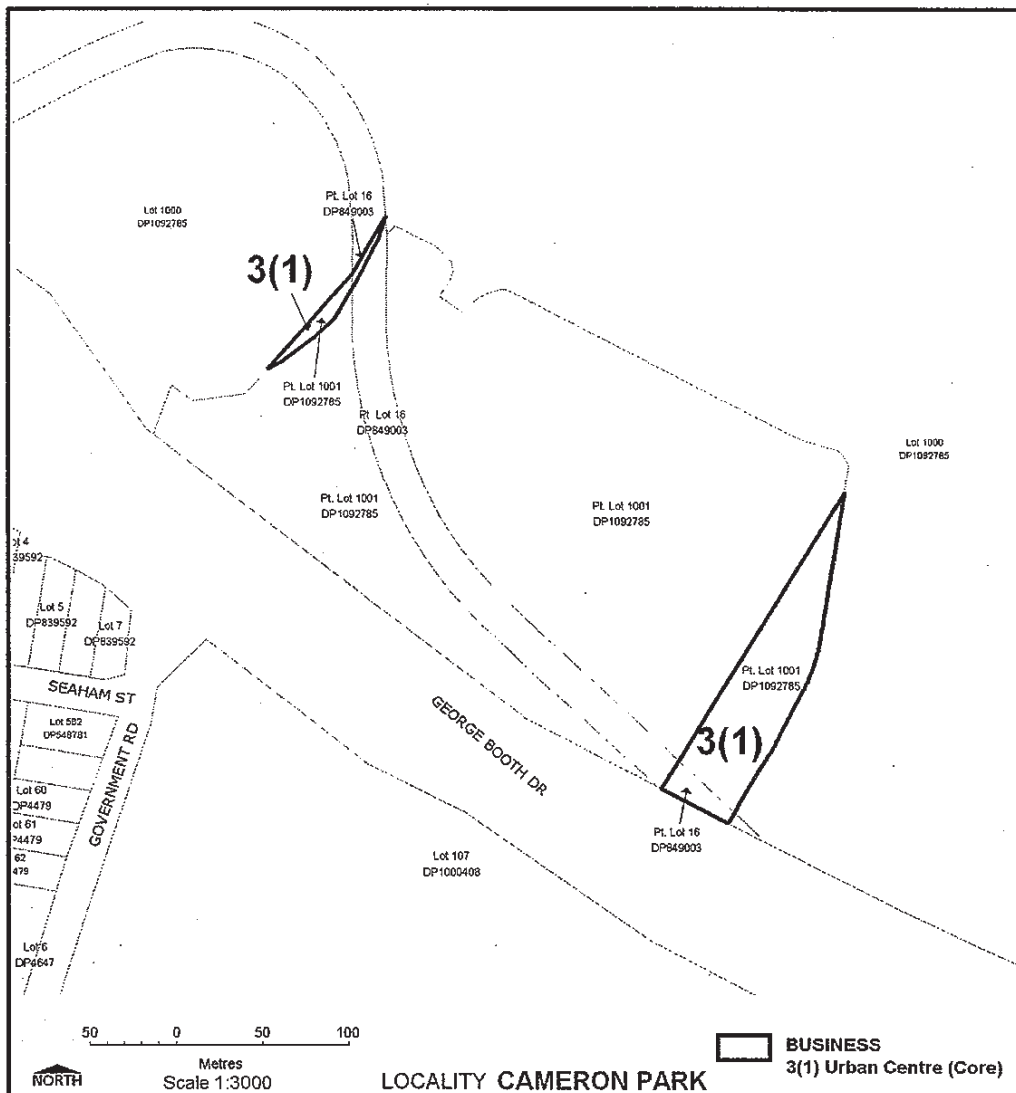


CITY OF LAKE MACQUARIE

SHEET 10 OF 12

LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

SHEET 12 OF 12

**LAKE MACQUARIE LOCAL ENVIRONMENTAL
PLAN 2004 DRAFT (AMENDMENT NO.28)**



DRAWN BY	GAH	DATE	02/03/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004		
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Lake Macquarie Local Environmental Plan 2004

[2004-116]

Status Information

Currency of version

This is the latest version of this legislation.
Legislation on this site is usually updated within 3 working days after a change to the legislation.
This version was last updated on 30 May 2008.
This version relates to the period commencing on 30 May 2008 to date.

Act under which legislation made

This legislation was made under the Environmental Planning and Assessment Act 1979

Date made

19 March 2004

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See Historical notes

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Schedule 11 Restricted development

Dictionary

Historical notes



New South Wales

Part 1 Preliminary

1 Name of plan

This plan is Lake Macquarie Local Environmental Plan 2004.

2 Land to which plan applies

- (1) This plan applies to all land within the local government area of Lake Macquarie City, except as provided by subclause (2).
- (2) This plan does not apply to land to which Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula applies or to any land shown as "Deferred" on the map.

3 Objective of plan

The objective of this plan is to achieve development of land to which this plan applies that is in accordance with the principles of ecologically sustainable development by:

- (a) promoting balanced development of that land, and

- (b) implementing the *Lifestyle 2020 Strategy* adopted by the Council on 27 March 2000.

4 Consent authority

The Council is the consent authority for the purposes of this plan, subject to the Act.

5 Relationship to other environmental planning instruments

- (1) All local environmental plans (including *Lake Macquarie Local Environmental Plan 1984*) that applied to land to which this plan applies immediately before the appointed day are repealed.

- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting the following words in alphabetical order in Schedule 2 (Land exempted from clauses 6–10):

Lake Macquarie City local government area

- (3) The *Hunter Regional Environmental Plan 1989 (Heritage)* does not apply to land to which this plan applies.

6 Use of explanatory notes

Explanatory notes in this plan, including any notes within boxes, do not form part of this plan and are provided to assist understanding.

7 Definitions

- (1) Words defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.

- (2) In this plan, a reference to:

- (a) a map, is a reference to a map held at the office of the Council, and
- (b) land within a zone, is a reference to land shown on the map as being within that zone.

8 Exempt development

Development meeting the criteria for exempt development in Schedule 1, being development of minimal environmental impact, is exempt development for the purposes of the Act.

9 Complying development

Local development that complies with the standards and any other requirements specified for the development in *Lake Macquarie Development Control Plan No 2—Complying Development*, as approved by the Council on 22 March 2004, is complying development for the purposes of the Act.

10 Development by public authorities

Despite other provisions of this plan, the following are allowed on land to which this plan applies without consent:

- (a) the use of existing buildings of the Crown by the Crown, and
- (b) activities specified in Schedule 10.

11 Determination of pending development applications

- (1) Any development application lodged but not finally determined prior to the commencement of this plan is to be determined as if this plan had been exhibited under the Act but had not been made.
- (2) Development control plans as in force immediately before the commencement of this plan are to be taken into consideration by the consent authority in determining any such development application.

Part 2 Lifestyle 2020 Strategy—vision, values and aims

12 Vision

The vision for land to which this plan applies is described in the *Lifestyle 2020 Strategy*, which is available from the office of the Council.

13 Values

The 4 core values of that strategy are sustainability, equity, efficiency and liveability.

14 Aims

The aims of the *Lifestyle 2020 Strategy* are to:

- (a) provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and
- (b) reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and
- (c) provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and
- (d) guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and
- (e) achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and
- (f) develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and
- (g) manage the City's natural environment so that its ecological functions and

biological diversity are conserved and enhanced, and contribute to the City's overall well being, and

- (h) manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and
- (i) integrate land use with the efficient provision of public and private movement systems.

Part 3 General controls for land within zones

15 General controls for land within zones

Except as provided otherwise by this plan, the following Table shows for land within each zone:

- (a) the development that may be carried out in the zone without development consent under the heading "Without development consent", and
- (b) the development that may be carried out in the zone only with development consent under the heading "Only with development consent", and
- (c) the development that is prohibited in the zone under the heading "Prohibited".

Land use table

Zone 1 (1) Rural (Production) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide for economic and employment-generating agricultural activities, and
- (b) provide for a range of compatible land uses that maintain and enhance the rural environment of the locality, and
- (c) ensure development is carried out in a manner that improves the quality of the environment, including quality of design, and is within the servicing capacity of the locality, and
- (d) encourage development and management practices that are sustainable, and
- (e) encourage the development of good quality agricultural land for agriculture (other than intensive agriculture) to the greatest extent possible, and
- (f) encourage the development of low quality agricultural land for intensive agriculture, and
- (g) provide for sustainable forestry practices, and
- (h) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and
- (i) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

Development for the purpose of agriculture (other than intensive agriculture).

3 Only with development consent

Development for the purpose of:

airline terminals
airports
animal establishments
aquaculture
bed and breakfast establishments
bulk stores
cemetries and crematoriums
drainage
dual occupancies—attached
dwelling houses
earthworks
eco-tourism facilities
educational establishments
emergency services facilities
energy generation works
environmental facilities
extractive industries
forestry
helipads
heliports
home businesses
home industries
intensive agriculture
mines

retail plant nurseries

roads

roadside stalls

rural industries

sawmills

signs

stormwater management facilities

sustainable generating works

telecommunications facilities

transport terminals

utility installations

veterinary hospitals

wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 1 (2) Rural (Living) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide for the enjoyment of a rural lifestyle and the operation of small-scale rural and tourism activities, and
- (b) provide for a range of compatible land uses that maintain the rural environment, and
- (c) ensure development is carried out in a manner that improves the quality of the environment, and is within the servicing capacity of the area, and
- (d) retain and enhance the rural character of land, and
- (e) allow for the appropriate development of land presently within this zone so as to limit the need to rezone any more land to this zone, and
- (f) avoid land use conflict by restricting or prohibiting development that has the potential to negatively affect the sustainability of existing agriculture, and
- (g) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
 bed and breakfast establishments
 drainage
 dual occupancies—attached
 dwelling houses
 earthworks
 eco-tourism facilities
 educational establishments
 emergency services facilities
 environmental facilities
 home businesses
 home industries
 retail plant nurseries
 roads
 roadside stalls
 signs
 stormwater management facilities
 telecommunications facilities
 utility installations
 wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 2 (1) Residential Zone

1 Objectives of zone

The objectives of this zone are to:

(a) permit development of neighbourhoods of low-density housing, and

(b) provide for general stores, community service activities or development that includes home businesses whilst maintaining and enhancing the residential amenity of the surrounding area, and
 (c) ensure that housing development respects the character of surrounding development and is of good quality design, and
 (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments
 boarding houses
 child care centres
 community facilities
 drainage
 dual occupancies—attached
 dual occupancies—detached
 dwelling houses
 dwelling houses—exhibition
 earthworks
 educational establishments
 emergency services facilities
 environmental facilities
 general stores
 group homes
 home businesses
 home industries
 places of public worship
 professional consulting rooms
 roads
 signs

small lot housing
sporting facilities
stormwater management facilities
telecommunications facilities
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 2(2) Residential (Urban Living) Zone

1 Objectives of zone

The objectives of this zone are to:

- provide for medium and high density housing, and
- encourage development of good quality design within the zone, and
- provide an environment where people can live and work in home businesses and professional services whilst maintaining the residential amenity of the surrounding area, and
- provide residents with good access to a range of urban services and facilities, and
- encourage amalgamation of existing lots to facilitate well designed medium and high density development, and
- provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments
boarding houses
child care centres
clubs
community facilities
drainage
dwelling houses

earthworks
educational establishments
environmental facilities
general stores
group homes
home businesses
home industries
motels
multiple dwelling housing
places of public worship
professional consulting rooms
residential flat buildings
roads
signs
small lot housing
sporting facilities
stormwater management facilities
telecommunications facilities
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- provide land for commercial, retail, recreational and housing uses in a central location, and
- generate viable employment and economic activity, and
- create urban centres for safe and vibrant social, cultural and community activity, and
- create public spaces that are accessible, welcome all people and are a central

focus for the community, and

(e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

brothels
 bus stations
 car parking facilities
 car repair stations
 child care centres
 clubs
 commercial premises
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 entertainment facilities
 environmental facilities
 helipads
 home businesses
 hotels
 large-scale commercial premises
 medical centres
 mixed use development
 motels
 motor showrooms
 places of public worship
 recreation facilities

restaurants
 restricted premises
 roads
 service stations
 shops
 signs
 sporting facilities
 stormwater management facilities
 telecommunications facilities
 utility installations
 veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 3 (2) Urban Centre (Support) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for development that supports the viability of Urban Centre (Core) zoned land, and
- (b) encourage good quality design within the zone, and
- (c) provide land for mixed use development comprising residential uses in combination with commercial and retail uses, professional services and home based businesses, and
- (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bulky goods showrooms
 bus stations
 car parking facilities

car repair stations
 child care centres
 clubs
 commercial premises
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 environmental facilities
 general stores
 home businesses
 home industries
 hospitals
 hotels
 large-scale commercial premises
 marinas
 medical centres
 mixed use development
 motels
 motor showrooms
 places of public worship
 recreation facilities
 restaurants
 roads
 service stations
 signs
 sporting facilities
 stormwater management facilities

telecommunications facilities
 utility installations
 veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (1) Industrial (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for a wide range of employment-generating industries, including manufacturing, processing, assembly, storage and distribution uses, and
- (b) provide land for a range of industrial uses that, because of their nature, require large areas of land or separation from more intensive forms of employment generating industries, and
- (c) ensure that industries are designed and located so as not to cause unacceptable environmental harm or adversely affect the amenity of the environment, including residential neighbourhoods, and
- (d) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

aquaculture
 brothels
 bulk stores
 bus stations
 car parking facilities
 car repair stations
 child care centres
 depots
 drainage
 earthworks

emergency services facilities
 energy generation works
 environmental facilities
 extractive industries
 general stores
 hazardous industries
 hazardous storage establishments
 helipads
 high technology industries
 industries
 junk yards
 light industries
 liquid fuel depots
 mines
 offensive industries
 offensive storage establishments
 rail lines
 roads
 service stations
 signs
 storage facilities
 stormwater management facilities
 sustainable generating works
 telecommunications facilities
 transport terminals
 utility installations
 warehouses
 waste management and/or recycling facilities

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (2) Industrial (General) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for light industries that can service surrounding community needs and provide local employment opportunities, and
- (b) enable ancillary retail/commercial uses, in conjunction with an approved development, providing it will not undermine the retail function and general amenity of existing and future urban centres, and
- (c) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and
- (d) provide opportunities for high technology industries, scientific research and development, or similar activities, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 aquaculture
 brothels
 building products warehouses and showrooms
 bulk stores
 bus stations
 car parking facilities
 car repair stations
 child care centres
 depots
 drainage
 earthworks
 emergency services facilities

entertainment facilities
 environmental facilities
 general stores
 high technology industries
 industries
 junk yards
 light industries
 motor showrooms
 places of public worship
 recreation facilities
 retail plant nurseries
 roads
 service stations
 signs
 sporting facilities
 storage facilities
 stormwater management facilities
 telecommunications facilities
 transport terminals
 utility installations
 veterinary hospitals
 warehouses
 wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 4 (3) Industrial (Urban Services) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for light industries that can service surrounding community needs

and provide local employment opportunities, and

- (b) provide land for the wholesale or retail sale of bulky goods, and

(b1) provide land for research and development, and for applied technology, that can service surrounding community needs and provide employment opportunities, and

(c) support the role of existing and future urban centres while not undermining the retail and commercial functions and general amenity of these centres, and

(d) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and

(e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 brothels
 building products warehouses and showrooms
 bulky goods showrooms
 bus stations
 car parking facilities
 car repair stations
 child care centres
 drainage
 earthworks
 emergency services facilities
 environmental facilities
 general stores
 large-scale commercial premises
 light industries
 medical centres
 motor showrooms

places of public worship
 recreation facilities
 restaurants
 retail plant nurseries
 roads
 service stations
 signs
 sporting facilities
 storage facilities
 stormwater management facilities
 telecommunications facilities
 transport terminals
 utility installations
 veterinary hospitals
 warehouses
 wholesale plant nurseries

4 Prohibited

Development not listed in item 2 or 3.

Zone 5 Infrastructure Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for future infrastructure needs such as roads, drainage and other utilities, and
- (b) provide land required for the expansion of existing community facilities or the development of new community facilities, and
- (c) provide for limited development within the zone where it can be demonstrated that the development will not prejudice or have the potential to prejudice the intended future infrastructure development of that land, and
- (d) ensure that development on adjacent or adjoining land zoned infrastructure does not prejudice future infrastructure development within that zone, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
 airline terminals
 airports
 bus stations
 car parking facilities
 cemeteries and crematoriums
 child care centres
 community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 energy generation works
 entertainment facilities
 environmental facilities
 helipads
 heliports
 hospitals
 medical centres
 motels
 places of public worship
 rail lines
 restaurants
 roads
 signs

stormwater management facilities
 telecommunications facilities
 transport terminals
 utility installations
 veterinary hospitals

4 Prohibited

Development not listed in item 2 or 3.

Zone 6 (1) Open Space Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide community owned land or land intended to be owned by the community (shown with crosshatching on the map) that is suitable for the passive and active recreation needs of the community, and
- (b) provide for a variety of facilities necessary to support use of this land including barbeque facilities, toilet facilities, sports administration and changing rooms, clubhouses, cycle ways, seating, lighting and the like, and
- (c) facilitate preservation of the environmental qualities of land identified in this plan for public ownership, and
- (d) provide for the use of public land leased from the Council where community benefit can be established and the use of the land is appropriate for its location, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
 car parking facilities
 caravan parks
 cemeteries and crematoriums
 child care centres
 clubs

community facilities
 drainage
 earthworks
 educational establishments
 emergency services facilities
 entertainment facilities
 environmental facilities
 helipads
 marinas
 places of public worship
 recreation facilities
 restaurants
 roads
 signs
 sporting facilities
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 6 (2) Tourism and Recreation Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land primarily for commercial recreation and tourist uses, and
- (b) encourage good quality design within the zone, and
- (c) provide land for good quality tourist development, and
- (d) provide land for function and entertainment centres, and
- (e) encourage tourism development that is sensitively designed to complement its location and minimise any adverse impacts on the environment, and

- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

animal establishments
car parking facilities
caravan parks
clubs
community facilities
drainage
earthworks
eco-tourism facilities
educational establishments
emergency services facilities
entertainment facilities
environmental facilities
function centres
helipads
hotels
manufactured home estates
marinas
motels
places of public worship
recreation facilities
restaurants
roads
signs
sporting facilities

stormwater management facilities
telecommunications facilities
tourist resorts
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (1) Conservation (Primary) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide and conserve land having ecological, scientific, geological, educational, faunal, floristic or aesthetic values, and
- (b) preserve and enhance areas of significant vegetation and habitat to promote the regeneration of ecosystems and eradication of invasive species that compete with native flora and fauna, and
- (c) conserve, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (d) exclude activities which would prejudice the ongoing conservation or rehabilitation of land, and
- (e) encourage activities that meet conservation objectives, and
- (f) protect land within this zone from impacts from development on adjoining zones, and
- (g) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments
drainage
dwelling houses
earthworks
environmental facilities
home businesses

home industries
roads
signs
stormwater management facilities
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (2) Conservation (Secondary) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) protect, conserve and enhance land that is environmentally important, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) enable development where it can be demonstrated that the development will not compromise the ecological, hydrological, scenic or scientific attributes of the land or adjacent land in Zone 7 (1), and
- (d) ensure that development proposals result in rehabilitation and conservation of environmentally important land, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

bed and breakfast establishments
community facilities
drainage
dual occupancies—attached
dwelling houses
earthworks
eco-tourism facilities
emergency services facilities

environmental facilities
home businesses
home industries
roads
roadside stalls
signs
stormwater management facilities
telecommunications facilities
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (3) Environmental (General) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) maintain and enhance biodiversity, scenic quality and native riparian vegetation and habitat, and
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (c) ensure that development and land management practices do not have an adverse effect on water quality, land surface conditions and important ecosystems such as waterbodies, waterways, wetlands and rainforests, and
- (d) protect and enhance natural, rural and heritage landscapes, and
- (e) provide for sustainable water cycle management, and
- (f) encourage rehabilitation and conservation of environmentally important land.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
bed and breakfast establishments
community facilities

drainage
 dual occupancies—attached
 dwelling houses
 earthworks
 eco-tourism facilities
 educational establishments
 emergency services facilities
 environmental facilities
 forestry
 home businesses
 home industries
 places of public worship
 retail plant nurseries
 roads
 roadside stalls
 signs
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (4) Environmental (Coastline) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide and conserve an area for natural coastal processes, and
- (b) permit appropriate development where consistent with the Coastal Impact Zone (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (c) conserve and enhance the scenic values and natural, Aboriginal and European heritage associated with the coastline, and
- (d) minimise disturbance of the coastline environment, and

- (e) encourage ongoing dune stabilisation and rehabilitation of native vegetation, and
- (f) ensure that development facilitates public access to the coastline and supports the optimum and efficient development of the coastal walk (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (g) ensure that development is sympathetic in design, bulk and scale with the coastline environment, and
- (h) provide for sustainable water cycle management, and
- (i) protect, enhance and manage corridors to facilitate species movement, and the dispersal and interchange of genetic material.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

car parking facilities
 clubs
 community facilities
 drainage
 earthworks
 emergency services facilities
 environmental facilities
 helipads
 restaurants
 roads
 signs
 sporting facilities
 stormwater management facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 7 (5) Environmental (Living) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land with ecological, geological, scientific, scenic and biodiversity values that may accommodate minimal impact, low density residential and agricultural development, and
- (b) manage development to minimise adverse impacts on those values, such as by encouraging appropriate use of disturbed land, and
- (c) protect, enhance and manage corridors to facilitate species movement, dispersal and interchange of genetic material, and
- (d) encourage rehabilitation and conservation of environmentally important land, and
- (e) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

- agriculture (other than intensive agriculture)
- bed and breakfast establishments
- drainage
- dual occupancies—attached
- dwelling houses
- earthworks
- eco-tourism facilities
- educational establishments
- emergency services facilities
- environmental facilities
- home businesses
- home industries
- roads
- roadside stalls
- signs
- stormwater management facilities

telecommunications facilities
utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 8 National Park Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) allow for the management and appropriate use of that land as provided for in the *National Parks and Wildlife Act 1974*, and
- (c) promote the survival of flora and fauna by conserving viable reserves in large holdings with appropriate connections to other reserves.

2 Without development consent

Development for the purpose of land uses authorised by or under the *National Parks and Wildlife Act 1974*, and any development incidental or ancillary to such land uses.

3 Only with development consent

Nil.

4 Prohibited

Development not listed in item 2.

Zone 9 Natural Resources Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land that has dual values as an economic natural resource and for environmental protection, and
- (b) recognise the dual values of the land and integrate economic use of the land with ecological sustainability, and
- (c) acknowledge the economic value of its natural resources, particularly for extraction of coal, gravel and timber, and
- (d) acknowledge the long term value of the land for the management and maintenance of biodiversity, threatened species habitat, and corridors by minimising the adverse impacts of resource development, and

- (e) rehabilitate disturbed land to a natural state, reflective of its long term value, and
- (f) minimise earthworks while enabling productive use of the land, and
- (g) permit habitat disturbance to facilitate forestry, surface activities for underground mining and other extraction of mineral and gravel resources and energy generation works, and
- (h) acknowledge the multiple use of State forests for tourism, conservation and sustainable harvesting of timber, and
- (i) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:

agriculture (other than intensive agriculture)
 car parking facilities
 drainage
 earthworks
 emergency services facilities
 energy generating works
 environmental facilities
 extractive industries
 forestry
 hazardous industries
 hazardous storage establishments
 helipads
 industries
 liquid fuel depots
 mines
 offensive industries
 offensive storage establishments
 rail lines

roads
 rural industries
 sawmills
 signs
 stormwater management facilities
 sustainable generating works
 telecommunications facilities
 transport terminals
 utility installations
 waste management and/or recycling facilities

4 Prohibited

Development not listed in item 2 or 3.

Zone 10 Investigation Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for future development and/or conservation, and
- (b) ensure that land in this zone is thoroughly assessed to identify and substantiate future uses, and
- (c) provide for limited development of the land and allow that development only where it can be proven not to prejudice or have the potential to prejudice future protection or use of the land, and
- (d) ensure that land is released in a strategic and efficient manner consistent with the *Lifestyle 2020 Strategy*, and
- (e) require comprehensive local environmental studies to substantiate the capability and suitability of land in this zone proposed for rezoning, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

3 Only with development consent

Development for the purpose of:
 agriculture (other than intensive agriculture)

bed and breakfast establishments
 drainage
 dwelling houses
 earthworks
 emergency services facilities
 environmental facilities
 home businesses
 home industries
 roads
 roadside stalls
 signs
 stormwater management facilities
 telecommunications facilities
 utility installations

4 Prohibited

Development not listed in item 2 or 3.

Zone 11 Lakes and Waterways Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) recognise the importance of Lake Macquarie and its waterways as an environmental asset, not only to Lake Macquarie City, but to the Hunter and Central Coast Regions, and
- (b) ensure that development of the Lake and its waterways occurs in a manner that is consistent with the principles of ecologically sustainable development, and
- (c) ensure development does not adversely affect the ecology, scenic values or navigability of the Lake or its waterways, and
- (d) ensure that aquatic and terrestrial habitats and their interface are protected and enhanced and are not adversely affected by the recreational use of the Lake or its waterways, and
- (e) provide for sustainable and viable economic use of the Lake and its waterways, and
- (f) provide for sustainable water cycle management.

2 Without development consent

Exempt development as provided in Schedule 1.

Development for the purpose of:

- aids to navigation required by the Maritime Authority of NSW
- moorings, except commercial moorings, if in accordance with a Mooring Management Plan approved by the Maritime Authority of NSW.

3 Only with development consent

Any development not listed in item 2.

4 Prohibited

Nil.

Part 4 Special provisions applying to all land

16 Development consent—matters for consideration

Consent must not be granted for development unless the consent authority:

- (a) has had regard to the vision, values and aims of the *Lifestyle 2020 Strategy* expressed in Part 2, and
- (b) is satisfied that such of the development as is proposed to be carried out within a zone is consistent with the relevant objectives for the zone, as set out in the Table to clause 15.

17 Provision of essential infrastructure

Consent must not be granted for development on any land to which this plan applies unless the consent authority:

- (a) is satisfied that adequate arrangements have been made for the provision of any infrastructure that is essential for the proposed development, including the following:
 - (i) a supply of water,
 - (ii) provision of energy,
 - (iii) provision of telecommunications,
 - (iv) a system for the disposal and management of sewage, and
- (b) has considered the impacts of the provision of that infrastructure on the land to which the development application relates.

18 Temporary development of land

- (1) Despite any other provision of this plan, a person may carry out development on any land with development consent for any purpose for a maximum period of 28

days in any one year.

- (2) Consent may be granted under this clause only if, in the opinion of consent authority, the development contributes to the social, environmental, cultural and economic well-being of the community.

- (3) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* does not apply to a requirement made by subclause (1).

19 Development for the purpose of a mine

Nothing in this plan prevents a person, with development consent, from carrying out development for the purpose of a mine:

- (a) on any land to which this plan applies, if the mine is underground, or
- (b) on land that is shown as land with future open cut mining potential on the map marked "Lake Macquarie Local Environmental Plan 2004—Areas of Future Open Cut Mining Potential", if the mine is an open cut mine.

20 Suspension of covenants, agreements or instruments

- (1) Any covenant, agreement or similar instrument which affects development allowed by this plan does not apply to the extent necessary to allow the development.
- (2) Nothing in subclause (1) affects the rights or interests of any statutory corporation, public authority or Minister of the Crown under any registered instrument.
- (3) Pursuant to section 28 of the Act, the Governor approved of subclauses (1) and (2) before this plan was made.

21 Development the subject of SEPP 1 application

The consent authority, in determining a written objection made pursuant to *State Environmental Planning Policy No 1—Development Standards*, is to consider the underlying objectives of the development standard or other requirement concerned and the following, to the extent that they are relevant to the proposed development:

- (a) neighbourhood and local context,
- (b) topography,
- (c) solar orientation,
- (d) neighbourhood amenity and character,
- (e) privacy,
- (f) overshadowing,
- (g) security, safety and access,
- (h) local infrastructure,
- (i) landscape design,
- (j) waste disposal,

in addition to the matters referred to in that policy.

Part 5 Special controls for protection of the environment or for particular land

22 Foreshore building lines

- (1) The objectives of this clause are:

- (a) preservation and enhancement of the natural features and vegetation near where land meets the high water mark, and
- (b) restoration of the land below any foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of man-made structures, and
- (c) removal of structures and works below any foreshore building line (particularly on redevelopment of land), other than those excepted by clause 23, and
- (d) conservation and enhancement of waterfront structures of heritage value, and
- (e) avoidance of adverse ecological effects on the waterways, and
- (f) enhancement of the visual amenity of Lake Macquarie.

- (2) Clause 7 of the *Environmental Planning and Assessment Model Provisions 1990* is adopted for the purposes of this plan.

Note. Clause 7 of the *Environmental Planning and Assessment Model Provisions 1990* allows the Council to fix a foreshore building line and sets out the effect of such a line.

- (3) *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by clause 7 of those provisions, when adopted for the purposes of this plan, in the same way as it applies to a development standard.

- (4) The resolution of the Council cited as *Lake Macquarie Foreshore Building Line Resolution* and adopted by the Council on 18 July 1988 (copies of which are available from the office of the Council) is taken to have been made under clause 7 (1) of those provisions, as adopted for the purposes of this plan.

- (5) Any references in that resolution to a *current plan* are taken to be references to a current plan within the meaning of the *Conveyancing Act 1919*.

23 Foreshore development and development below DP high water mark

- (1) Foreshore development and development for the purpose of utility installations may be carried out only with development consent between a foreshore building line that is fixed with respect to a DP high water mark and the DP high water mark.

- (2) Development below DP high water mark may be carried out only with development consent which must not be granted unless the consent authority is satisfied:

- (a) that all existing structures and works on the land below DP high water mark will be removed before or within a reasonable time after development is carried out, or
- (b) that it is unreasonable or unnecessary in the circumstances of the case for that

removal to occur, having regard to the objectives of clause 22 and the provisions of any relevant development control plan.

24 Subdivision

- (1) Despite any other provision of this plan, subdivision of land, other than that identified in Schedule 1 as exempt development, may be carried out only with development consent.
- (2) Land in any zone may be subdivided only if the consent authority is satisfied:
 - (a) that the resulting lots will conform to the requirements in Schedule 2 (Subdivision standards) applicable to subdivision in that zone, and
 - (b) the resulting lots can be developed in accordance with this plan.
- (3) To avoid doubt, *State Environmental Planning Policy No. 1—Development Standards* applies to a requirement referred to in subclause (2) (a) in the same way as it applies to a development standard.
- (4) Consent must not be granted to a subdivision of land in Zone 2 (1) or 2 (2) for the purpose of small lot housing unless consent has been or is also given to the erection on the land of dwellings that will comprise small lot housing.
- (5) Consent must not be granted for a subdivision of land in Zone 2 (1) for the purpose of dual occupancy-attached or dual occupancy-detached unless consent has been or is also granted for the erection on the land of dwellings comprising that form of dual occupancy.
- (6) The subdivision of land in Zone 2 (1) for small lot housing, a dual occupancy-detached or a dual occupancy-attached is prohibited if it would result in the creation of any battle-axe lots.
- (7) The subdivision of land in Zone 2 (2) for small lot housing is prohibited if it would result in the creation of any battle-axe lots.
- (8) The subdivision of land in Zone 10 is prohibited.

25 Demolition

Except as provided otherwise by this plan, the demolition of a building or work requires development consent.

26 Dwelling houses and dual occupancies in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10

- (1) This clause applies to land in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10.
- (2) In this clause:

dwelling lot means:

 - (a) an existing holding, or
 - (b) a lot that complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.

existing holding means:

- (a) except as provided by paragraph (b), a lot, portion or parcel of land as it was on 21 August 1981, or
 - (b) where, on 21 August 1981, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that date.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
 - (4) Consent may be granted for the erection or creation of:
 - (a) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (1), 7 (2) or 7 (3), or
 - (b) a dwelling house on a dwelling lot in Zone 7 (1) or 10.
 - (5) Consent must not be granted for the erection or creation of a dwelling house or dual occupancy-attached on a dwelling lot if its erection or creation would mean:
 - (a) if the lot is in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or
 - (b) if the lot is in Zone 1 (1), 7 (2) or 7 (3)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).
 - (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 7 (3).
 - (7) If consent is granted for the erection or creation of a dwelling house or a dual occupancy-attached on land comprising an existing holding, the consent authority may impose a condition of consent that requires the consolidation of all lots, portions or parcels that comprise that existing holding.

27 Dwelling houses and dual occupancies in Zone 1 (2), 2 (1), 2 (2) or 7 (5)

- (1) This clause applies to land in Zone 1 (2), 2 (1), 2 (2) or 7 (5).
- (2) In this clause:

dwelling lot means a lot that:

 - (a) was a lawfully created lot at the commencement of this plan, or
 - (b) is a lot lawfully created after that commencement under a development consent granted before or after that commencement, or
 - (c) complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.

- (4) Consent may be granted for the erection or creation of:

- (a) a dwelling house on a dwelling lot in Zone 2 (2), or
- (b) a dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (2) or 7 (5), or
- (c) a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot in Zone 2 (1).

- (5) Consent must not be granted for the erection or creation of a dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot if its erection or creation would mean:

- (a) if the lot is in Zone 1 (2), 2 (1), 2 (2) or 7 (5)—that there is more than one dwelling house on the dwelling lot (counting any dwelling house already on the lot), or
- (b) if the lot is in Zone 1 (2), 2 (1) or 7 (5)—that there are more than two dwellings on the dwelling lot (counting any dwelling already on the lot).

- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 1 (2) or 7 (5).

28 Dwelling houses on South Wallarah Peninsula in Zone 7 (1)

Despite any other provision of this plan, a person must not erect a dwelling house on an allotment of land within Zone 7 (1) within the South Wallarah Peninsula, being the land south of the land to which *Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula* applies, unless the allotment has an area of not less than 100 hectares.

29 Building heights

- (1) (Repealed)

- (2) In considering an application for consent to the erection of a building the whole or part of which exceeds 8 metres, the consent authority must take into consideration whether that height is compatible with the heights of other buildings in the immediate vicinity or locality and is compatible with:

- (a) the site attributes, and existing or proposed uses of the land to which the application relates, and
- (b) the other requirements of this plan and the provisions of any relevant development control plan.

- (3) In the instance of development in proximity to an airport, the heights of buildings must comply with the applicable Obstacle Limitation Surface.

30 Control of pollution

Consent must not be granted to development unless the consent authority is satisfied that all reasonable and practicable control measures will be implemented to minimise pollution likely to arise from carrying out that development.

Note. Pollution may be of air, noise or water. Water pollution includes nutrient and sediment loading.

31 Erosion and sediment control

- (1) This clause applies to development that involves or that, in the opinion of the consent authority, may give rise to the exposure of the soil surface of land to the action of wind or water, whether as a consequence of:

- (a) the carrying out of earthworks, or
- (b) the destruction or removal of vegetation, or
- (c) the carrying out of any other class of development.

- (2) Consent must not be granted to development to which this clause applies unless:

- (a) the consent authority is satisfied that all reasonable and practicable control measures will be carried out to prevent or minimise the effects of erosion and sediment, and
- (b) where the area of soil surface exposure is greater than 250 square metres, but less than 2,500 square metres, the consent authority has considered an erosion and sediment control plan complying with erosion and sediment control guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan, and
- (c) where the area of soil surface exposure is 2,500 square metres or greater, the consent authority has considered a soil and water management plan complying with construction guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan.

32 Flood prone land

- (1) Despite any other provision of this plan, a person must not erect a structure or carry out a work on flood prone land without development consent.

- (2) Before granting consent required by this clause, the consent authority must:

- (a) consider the contents of any flood management plan or development control plan applying to the land that has been prepared in accordance with the principles contained in the flood management manual, which is available from the office of the Council, and
- (b) be satisfied that to carry out the development in accordance with the consent would be consistent with flood hazard and levels of risk that are acceptable to the community.
- (3) The consent authority may, by a condition of consent to the carrying out of development referred to in subclause (1), require all floors or levels of the structure or work to be at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that structure or work, or of adjoining land.

33 Bush fire considerations

- (1) This clause applies to bush fire prone land.

Note. Section 146 of the Act provides that bush fire prone land is land recorded by the Council as such on a map certified by the Commissioner of the NSW Rural Fire Service as a bush fire prone land map for the area of the Council.

- (2) A person must not carry out bush fire hazard reduction work without development consent unless the person is authorised to carry out the work without consent by or under the *Rural Fires Act 1997* or another Act.

- (3) Before granting consent required by this clause, the consent authority must:

- (a) have regard to the relevant provisions of *Planning for Bush Fire Protection*, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, and available at the office of the Council, and
- (b) be satisfied that:
 - (i) the measures proposed to avoid or mitigate the threat from bush fire, including the siting of the proposed development, the design of, and materials used in, any structures involved, the clearing of vegetation, and the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies), are adequate for the locality, and
 - (ii) as far as possible, the potential impact on the environment of mitigation measures proposed is minimised.

34 Trees and native vegetation

Note. Part 6 contains controls relating to trees that are heritage items or within heritage conservation areas.

- (1) This clause applies to all land except:

- (a) State forest or other Crown-timber lands within the meaning of the *Forestry Act 1916*, or

- (b) land within Zone 8.

- (2) Except as provided by subclause (3), a person must not clear any tree or any native vegetation unless in accordance with a development consent that is in force.

- (3) Consent is not required for:

- (a) the clearing of trees or native vegetation authorised or required by or under the *Electricity Supply Act 1995*, or
- (b) the clearing of trees or native vegetation authorised or required by or under the *Roads Act 1993*, or
- (c) the clearing or harvesting of trees grown commercially or domestically for their edible fruit, or
- (d) the control of noxious weeds within the meaning of the *Noxious Weeds Act*

1993, or

- (e) the clearing of commercially grown plantation trees in accordance with the *Plantations and Reafforestation Act 1999*, or

- (f) the clearing of native vegetation without consent if authorised under the *Native Vegetation Conservation Act 1997*, any other Act or another environmental planning instrument, or

- (g) the removal of hazardous dead trees within Zone 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (1) or 6 (2), except where the trees provide habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or

- (h) the removal of native vegetation on land, other than in Zone 7 (1), for the purpose of creating or maintaining landscaped and lawn areas where:

- (i) the removal, injury or destruction of trees is not involved, and

- (ii) the area to be cleared is less than 600 square metres in total and is on the same allotment as, and within the curtilage of, a dwelling for which development consent has been granted, and

- (iii) the soil surface exposed in any period of 90 consecutive days will not exceed 250 square metres, and

- (iv) the slope of the land does not exceed 15 degrees, and

- (v) the work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, and

- (vi) the area is not subject to a development consent that requires the trees or native vegetation to be retained, or

- (i) bushfire hazard reduction work, within the meaning of the *Rural Fires Act 1997*, that is exempted from any requirement for development consent by the operation of that Act, or

- (i) the clearing of any tree (other than any tree listed on the Council's *Significant Tree Register*) or native vegetation that is:

- (i) within 5 metres of the outermost projection of a lawfully used building (being a building that is not exempt development), and

- (ii) on the same allotment as that building,

but only if a development consent does not require the tree or native vegetation to be retained, or

- (k) the clearing of any tree (other than a tree listed on the Council's *Significant Tree Register*) or native vegetation that is:

- (i) within 1 metre of a sealed driveway to a lawfully used building (being a building that is not exempt development), and

- (ii) on the same allotment as that building,

but only if a development consent does not require the tree or native vegetation to be retained, or

- (l) the clearing of any tree or native vegetation where the Council is satisfied beforehand that the tree or native vegetation ought to be cleared because it is dangerous to life or property, or
 - (m) the clearing of any tree or native vegetation required by an order given under Division 1 of Part 2 of Chapter 7 of the Local Government Act 1993.
- (4) Consent must not be granted for the clearing of any tree or native vegetation unless the consent authority has considered a statement of environmental effects that assesses in respect of the vicinity of the proposed clearing:
- (a) soil stability and prevention of land degradation, and
 - (b) water quality and associated ecosystems such as streams, rivers, waterbodies or waterways, and
 - (c) scenic or environmental amenity, and
 - (d) vegetation species, vegetation communities, flora and fauna corridors and natural wildlife habitats.
- (5) Nothing in this clause affects any requirement made by or under the Native Vegetation Conservation Act 1997.

35 Acid sulfate soils

- (1) For the purpose of this clause, *works* means:

- (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, and detention basins), foundations and flood mitigation works), or
- (b) any other works that are likely to lower the water table, or
- (c) routine maintenance.

- (2) A person must not, without development consent, carry out works described in the following Table on land of the class specified for those works, except as provided by subclause (3).

Class of land as shown on Maps	Works
1	Any works.
2	Works below the natural ground surface. Works by which the water table is likely to be lowered.
3	Works beyond 1 metre below the natural ground surface. Works by which the water table is likely to be lowered beyond 1 metre below natural ground surface.
4	Works beyond 2 metres below the natural ground surface. Works by which the water table is likely to be lowered beyond 2 metres below natural ground surface.

- 5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

- (3) This clause does not require consent for the carrying out of those works if:

- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the *Acid Sulfate Soil Manual*, has been given to the Council, and
 - (b) the Council has provided written advice to the person proposing to carry out the works confirming that the results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soil Manual*.
- (4) Consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soil Manual*, and
 - (b) the likelihood of the proposed development resulting in the discharge of acid water, and
 - (c) any comments from the Department received within 28 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.
- (5) Despite subclause (2), development may be carried out by the Council or the Hunter Water Corporation without consent, being development consisting of:
- (a) emergency works, or
 - (b) routine management, or
 - (c) minor works.
- (6) Where the Council or the Hunter Water Corporation carries out development described in subclause (5) and encounters, or is likely to encounter, acid sulfate soils, the Council or the Hunter Water Corporation must properly deal with those soils in accordance with the proposed development in accordance with the *Acid Sulfate Soil Manual* so as to minimise the actual or potential impact on the environment arising from the disturbance of the soils.

36 Mixed use development

- (1) Consent must not be granted for mixed use development unless the consent authority is satisfied that:
- (a) the gross floor area that will be used for commercial, retail or recreation facilities will be not less than 20 percent of the total gross floor area within the site area to which the development application relates, and
 - (b) the gross floor area that will be used for dwellings and any accommodation for tourists will be not less than 50 percent of that total.

- (2) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards*

applies to a requirement made by subclause (1) (a) or (b) in the same way as it applies to a development standard.

37 Unzoned land

- (1) A person must not carry out development on unzoned land without development consent.
- (2) Development of unzoned land is not exempt or complying development, despite any other provision of this plan.
- (3) Consent must not be granted for development of unzoned land unless the consent authority has considered the objectives of the zones in which adjoining land is situated.

38 Advertising structures and signs

Despite any other provision of this plan, the erection and use of an advertising sign or advertising structure of a type referred to in Schedule 1 requires consent if it is not exempt development.

39 Additional development allowed on certain land

- (1) Nothing in this plan prevents a person, with development consent, from carrying out on land described in Column 1 of Schedule 7 any development specified in relation to that land in Column 2 of Schedule 7, subject to such conditions (if any) as may be so specified.
- (2) If any development specified in Schedule 7 in relation to land is permissible with development consent subject to a condition that consent to the development must be obtained or applied for within a specified period, the consent authority is not prevented from granting consent after that period to the carrying out of alterations or extensions to, or the rebuilding of, a structure or place on that land for which such a consent has been granted.

40 Development for the purpose of agriculture on land in Zone 7 (2)

- (1) In this clause:
 - nominated owner* means the person who, on the appointed day, owned a retained holding.
 - retained holding* means:
 - (a) a lot, portion or parcel of land as it was on the appointed day, or
 - (b) where, on the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that day.
- (2) This clause applies to a retained holding only if:
 - (a) not less than 70% of the retained holding is within Zone 7 (2), and
 - (b) immediately prior to the appointed day, the retained holding was within a zone in which development for the purpose of agriculture was permissible either with

or without consent.

- (3) Nothing in this plan prevents the nominated owner from carrying out development on a retained holding for the purpose of agriculture (other than intensive agriculture), but only with development consent.

41 Development for the purpose of retirement villages

- (1) This clause aims to maintain the opportunity for the development of retirement village style accommodation for aged persons in appropriate locations where the land satisfies the criteria specified in subclause (5).
- (2) This clause applies to:
 - (a) land within Zone 2 (1), and
 - (b) land that is not within Zone 2 (1), 7 (1), 7 (4), 8 or 9, but part or all of which immediately adjoins, or is within 400 metres of, land within Zone 2 (1).
- (3) In this clause:

retirement village means a complex containing residential premises that are predominantly or exclusively occupied, or intended to be predominantly or exclusively occupied, by persons aged 55 years or older, which provides access to meals, cleaning, emergency assistance, and a transport service for residents.

- (4) Nothing in this plan prevents a person, with development consent, from carrying out development on any land to which this clause applies for the purpose of a retirement village.
- (5) Despite subclause (4), consent may be granted to development for the purpose of a retirement village only if the consent authority is satisfied that:
 - (a) the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development, and
 - (b) the land has frontage to a formed public road servicing nearby urban areas, and
 - (c) the development is able to be serviced with reticulated water, sewerage and electricity, and
 - (d) at least 70% of the proposed development area comprises land with a slope of less than 20% grade.

42 Consent to development subject to special requirements

- (1) Consent must not be granted to development on any land described in Column 1 of Schedule 8 unless the consent authority has had regard to the development control plan or master plan required for the land by Column 2 of that Schedule.
- (2) Consent must not be granted to development on any land described in Column 1 of Schedule 9 unless the consent authority is satisfied, whether by the imposition of a condition on the consent or otherwise) that any requirement specified for the land in Column 2 of that Schedule has been or will be met.

42A Restricted development

Despite any other provision of this plan, the only development permissible on land described in Column 1 of Schedule 11 is development specified for the land in Column 2 of that Schedule.

Part 6 Heritage provisions

43 Objective

The objective of this Part is to protect and conserve archaeological sites and places of Aboriginal, natural or European cultural significance. It does this by making provisions that conserve the remaining fabric, relics, settings and views, and evidence of the cultural significance of heritage items and the environment of heritage conservation areas.

44 Protection of heritage items and heritage conservation areas

The following development may be carried out only with development consent:

- (a) demolition of, or movement of the whole or a part of, a heritage item,
- (b) demolition of, or movement of, a building, structure, work, relic or tree within a heritage conservation area,
- (c) alteration of, or any addition to, a heritage item that makes substantial structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (d) alteration of a building, a structure, work, relic, or tree within a heritage conservation area by making substantial structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (e) alteration of a heritage item by making substantial structural changes to its interior,
- (f) disturbance or excavation of a place of Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (g) erection of a structure on, or subdivision of, land on which a heritage item is located or which is within a heritage conservation area.

45 Development consent is not required

- (1) Development consent is not required by clause 44 if, in the opinion of the Council:
 - (a) the proposed development is of a minor nature or consists of maintenance of a heritage item or of a building, work, archaeological site, tree or place within a heritage conservation area, and
 - (b) the proposed development would not adversely affect the significance of the heritage item or heritage conservation area.

46 Cemetery or burial grounds

Development consent is not required for the following development in a cemetery or

burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

- (a) the creation of a new grave or monument,
- (b) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers.

47 Assessment of heritage significance

- (1) Before granting consent required by this Part, the consent authority must assess the extent to which the carrying out of the proposed development will affect the heritage significance of the heritage item or heritage conservation area concerned.
- (2) In the case of proposed development that would affect a heritage item, that assessment must include consideration of a heritage impact statement that addresses:
 - (a) the heritage significance of the item as part of the environmental heritage of Lake Macquarie City local government area,
 - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or cultural features,
 - (c) the measures proposed to conserve the heritage significance of the item and its setting,
 - (d) whether any archaeological site or potential archaeological site will be adversely affected by the proposed development,
 - (e) the extent to which the carrying out of the proposed development will affect the form of any historic subdivision.
- (3) In the case of proposed development in a heritage conservation area, that assessment must include consideration of a heritage impact statement that addresses the following:
 - (a) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance,
 - (b) the impact that the proposed development will have on the heritage significance of the heritage conservation area,
 - (c) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
 - (d) the measures proposed to conserve the significance of the heritage conservation area and its setting,
 - (e) whether any landscape or horticultural features will be affected by the proposed development,
 - (f) whether any archaeological site or potential archaeological site will be affected

by the proposed development,

- (g) the extent to which the carrying out of the proposed development in accordance with the consent will affect any historic subdivision pattern.

48 Development requiring notification

- (1) A development application proposing the following development requires notification in accordance with *Lake Macquarie Development Control Plan No 1—Principles of Development*:
 - (a) the demolition of a heritage item,
 - (b) the carrying out of any development allowed by clause 53 (Conservation incentives).
- (2) Subclause (1) does not apply to designated development or advertised development.

49 Notice of demolition to Heritage Council

- (1) Within 14 days of receipt of a development application for the demolition of a heritage item identified in Schedule 4, 5 or 6 as being of State significance, the consent authority must forward a copy of the application to the Heritage Council for its comment.
- (2) The consent authority is to take into consideration any comments received by it from the Heritage Council within 28 days after a copy of the application is sent in accordance with subclause (1).

50 Development affecting places or sites of known or potential Aboriginal heritage significance

- (1) Consent must not be granted for development that is likely to have an impact on a place of Aboriginal heritage significance or a potential place of Aboriginal heritage significance, or that will be carried out on an archaeological site of a relic that has Aboriginal heritage significance, unless the consent authority has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site.
- (2) Except where the proposed development is integrated development, the consent authority must provide a copy of the development application and heritage impact statement to a member or representative of the appropriate local Aboriginal community and the Director-General of the Department of Environment and Conservation within 14 days of receipt of the application.
- (3) Consent must not be granted to any such development unless the consent authority has taken into consideration any comments received by it from any member or representative of that Aboriginal community or that Director-General within 28 days after the application and statement are sent in accordance with subclause (2).
- (4) In the instance of development in proximity to items or places identified in Schedule 6 or recorded or held by a local Aboriginal Land Council, consultation with the relevant local Aboriginal Land Council is required before consent may be

granted. Consultation is sufficient for the purposes of this requirement if the consent authority has taken into consideration all comments received from the local Aboriginal Land Council within 28 days after a copy of the application and statement are sent to it by the consent authority.

51 Development affecting known or potential archaeological sites or relics of European heritage significance

- (1) Consent must not be granted for development that will be carried out on an archaeological site or potential archaeological site or a relic that has European heritage significance (whether or not it is also the site of a relic or potential relic of Aboriginal significance) unless the consent authority has considered a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site.
- (2) Except where the proposed development is integrated development, the consent authority must provide a copy of the development application and heritage impact statement to the Heritage Council within 14 days of receipt of the application.
- (3) Consent must not be granted to any such application unless the consent authority has taken into consideration any comments received by it from the Heritage Council within 28 days after the application and statement are sent in accordance with subclause (2).
- (4) This clause does not apply if the proposed development does not involve disturbance of below ground deposits and the consent authority is of the opinion that the heritage significance of any above ground relics would not be adversely affected by the proposed development.

52 Development in vicinity of a heritage item

- (1) Consent must not be granted for development in the vicinity of a heritage item unless the consent authority has considered a heritage impact statement that includes recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works, and for any modification that will reduce the impact of the proposed development on the heritage significance of the heritage item.
- (2) Development is in the vicinity of a heritage item for the purposes of this clause if, in the opinion of the consent authority, the development:
 - (a) may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or
 - (b) may undermine or otherwise cause physical damage to a heritage item, or
 - (c) will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) Before granting consent for development to which this clause applies, the consent authority must take into account the impact of the proposed development on the heritage significance of the heritage item, on any heritage conservation area within which it is situated and on the visual curtilage and setting of the heritage item.

- (4) A heritage impact statement required by this clause should include recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

53 Conservation incentives

Consent may be granted to the use of a building that is a heritage item, or of the land on which such a building is erected (even though the use would be otherwise prohibited by this plan) if the consent authority is of the opinion that:

- (a) the retention of the heritage item depends on the granting of consent, and
- (b) the proposed use will be in accordance with a conservation management plan which has been prepared to the satisfaction of the Council, and
- (c) the granting of consent to the proposed use will ensure that all necessary conservation work identified in the conservation management plan is carried out, and
- (d) the proposed use will not adversely affect the heritage significance of the heritage item or its setting, and
- (e) the proposed use will not adversely affect the amenity of the surrounding area.

54 Development in heritage conservation areas

- (1) Before granting consent for the erection of a building within a heritage conservation area, the consent authority must be satisfied that the features of the proposed building will be compatible with the heritage significance of the heritage conservation area, having regard to the form of, and materials used in, buildings that contribute to the heritage significance of the heritage conservation area.
- (2) In forming that opinion, the consent authority must consider, where relevant:
 - (a) the scale, bulk and form, including detailing and articulation, of the building, and
 - (b) the pitch and form of the roof, and
 - (c) the style, size, proportion and position of the openings for windows or doors, and
 - (d) the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building, and
 - (e) any other matter that the consent authority considers relevant to the assessment of the application.

Part 7 Administrative provisions

55 Acquisition of land required for community purposes

- (1) The owner of land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2)

or 10 and shown cross-hatched (but not otherwise hatched) on the map may, by notice in writing, require the Council to acquire the land.

- (2) On receipt of a notice referred to in subclause (1), but subject to subclause (3), the Council must acquire the land.
- (3) However, nothing in this plan, other than subclause (4), requires the Council to acquire land:
 - (a) if the land may be required to be dedicated to the Council as a condition of consent to the carrying out of development, or
 - (b) within Zone 6 (1) or 7 (2) if, in the opinion of the Council, the need for the open space has not yet been created by residential development in the vicinity.
- (4) On receipt of a notice referred to in subclause (1), the Council must acquire land within Zone 6 (1) or 7 (2) if the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

56 Interim development of land required for community purposes

- (1) A person must not carry out development without development consent on land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2) or 10, and shown by cross-hatching on the map, before it is acquired in accordance with this plan.
- (2) A person must not carry out development on land referred to in subclause (1) that may be required to be acquired by the Council so as to render the land unfit for the purpose for which it is zoned.
- (3) Consent must not be granted for development of land referred to in subclause (1) before it is acquired in accordance with this plan unless the consent authority has considered:
 - (a) the need for the proposed development on the land, and
 - (b) the impact of the proposed development on the existing and likely future use of the land, and
 - (c) the need to retain the land for its existing or likely future use, and
 - (d) the effect of the proposed development on the cost of acquisition, and
 - (e) the imminence of acquisition, and
 - (f) the cost of reinstatement of the land for the purpose for which the land is to be acquired.
- (4) Conditions may be imposed on such a consent that limit the period during which development may be carried out in accordance with the consent and require:
 - (a) the removal of any structure or work for which the consent was granted, and
 - (b) the reinstatement of the land or removal of any waste, refuse or contaminants, without the payment of compensation by the Council.

57 Acquisition of land required for State roads

- (1) The owner of any land within Zone 5 identified by hatching (other than cross-hatching) on the map may, by notice in writing, require the RTA to acquire that land.
- (2) On receipt of such a notice, the RTA must acquire the land if:
 - (a) the land is vacant, or
 - (b) the land is not vacant but:
 - (i) is included in a 5 year works program of the RTA, current at the time of receipt of the notice, or
 - (ii) the RTA will not give concurrence required by clause 56 for development of the land, or
 - (iii) the RTA is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.
- (3) The RTA is not required to acquire land if, because of development consent, that land could reasonably be expected to be dedicated for a State road.

58 Concurrence of RTA for interim development of land required for State roads

- (1) Consent may be granted for development of any land within Zone 5 that may be required to be acquired by the RTA before it is so acquired only with the concurrence of the RTA.
- (2) Before granting that concurrence, the RTA must take into consideration the following:
 - (a) the effect of the proposed development on the cost of acquisition,
 - (b) the imminence of acquisition,
 - (c) the cost to reinstate the land for the purpose for which the land is to be acquired.

59 Acquisition of coastal land

- (1) This clause applies to land within Zone 7 (1) or 7 (4) shown by hatching (but not cross-hatching) on the map.
- (2) The owner of any land to which this clause applies may, by notice in writing, require the corporation to acquire the land.
- (3) On receipt of a notice referred to in subclause (2), the corporation must acquire the land, unless the land may be required to be provided as a condition of consent to the carrying out of development.
- (4) Despite any other provision of this plan, development may be carried out only with development consent on land to which this clause applies and only for the purpose of the following:
 - (a) agriculture (and buildings incidental to the use of the land for agriculture),

- (b) dams,
- (c) drainage,
- (d) dwelling houses.
- (5) Consent to the carrying out of development on land to which this clause applies may be granted only with the concurrence of the Minister.
- (6) Before granting that concurrence, the Minister must take into consideration the following:
 - (a) the need for the proposed development on the land,
 - (b) the impact of the proposed development on the existing and likely future use of the land,
 - (c) the need to retain the land for its existing or likely future use,
 - (d) the effect of the proposed development on the cost of acquisition,
 - (e) the imminence of acquisition,
 - (f) the cost to reinstate the land for the purpose for which the land is to be acquired.

60 Development on land adjoining Zones 5, 7 (1), 7 (4) and 8

- (1) Consent must not be granted for development on land adjoining land within Zone 5 unless the consent authority is satisfied that the proposed development will be consistent with the efficient operation of the potential or existing infrastructure development within the zone.
- (2) Consent must not be granted to development on land adjoining or adjacent to land within Zone 7 (1) unless the consent authority is satisfied that the proposed development is consistent with the effective conservation of the land within Zone 7 (1) and its protection from adverse impacts, including stormwater run-off, erosion and sedimentation, pollution, weed infestation, feral or domestic animals, chemicals, nutrients and the like.
- (2A) Consent must not be granted to development on land adjoining or adjacent to land within Zone 7 (4) unless the consent authority is satisfied that the proposed development is consistent with:
 - (a) the effective conservation of the coastal corridor and cultural heritage within the zone, and
 - (b) the provision of the coastal walk and public access within the zone, and
 - (c) the protection of land within the zone from:
 - (i) any adverse impacts on the scenic or visual values of the land, and
 - (ii) any stormwater runoff, erosion and sedimentation, pollution, weed infestation, feral or domestic animals, chemicals, nutrients and the like.
- (3) Consent must not be granted to development on land adjoining or adjacent to land

within Zone 8 unless the consent authority has sent a copy of the development application to the Director-General of the Department of Environment and Conservation and considered any response received from that Director-General within 28 days of sending the copy.

61 Reclassification of community land as operational land

- (1) The public land referred to in Schedule 3 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*.
- (2) In accordance with section 30 of the *Local Government Act 1993*, land described in Columns 1 and 2 of Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except:
 - (a) those (if any) specified for the land in Column 3 of Schedule 3, and
 - (b) any reservations that except land out of a Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).
- (3) Before the relevant amending plan inserted a description of land in Schedule 3, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, *the relevant amending plan*, in relation to land described in Schedule 3, means this plan or, if the description of the land is inserted into that Schedule by another local environmental plan, that plan.

62 Public infrastructure in urban release areas

- (1) **Aim**
The aim of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure and public utility infrastructure before the subdivision of land in urban release areas to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) **Application**
This clause applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (3) This clause prevails over any other provision of this plan to the extent of any inconsistency.
- (4) **Arrangements for designated State public infrastructure**
Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(5) Subclause (4) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or
- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(6) Public utility infrastructure

Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

(8) Interpretation

In this clause:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure means infrastructure for any of the following purposes:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

urban release area means the land shown edged heavy black on the following maps:

Editorial note. The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)—Sheet 1

Schedule 1 Exempt development

(Clause 8)

1 What is exempt development?

- (1) Development is exempt development if:
 - (a) it is described in Column 1 of the Table to this Schedule, and
 - (b) it is carried out within a zone specified for the development in Column 2 of that Table, and
 - (c) it complies with the criteria specified for the development in Column 3 of that Table.
- (2) However, development is not exempt development if:
 - (a) it is prohibited by this plan, or
 - (b) it is not of minimal environmental impact, or
 - (c) it is carried out on land described in clause 2 of this Schedule, or
 - (d) it does not comply with any of the relevant general criteria for exempt development specified in clause 3 of this Schedule.
- (3) In measuring heights and maximum areas specified in the Table to this Schedule:
 - (a) height is measured from natural ground level, and
 - (b) a maximum area for a structure is the total of all areas occupied by the type of structure, unless otherwise stated.

2 Land on which there is no exempt development

- (1) Development is not exempt development if it is carried out on land that:
 - (a) is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or
 - (b) is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
 - (c) is land below the 1 in 100 year flood level if it involves the erection or use of a structure with a habitable room, or land below the 1 in 20 year flood level if it involves the erection or use of a structure with rooms none of which is habitable, except where otherwise indicated in the Table to this Schedule, or
 - (d) is land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies, or
 - (e) is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or
 - (f) is identified as an Aboriginal place or known Aboriginal relic on a register kept by the National Parks and Wildlife Service, or is dedicated or reserved under the

National Parks and Wildlife Act 1974, or

- (g) is identified by a bush fire risk management plan approved under the *Rural Fires Act 1997* as subject to medium or high bush fire risk, or
- (h) is land with a slope greater than 15 degrees, or
- (i) is identified as potential acid sulfate soil Class 1 or 2 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, except where the proposed development does not involve the movement of soils on the site, or
- (j) is identified as potential acid sulfate soil Class 3 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 500mm, or
- (k) is identified as potential acid sulfate soil Class 4 on the Acid Sulfate Soil Planning Maps dated December 1997 and kept by the Council, where any proposed excavation involved in the development is greater than 1.5 metres, or
- (l) is within a mine subsidence area, unless the proposed development has been formally approved, prior to commencement, by the relevant Mine Subsidence Board, or
- (m) is land on which a tree or native vegetation exists, where the proposed development involves clearing for which consent is required by clause 34, or
- (n) is the site of a heritage item or an item proposed by a draft environmental planning instrument to be a heritage item, or
- (o) is subject to an order under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979* or Division 1 of Part 2 of Chapter 7 of the *Local Government Act 1993*, other than an order to demolish, that has not been complied with, or
- (p) is between a foreshore building line and the water body to which that line relates, or
- (q) is within 40 metres of a watercourse, river, stream, creek or lake—where excavation of the land (not including footings for minor structures) is proposed, or
- (r) is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation.

3 Criteria that must be satisfied by all exempt development

Development is exempt development only if it complies with all of the following general criteria relevant to the form of development:

- (a) all structures comply with the *Building Code of Australia*, including the standards identified in that code,
- (b) all structures and activities comply with the Council's adopted building lines and setbacks, unless otherwise specified in the Table to this Schedule,

- (c) the development complies with all relevant development control plans and policies approved by the Council,
- (d) no existing condition of development consent or building approval affecting a site is contravened or compromised,
- (e) no structure is built over a sewer main, easement or natural watercourse and adequate clearance is provided to all sewer junction shafts, surcharge gullies, hot water service overflow pipes, and waste outlet pipes unless prior written agreement has been obtained from the Council or the local water and sewerage authority or supplier, as the case may require,
- (f) the development does not require the installation or alteration of a sewage management facility,
- (g) all structures have clearance from power lines in accordance with the relevant electricity authority or supplier,
- (h) all structures are built with new materials or second-hand materials which retain the structural adequacy and integrity of the material when new,
- (i) all structures are built with materials which match the design and appearance of any existing buildings on the site of the proposed development or in the immediate vicinity,
- (j) no structure or activity obstructs vehicular or human access,
- (k) no structure is located within the curtilage of a swimming pool which compromises the effectiveness of the swimming pool safety barrier or fence,
- (l) all structures and activities comply with relevant legislation affecting their use and with statutory and other requirements of the Council and any other relevant public authorities.

Table

Column 1 Erection (or installation) and use, or carrying out, of development is exempt the following:	Column 2 Zones in which development is exempt	Column 3 Circumstances where exempt
Access ramp to a building (for able and disabled persons)	All zones	Maximum height of 1 metre (above natural ground level). Maximum grade 1:14 and otherwise in compliance with AS 1428.1. Located so that the structure and its use do not obstruct parking or vehicular access. Where part of a strata development, the approval of the owners corporation has been given. Installation must not impact on existing carparking provision.
Advertising structures (see below for additional requirements for particular	All zones	General criteria—in addition to the criteria for particular kinds of structures listed below: (a) maximum area 2 square metres in Zone 4

kinds of advertising structures)

- (1), 4 (2) or 4 (3), and
- (b) maximum area 1 square metre in all other zones, and
- (c) one sign per premises, and
- (d) signs must not cover mechanical ventilation inlet or outlet vents, and
- (e) advertising structures over public road to be at least 600mm from kerb/roadway edge, and
- (f) signs must not be illuminated or use flashing lights or similar devices for illumination, and
- (g) must meet all applicable performance criteria in Part 2.1.7 (Signs) of *Lake Macquarie Development Control Plan No 1—Principles of Development*, and
- (h) not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.

Advertising structures used for display of the following:

- (a) Business identification signs in residential areas
 - (b) Business identification signs
- Satisfy general criteria above.
Maximum area 1 square metre.
Suspended under awnings signs:
(a) satisfy general criteria above, and
(b) securely fixed by metal supports, and
(c) do not affect the structural integrity of the awning or building.
- Vertical or horizontal projecting wall signs:
(a) satisfy general criteria above, and
(b) securely fixed by metal supports, and
(c) do not affect the structural integrity of the awning or building.
- Flush wall signs:
(a) satisfy general criteria above, and
(b) securely fixed.
- Top hamper signs:
(a) satisfy general criteria above, and
(b) securely fixed.

- (c) Business identification signs in industrial areas Zones 4 (1), 4 (2), 4 (3) and 9
- (d) Real estate signs (advertising premises/land for sale or rent) in residential, environmental protection and rural zones Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5)
- (e) Real estate signs (advertising premises/land for sale or rent) in commercial, tourist and industrial areas Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10
- Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below) All zones
- Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted) All zones
- Amusement devices (being a small amusement device as defined in the *Local Government (Approvals) Regulation 1999*) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc) Zones 3 (1), 3 (2), 6 (1) and 6 (2)
- Satisfy general criteria above.
Securely fixed by metal supports.
If over a public road, signs erected at a height no less than 2.6m above ground level.
Satisfy general criteria above.
- For land in Zone 2 (1) or 2 (2), have a maximum area of:
(a) 1.2 square metres for a "For Sale" sign, or
(b) 2.5 square metres for an auction sign.
- For rural, environmental protection or conservation land, have a maximum area of 2.5 square metres.
Only where it is attached to an existing approved structure eg fence, dwelling house or garage.
- Satisfy general criteria above.
Have a maximum area of 4.5 square metres.
- For domestic use only.
Only one (of each) per dwelling.
Must not project beyond property boundary.
Maximum height 6 metres above ridge of the roof or 10 metres above ground level if not attached to building.
Must not produce interference on nearby televisions, radios or electrical appliances.
Not located on the front facade of the dwelling.
Installation must not reduce the structural integrity of the building.
Any opening created is to be adequately weatherproofed.
Noise level not to exceed 50dBA above ambient background noise level measured at the property boundary or wall of any dwelling on adjoining properties.
Located wholly within the property boundaries of the subject site, not over any right-of-way or easement and not obstructing any essential accessway.
The device is to be installed and is used for 1 day/weekend events only.
The device is erected on level ground of sufficient bearing capacity to support the device.
The device is registered under the *Occupational Health and Safety Regulation 2001*.
The device is erected in accordance with all the conditions set out in its certificate of registration.
The device has a current logbook within the meaning of the *Occupational Health and*

Safety Regulation 2001.

The device is subject to a contract of insurance or indemnity to an unlimited amount or no less than \$10,000,000 for each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.
The device meets with the operational requirements of the WorkCover Authority.

Located wholly within the subject premises.
A total of no more than 5 devices are installed.

Wholly enclosed within an arcade or shopping mall or, if facing a public footpath or street, the ATM must provide capacity for queuing and not hinder free movement of pedestrians.

It must:

- (a) be attached to the wall of a building, and
(b) include a bin with adequate capacity to discourage littering.

Maximum area of 30 square metres—for awnings.

Located wholly within property boundaries.
Minimum setback of 5 metres from side and rear boundaries in rural and environmental protection and conservation zones.

Minimum setback of 900mm to side and rear boundaries in residential and commercial zones.

Materials used are non-reflective.
Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.

Maximum height of 2.7 metres.
Complies with front boundary setbacks for the zone.

Maximum of 30 square metres.
Maximum height of 2.7 metres.

Must facilitate maintenance of the trade waste device and enable all weather use.

Constructed in materials which match and/or complement the design and appearance of existing buildings.

Not located within front building setbacks.
Complies with front building setbacks for the zone.

Maximum area of 4 square metres.
Maximum height of 2.7 metres.

Minimum setback of 900mm from side and rear boundaries.

Minimum separation of 1,800mm from any adjoining dwelling.

Complies with Part 3.7.8 (Bed and Breakfast Establishment) of *Lake Macquarie Development Control Plan No 1—Principles of Development*.

Amusement devices (eg pinball machines, virtual reality games etc) Zones 3 (1), 3 (2) and 6 (2)

Automatic teller machines (ATM) Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)

Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted All zones

Awnings over trade waste disposal points Zones 4 (1), 4 (2) and 9

Barbecues ancillary to a building for which consent or a building approval has been granted All zones

Bed and breakfast establishments up to 2 bedrooms Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.

Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")

Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)
Maximum area of 10 square metres.
Maximum height of 2.7 metres.
Floor to be impervious.
Located in rear yard.
Minimum setback of 900mm to a property boundary.

Bridges (pedestrian) and staircases installed in public parks and recreation spaces

Zones 2 (1), 5 and 6 (2)
Bridges to a maximum span of 5 metres, maximum height of 2 metres above natural ground level (excluding height of handrails) and constructed by or for the Council.
Designed, fabricated and installed in accordance with the *Building Code of Australia*, relevant Australian Standards and any requirements of the *Disability Discrimination Act 1992* of the Commonwealth.

Bus shelters

All zones
Must be suitably designed and constructed by or for the Council.
Must reflect character and amenity of the area.
Does not obstruct the line of sight of vehicular traffic.

Located to enable safe and convenient access from both sides of the road by pedestrians including people with disabilities.
Maximum area of 10 square metres.
Non-reflective surface finishes.

Advertising signs must not be attached.

Bush regeneration, beach cleaning and raking, and riparian, littoral and foreshore stabilisation works

All zones
Riparian and littoral foreshore stabilisation works must:
(a) be undertaken by the Council or public authorities or by others on their behalf, and

(b) be limited to beach reconstruction/shaping up to a maximum of 500 square metres in area, bank stabilisation up to a maximum of 500 square metres, rock revetment up to a maximum of 1 metre in height, foreshore planting of endemic species, and removal (in accordance with the Council's maintenance program) of silt deposition from storm water channels and outlets, and from artificial wetlands, and

(c) involve only minor earthworks and site improvements, and

(d) not cause or contribute to soil erosion or instability.

Cabanas/gazebos and greenhouses
Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (3), 7 (5) and 10
Maximum area of 20 square metres.
Maximum height of 2.7 metres.
Minimum setback of 900mm to side and rear boundaries in residential zones.
Complies with the Council's front boundary setbacks for the zone.

Minimum setback of 5 metres to side and rear boundaries in rural and environmental protection zones.

Constructed in non-reflective materials.

Minimum front building setback of 6 metres.

Maximum area 36 square metres.

Maximum height 2.7 metres.

Minimum side and rear setback 900mm.

Roof materials to be non-reflective.
Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.

Where structure fronts the street, maximum width of carport opening of 6 metres or 50% of lot frontage, whichever is less.

Does not interfere with vehicle movements on site.

Must not result in more than three bins in any one location.

Located wholly on private property and not in a public place.

Minimum setback 900mm from side and rear boundaries for any part of the structure.
Adequately screened from a public place or road.

Not located in front setback.

Maximum volume of 2 cubic metres in residential zones.

Maximum volume of 8 cubic metres in rural conservation or environmental protection zones.

Minimum side and rear setback for residential zones is 900mm.

Minimum side and rear setback for rural conservation or environmental protection zones is 5 metres.

Not located in front setback.

Maximum height 2.4 metres.

Maximum area 20 square metres.

Minimum setback of 900mm to side and rear boundaries.

Not associated with commercial premises.

Not located within the front setback.

Not located so as to compromise the effectiveness of pool fencing.

Maximum area 20 square metres.

Finished floor level not greater than 1 metre above natural ground level.

Maximum width of 4 metres.

For a timber deck—minimum clearance to the ground of 400mm and compliance with AS 3660 (termite control).

Complies with the Council's front boundary setbacks for the zone.

Minimum setback of 900mm to side and rear boundaries in residential zones.

Minimum setback of 5 metres to side and rear boundaries in rural, conservation and environmental protection zones.

Roof water is discharged to street, easement,

watercourse, or otherwise without causing a nuisance.

Council has issued an order to demolish under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1972* or section 124 of the *Local Government Act 1993*.

The structure did not or does not require development consent to be built, that is, its erection is exempt development.

Demolition is carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

Consent was granted for the former use.

Not where the current use is based on existing use rights, ie where the land use zone does not support the use.

Different use does not include a brothel, a bottle shop, food premises, a drug use rehabilitation clinic, a methadone clinic or a safe injecting room.

No change to arrangements for access/parking, loading and waste disposal.

Does not increase the fire load in the structure. Must be a permitted use in the zone.

Demolition All zones

Different use resulting from change of use of shop to an office or other commercial premises, or vice versa Zones 3 (1) and 3 (2)

Different use resulting from change of use of an office to a shop Zones 3 (1) and 3 (2)

Different use resulting from change of use of a shop to a shop
Different warehouse use resulting from change from another warehouse use
Zones 3 (1), 4 (2) and 3 (2)

Earthworks (rural) Zone 1 (1)

Fences (all types) All zones

watercourse, or otherwise without causing a nuisance.

Council has issued an order to demolish under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1972* or section 124 of the *Local Government Act 1993*.

The structure did not or does not require development consent to be built, that is, its erection is exempt development.

Demolition is carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

Consent was granted for the former use.

Not where the current use is based on existing use rights, ie where the land use zone does not support the use.

Different use does not include a brothel, a bottle shop, food premises, a drug use rehabilitation clinic, a methadone clinic or a safe injecting room.

No change to arrangements for access/parking, loading and waste disposal.

Does not increase the fire load in the structure. Must be a permitted use in the zone.

Different use does not include food premises where food is stored or prepared or a bottle shop.

Floor area of warehouse less than 500 square metres.

Consent was granted for the former warehouse use.

Different use is allowed by the zoning.

No change to arrangements for access/parking, loading and waste disposal.

Does not increase the fire load in the structure or affect the fire safety measures of the building.

Different use does not involve food related operations (for example, preparation, packaging, storage etc of food products).

Where the earthworks constitute one or more of the following:

(a) levelling of land to a maximum of 300mm,

(b) maintenance of drainage works,

(c) backfilling of dams with not more than 5 megalitres storage capacity,

(d) desilting of dams,

(e) maintenance of existing access roads within property boundaries.

General requirement in addition to the particular requirements listed for the different

types of fences:

(a) must be constructed so that they do not prevent the natural flow of stormwater drainage,

(b) must not be located wholly or partly between a foreshore building line and the water body in relation to which the foreshore building line is fixed.

Maximum height of 1 metre if constructed of brick or masonry.

Maximum height of 1.8 metres for side or rear fences (unless constructed of brick or masonry).

Maximum height of 1 metre for front fences.

Front fences must comply with Part 2.7.8 (Fences) of *Lake Macquarie Development Control Plan No 1—Principles of Development*.

Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of *Lake Macquarie Development Control Plan No 1—Principles of Development*.

Where fence is to be erected in accordance with AS/NZS 3014:2003, *Electrical installations—Electric fences*.

Maximum height of 1.8 metres.

Maximum height of 1 metre.

Chain wire fences around industrial zoned land, construction/demolition sites or Council owned or operated compounds or depots.

Maximum height of 3 metres.

Maximum height of 9 metres above natural ground level.

1 per site in residential zones, all other zones 1 per 20 metres of street frontage.

Flag and pole wholly located within property boundary.

Only if in accordance with a current footway dining licence issued by the Council under section 125 of the *Roads Act 1993*.

Maximum area of 50 square metres.

Maximum height of 3 metres.

Minimum setback of 5 metres from side and rear boundary.

Complies with the Council's *Guide for Keeping of Animals*.

Behind front building line. Materials used must blend with the environment and be non-reflective.

Adequate drainage to be provided.

Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream

Fences—boundary (side, front and rear fences and on corner lots) All zones

Fences—electric

Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)

Fences—masonry or brick
Fences—security

All zones
Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9

Flagpoles

Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (1), 6 (2), 9 and 10

Footway dining

Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)

Fowl house (for the keeping of chickens)

Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)

environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with Division 2 of Schedule 5 to the *Local Government (Orders) Regulation 1999* (Standards for keeping birds or animals—keeping of poultry).

Fuel tanks—used in conjunction with agricultural activities or home business for which consent granted
Zones 1 (1), 1 (2), 7 (2), 7 (3), 7 (5) and 9
Maximum size of 5,000 litres.
Located wholly within the boundaries of the property.
Bunded with capacity to contain at least 110% of the capacity of the fuel tank.
Constructed of prefabricated metal, free-standing and not relying on other structures for support.
Operated and maintained in accordance with AS 1940—1993, *The storage and handling of flammable and combustible liquids*.
Not erected within 30 metres of a creek or boundary to the street or within 5 metres of a side or rear boundary.
Minimum setback of 20 metres from adjoining dwellings.

Garden sheds (free standing and prefabricated)
Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (2), 7 (3), 7 (5) and 10
Maximum floor area of 20 square metres.
Maximum overall height of 2.4 metres above ground level.
Minimum of 900mm from side or rear boundary.

Located in the rear yard and not within front building setback.
Constructed using non-reflective materials.
Roof cladding is securely fixed to roof beams or rafters.
Supporting posts are securely fixed to concrete footings or slabs.
Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
Maximum 2 sheds per property.

Construction by or for the Council and installed in accordance with any relevant SAA standards.
Located in public parks or recreation areas.
Promotional signs not to face public road.
Promotional signs only to be fixed to an existing structure.
Promotional signs maximum height 1 metre and maximum width 3 metres.

Only if ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).
Must be carried out in an existing dwelling for which consent or a building approval has been granted.
Dwelling cannot be based on existing use rights (ie where the land zone does not support the use).
No goods are sold from the premises.
Maximum area of 20 square metres.
Maximum height of 3 metres.

Goal posts, sight screens, promotional signs and similar ancillary sporting structures on sporting or playing fields for use in the playing and/or performance of sporting events (excluding grandstands, dressing sheds and other such structures)
Hail protection
Zones 1 (1) and 1 (2)

Home occupation
All zones

Horse stables and animal shelters keeping up to 4
Zone 1 (1)

horses

Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Horse stables and animal shelters keeping up to 2 horses
Zones 1 (2), 7 (3) and 7 (5)

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Internal alterations comprising office or shop fit-out
Zones 3 (1) and 3 (2)

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Maximum area of 10 square metres.
Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.
Constructed of timber (cut or round) or metal.
Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.
Adequate drainage to be provided.
Design of structure to enable disposal of manure and waste water in a manner that does not harm or pollute the local or downstream environment.
Design of structure to mitigate the effects of any noxious smell on the locality.
Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the *Local Government Act 1993* (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Only 1 letterbox per occupancy.
Appropriate numbering for each letterbox.
Structurally stable with adequate footings located wholly within the site.

Non-structural work only, such as:

(e) replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials,

(f) renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.

Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.

Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.
Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.

Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.
Located on land under control of Council, or on neighbourhood property under a neighbourhood scheme.

All zones

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting

Patio—at existing ground level and abutting a dwelling
Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Maximum area of 20 square metres.
Maximum height of 1 metre above natural ground level.

Stormwater from patio surface is discharged to street, easement, watercourse, or otherwise without causing a nuisance.

Sufficient step down is to be provided to prevent the entry of water into the dwelling.

Minimum setback of 900mm to side and rear boundaries in residential zones.

Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.

Complies with the Council's front boundary setbacks for the zone.

Pergola
Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Maximum area of 30 square metres.

Maximum height of 2.7 metres.

If the roof is pitched, the maximum height of the pitched section is 3.5 metres.

Minimum setback of 900mm to side and rear boundaries in residential zones.

Minimum setback of 5 metres to side and rear boundaries in rural or environmental protection zones.

If roofed, roof water is discharged to street, easement, watercourse, or otherwise without causing a nuisance.

Complies with the Council's front building setbacks for the zone.

Plan of management sanctioned construction of minor structures, replacing a structure within the same footprint, or undertaking minor work as defined within an approved plan of management, and maintenance of any of the above

Land classified as community in any zone

Development is in accordance with plan of management approved by the Council.

Playground equipment on land classified as community land (where a plan of management for the structures approved by the Council exists) or on school land

Land classified as community land on which a school has been consented to

Construction by or for the Council or the Department of Education and Training, as applicable.
Designed, fabricated and installed in accordance with AS 1924 and AS 2155.
Initial installation of facilities only—if not sanctioned by an approved plan of management.

If for residential use:
(a) Maximum height of 2.1 metres.

(b) Maximum ground coverage of 10 square metres.

Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (2), 4 (3), 6 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Playground equipment on land not controlled by the Council and not on school land

If for non-residential use:

(a) Maximum height of 2.1 metres.

(b) Maximum ground coverage of 10 square metres.

(c) Provision of soft landing surfaces.

All equipment:

(a) Designed, fabricated and installed in accordance with AS 1924 and AS 2155.

(b) Installed in accordance with manufacturer's specifications.

Pond or pool is less than 300mm in depth.
Area of pond or pool is less than 10 square metres.

Not located within front setback.

Must be constructed so that they do not obstruct the natural flow of stormwater drainage.

Must not be located wholly or partly between a foreshore building line and the water body in relation to which the foreshore building line is fixed.

Maximum height of 1.8 metres.

Must comply with *Lake Macquarie Development Control Plan No 1—Principles of Development*.

The Class 9b building has development consent or a building approval.

All zones

Privacy screens or trellises

Ponds/pools

Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 6 (2), 7 (3) and 7 (5)

All zones

Public meetings—use of Class 9b buildings for this

purpose

Where the meeting is conducted for a not-for-profit or other charity fundraiser, Notice of event funded in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the *Food Act 2003*, where refreshments are served.

Public signs (directional traffic advisory/warning and information signs) All zones

Re-cladding of roofs or walls including repair/maintenance of damaged materials All zones

Additional requirements for roof replacement:

(a) where an existing roof is being replaced with the same material (ie metal to metal or tile to tile) and does not include changing the pitch of the roof,

(b) if the work involves a metal roof where no electrical earthing arrangement is in place, the recladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986. Maximum height 1 metre.

Masonry walls to comply with:

(a) AS 3700—*Masonry Code*,

(b) AS 3600—*Concrete Structures*,

(c) AS 1170—*Loading Code*.

Timber walls to comply with:

(a) AS 1720—*Timber Structures*,

(b) AS 1170—*Loading Code*.

All retaining walls are to be constructed so that redirected water is disposed of without causing a nuisance to adjoining properties and allow for adequate release of water likely to build up behind the wall.

Effective erosion and sediment control provisions must be designed and implemented.

Road works in, on, under or above a road, being:

(a) maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,

(b) installation of traffic lights, traffic calming devices and pedestrian facilities,

(c) installation of kerb and gutter and associated drainage works,

(d) minor drainage works,

(e) making driveway crossings,

(f) linemarking,

(g) signposting,

(h) sealing of gravel roads and areas,

(i) footpaving and associated works,

(j) minor intersection improvements or minor road widening.

Satellite dishes

All zones

Residential, rural and conservation/environmental protection zones:

(a) Maximum diameter of 900mm.

(b) Maximum height of 9 metres above existing ground level.

(c) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

(a) Maximum diameter 1,500mm.

(b) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

(c) The installation does not obscure any landscaping required for the property.

Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones

Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)

Maximum height of support pole not to exceed 4 metres. Average height of structure not to exceed 3 metres. Maximum area not to exceed 30 square metres for residential properties and childcare centres in residential zones. Maximum area not exceeding 60 square metres in other places except in a rural zone

where the structure is ancillary to the agricultural use of the land.
 Located behind the dwelling or building.
 Minimum setback of 900mm to side and rear boundaries in residential zones.
 Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.
 Shade fabric is not to be placed vertically.
 The fabric is properly tensioned to accommodate prevailing wind loads, prevent wind generated noise and to facilitate drainage.
 Must be ancillary to agriculture.

Zone 1 (1)

Shade structures (bird nets and the like)

Silos

Zone 1 (1)

Maximum capacity 120 tonnes.
 Maximum height 9 metres.
 Constructed of prefabricated metal.

Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specifications and/or an engineer's certification.

Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.

Minimum front setback 30 metres.

Skylight roof windows (including solar tube or similar type installations)

Solar water heaters

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)

Zones 1 (1) and 1 (2)

Maximum yard area of 1 hectare.
 Maximum height of shelters 3 metres.
 Shelter constructed of timber or metal.

Minimum setback of 5 metres from side/rear boundary and not located in front of the building line or in front of any dwelling.

A minimum of 40 metres to any dwelling.
 All runoff collected and treated to prevent pollution of any watercourse.

Minimum front setback of 30 metres for shelters.

Maximum area of shelter 120 square metres.

Constructed by or for the Council.

Designed, fabricated and installed in accordance with relevant SAA standards.

Subdivision certificate must be endorsed by the Council.

All zones

Street signs comprising name plates, directional signs and advance traffic warning signs

Subdivision:

(a) road widening,

(b) creating of public reserves,

(c) creating drainage reserves,

All zones

(d) consolidating allotments.

Subdivision works:

Zones 2 (1) and 2 (2)

(a) Battleaxe driveways

Maximum length of battleaxe drive 50 metres.
 Longitudinal grade < 16%.
 The height of any cut or fill, or the total height of a combination of cut and fill for the driveway is a maximum of 1 metre.

To be constructed in accordance with Parts 1 and 2 (Subdivision and Development Engineering Guidelines) of Volume 2 of the guidelines supporting *Lake Macquarie Development Control Plan No 1—Principles of Development*.

Any stormwater flows which are concentrated, as a result of the works, must be directly connected to a formed drainage system.

Where the interallotment drainage works will be only on the land being subdivided.

Where the interallotment drainage serves less than 4 lots.

To be constructed in accordance with Parts 1 and 2 (Subdivision and Development Engineering Guidelines) of Volume 2 of the guidelines supporting *Lake Macquarie Development Control Plan No 1—Principles of Development*.

Pipe to be 150mm minimum diameter and of UPVC sewer grade.

Connection to kerb must be via 2 x 90mm minimum diameter outlets or equivalent rectangular hollow section.

Temporary site sheds—less than 6 months

All zones

Temporary structures:

(a) portaloos,

(b) marquees,

(c) mini stages.

Water heaters (excluding solar system)—new and replacement installations

All zones

Located in rear or side yard.
 Screened, if visible from the street.
 Must not reduce the structural integrity of the building or involve structural alterations.
 Installation to be carried out by a licensed person.

Generally:

(a) The tank and any stand to be installed in accordance with manufacturers' specifications.

(b) If within residential zones:

(i) Maximum diameter or width 3 metres.

Water tanks at or above ground level

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5), 9 and 10

- (ii) (Repealed)
- (iii) Maximum height 2.4 metres.
- (iv) Located wholly behind the front building setback or, if there is more than one building frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
- (v) Noise from pumps not to exceed 50dBa at the wall of a dwelling on any adjoining property.
- (c) If within rural zones:
- (i) Maximum diameter or width 4.5 metres.
- (ii) Minimum setback 5 metres to side and rear boundaries.
- (iii) Maximum height 2.4 metres.
- (iv) Located wholly behind the front building setback or, if there is more than one building frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
- (v) Noise from pumps not to exceed 50dBa at the wall of a dwelling on any adjoining property.
- Windows, glazed areas and external doors
- Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 7 (1), 7 (2), 7 (3) and 7 (5)
- Replacement in residential premises with materials that comply with:
- (a) AS 1288, *Glass in buildings—Selection and installation*, and
- (b) AS 2208, *Safety Glazing Materials for Use in Buildings (Human Impact Considerations)*.

No reduction in the area provided for light and ventilation.

No removal of structural support members in affected walls.

Windpumps (for pumping water etc but not for commercial power generation)

Zones 1 (1) and 1 (2)

Located wholly within the boundaries of the property and not to encroach onto any registered easement.

Freestanding and not relying on other structures for support.

Built in accordance with engineer's certification for the structure and footings.

Maximum height 9 metres.

Schedule 2 Subdivision standards

(Clause 24)

Note. The standards set out in the following table need to be read with the material at the end of the table headed "Explanation of entries in Table".

Zone and land use	Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme or a neighbourhood scheme			
	Standard (rectangular) lot size	Battle axe lot size	Other irregular shaped lot	Density
1 (1) Rural (Production)	20 hectares (frontage not specified).			Neighbourhood lots as per minimum applicable lot size opposite.
1 (2) Rural (Living)	1 hectare (frontage not specified).			5 hectares and 8 lots/5 hectare eg 12 on 7.5 ha, Vehicular access from a neighbourhood lot to a public road must be via community property, precinct, property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1982</i>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.
2 (1) Residential	Subdivision creating ≥ 10 lots is to provide a minimum of 20% of all lots as standard lots and 10% of all lots for small lot housing. Alternatively, all lots may be used for small lot housing if each lot is not less than 1,000m ² .			
Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, two vacant land) 600m ² (18 metres principal frontage and width of the single allotment).	600m ² (4 450m ² 12 x 25 metres for one, metres (14 street frontages, two, battle axe lots, No more than two battle axe lots to share a way).		Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥ 250 m ² and <450 m ² (frontage not	Prohibited. ≥ 250 m ² and <450 m ² (frontage not		Neighbourhood lot size ≥ 250 m ² and <450 m ² .

Dual occupancy—detached development	specified). 600m ² (17 metres).	specified). 600m ² parent lot (17 metres).	Neighbourhood lots as per minimum applicable lot size.
Dual occupancy—attached development	500m ² (17 metres). Corner lot (two street frontages). Areas as specified above. (20 metres as width of the allotment).	500m ² (17 metres).	Neighbourhood lots as per minimum applicable lot size.
2 (2) Residential (Urban Living) Small lot housing	1,000m ² parent lot. All lots created must be $\geq$ 250m ² and $\leq$ 450m ² . 900m ² (25 1,500m ² (8 corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,000m ² parent lot. All lots created must be $\geq$ 250m ² and $\leq$ 450m ² . 900m ² (25 1,500m ² (8 corner lot (two street frontages) 1,200m ² (30 metres).	Neighbourhood lot size must be $\geq$ 250m ² and $\leq$ 450m ² .
Multiple dwelling housing development	1,200m ² (30 metres—as width of the allotment).	1,200m ² (30 2,000m ² (18 metres), but metres). corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 2,000m ² (18 metres), but metres). corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	1,200m ² (30 2,000m ² (18 metres), but metres). corner lot (two street frontages) 1,500m ² (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.	No numeric standards.	
3 (2) Urban Centre (Support)	No numeric standards.	No numeric standards.	
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
5 Infrastructure	No numeric standards.	No numeric standards.	
6 (1) Open Space	No numeric standards.	No numeric standards.	

6 (2) Tourism and Recreation	No numeric standards.		
7 (1) Conservation (Primary)	40 hectares (frontage not specified), but 100 hectares (frontage not specified) within South Wallarah Peninsula being land east of the Pacific Highway and south of the land to which <i>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</i> applies.		
7 (2) Conservation (Secondary)	40 hectares (frontage not specified) in all cases.		
7 (3) Environmental (General)	40 hectares (frontage not specified). Must be able to contain a minimum area of 40 × 40 metres on a less than 1 in 5 slope.	40 hectares and 4 lots/40 hectares eg 5 on 2,500m ² . Vehicular access from a neighbourhood lot to a public road must be via community property, precinct property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1989</i>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 × 40 metres with a less than 1 in 5 slope.	10 hectares, and 10 lots/10 hectares eg 15 2,500m ² . Vehicular access on 15 ha etc. from a neighbourhood lot to a public road must be via community property, precinct property or neighbourhood property (within the meaning of the <i>Community Land Development Act 1989</i>), unless a dwelling on the	

8 National Park	No numeric standards.	land comprised in the lot has vehicular access to a public road immediately before the lot is created.
9 Natural Resources	No numeric standards.	
10 Investigation	Prohibited.	
Explanation of entries in Table		
	Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road access frontage. All lots created only are to have frontage to a public road. Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road access frontage. All lots created only are to have frontage to a public road. Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road access frontage. All lots created only are to have frontage to a public road.	Minimum site area and includes any existing dwellings to be retained as part of the site area development. Figure provided as a ratio of the neighbourhood lots to site area. Each neighbourhood lot created in a rural or environmental zone is to have at least one common boundary with another neighbourhood lot as part of a "cluster" development.

Schedule 3 Reclassification of community land as operational land

Column 1 Locality	Column 2 Description	Column 3 Trusts etc not discharged
Bennetts Green 16 Pacific Highway	Lot 14, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil
18 Pacific Highway	Lot 13, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil
20 Pacific Highway	Lot 12, DP 1013486, as shown edged heavy	Nil

22 Pacific Highway	black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
	Lot 11, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)"	Nil.
Cardiff South 1A Water Street	Part of Lot 63, DP 570307, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.
	Lot 2, DP 727770, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
Charlestown 2 Canberra Street	Lot 4, DP 248597 and Lot 1, DP 47292, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
	Lot 3, DP 248597, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Nil.
3 Frederick Street	Part of Lot 3, DP 1090261, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)".	Easement for water supply pipeline (Government Gazette 14/12/1956) 3.05 wide as noted on Certificate of Title Folio Identifier 3/1090261.
	Part of Lot 10, DP 1013486, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)".	Easement for water supply pipeline (DP165130) as noted on Certificate of Title Folio Identifier 10/1013486.
Gateshead 6A Pacific Highway	Lot 11, DP 865769, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 13)".	Easement for transmission line (S447682; O171544); Easement for underground cables (S580540; Z646912); Two easements for water mains 7.5 wide and 3.66 wide (O189149), as noted on Certificate of Title Folio Identifier 11/865769.
	Lot 51, DP 790843, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 51/790843.
Macquarie Hills 2B Blaxland Road	Part of Lot PT4, DP 227813, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Nil.
	1A Lawson Road	
Marks Point		

1A Findon Street	Lot 3, DP 505562, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Nil.
3A Findon Street	Part of Lot 120, DP 592220, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Easement for electricity purposes and right of carriage (DP 592220) and Lease (3462625), as noted on Certificate of Title Folio Identifier 120/592220.

Swansea

27 Lake Road	Part of Lot 63, DP 18797, as shown edged heavy black on Sheet 2 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (8802695) and Transfer of Lease (9656620), as noted on Certificate of Title Folio Identifier 63/18797.
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Toronto

86A The Boulevard	Lot 2, DP 612606, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 22)".	Nil.
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Warners Bay

5 Charles Street	Part of Lot 3, DP 584391, as shown edged heavy black on Sheet 3 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (6645011) and Mortgage of Lease (946289), as noted on Certificate of Title Folio Identifier 3/584391.
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7 Charles Street

	Lots 1 and 2 DP 584391, as shown edged heavy black on Sheet 4 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)".	Lease (6645011) and Mortgage of Lease (946289), as noted on Certificates of Title Folio Identifiers 1/584391 and 2/584391.
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Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 48 and Dictionary)

Part 1 Heritage items other than of indigenous origins

In this Schedule, for the purpose of listing property descriptions, the symbol *S* means identified as of State significance, *R* means identified as of regional significance, *L* means identified as of local significance, *PO* means Permissive Occupancy, *MS* means miscellaneous, *MD* means Maitland and *SP* means strata plan.

Item No	Significance Item	Address	Property description
Argenton			
AG-01	L	Newcastle Mines Rescue Station	Lot 2, DP 599235
AG-02	L	Former Cockle Creek Railway Bridge	2 (over) Cockle Creek (also see RT-09)
AG-03	L	Cockle Creek Railway Bridge	3 (over) Cockle Creek (also see RT-03)
AG-05	L	Church Hall and Anglican Church	477 Lake Rd 475 Lake Rd
AG-06	L	Speers Point Tram Route	Lot 1, DP 125686 Lot 2, DP 125686 Frederick St (also see RT-02)

Awaba			
AW-05	L	Gatekeeper's Cottage	1 Wilton Rd Lot 1, DP 817297
Barnsley			
BY-02	L	Johnston Family Cemetery	14A Taylor Ave Lot 100, DP 630296
BY-03	L	Former Barnsley Public School	91 Appletree Rd Lot 2, DP 1001812
Belmont			
BM-01	L	House "Yarragee"	23 Bellevue Rd Lot 1, DP 881605
BM-04	L	Captain Bain's House	15 George St Lot 2, DP 13715
BM-05	L	House "The Bennals"	45 Walter St Lot D, DP 402085
BM-08	L	Former Ferry Wharf	55 Brooks Pde Belmont Wharf
Belmont North			
BN-01	L	Former John Darling Colliery	65 John Fisher Rd 85 John Fisher Rd 75 John Fisher Rd 55 John Fisher Rd John Darling Avenue Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551 Lot 4, DP 814551 Lot 11, DP 1027724
BN-04	L	Former Staff Houses, Colliery Row	3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl Lot 12, DP 848941 Lot 14, DP 848941 Lot 15, DP 848941 Lot 120, DP 853391
Blackalls Park			
BK-02	L	Railway Bridges	2 (over) Mudd Creek and 2 (over) Stony Creek (also see RT-11)
BK-03	L	Railway Station	26 South Pde (also see RT-11)
Blacksmiths			
BL-01	L	Fisherman's Cottage	167 Ungala Rd Lot 3, DP 237547
Boolaroo			
BR-01	L	Group of 4 Cottages	8 Creek Reserve Rd 10 Creek Reserve Rd 12 Creek Reserve Rd 14 Creek Reserve Rd Lot 1, DP 616785 Lot 1, DP 301687 Lot 3, DP 8704 Lot 4, DP 8704
BR-02	L	Former Boolaroo Post Office	91 Main Rd Lot 2, DP 809177
BR-04	L	Former Motor Garage	19 Main Rd Lot 1, DP 125272
BR-05	L	Commercial Hotel	2 Main Rd Lot 1, Section A, DP 3494, Lot 2, Section A, DP 3494
BR-06	L	House "Alida"	Lakeview Rd Lot 4, Section M, DP 3494
Booragul			
BU-01	L	Colliery Relics	155 Old Main Rd Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marmong St Lot 120, DP 855520
BU-03	L	Quigley Grave	2b First St Pt Lot 33, DP 755262 Pt Lot 468, DP 774186
Cams Wharf			
CW-01	L	Lord of the Manor Cams Cottage	24 Park Pde Lot 2, DP 616354

Cardiff

CF-01	L	Row of 4 Shops with Cottages	275 Main Rd	Lot 21, DP 544989
CF-02	L	Brick Shops	279 Main Rd	Lot 22, DP 544989
CF-04	L	Former Doctor's Surgery	8 Michael St	Lot 2, DP 214463
CF-05	L	House	6 Michael St	Lot 1, DP 214463
CF-08	L	Cardiff Masonic Hall	4 Margaret St	Lot 12, Section B, DP 8186
CF-09	L	House	309 Main Rd	Pt Lot 34, DP 755233
CF-15	L	St Kevin's Cottage	230 Main Rd	Lot 1, DP 1015805
CF-16	L	St Kevin's Church	226 Main Rd	Lot 3, Section A, DP 4143
CF-17	L	Former Miner's Cottage	251 Main Rd	Lot 1, DP 303203

Cardiff South

CS-01	L	Former Colliery Tramway	14a Almora Cl 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
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Catherine Hill Bay

CH-03	L	Police Station and Lock Up	23-27 Clarke St	Lot 1, Section F, DP 163, Lot 3, Section F, DP 163, Lot 5, Section F, DP 163
CH-04	L	Wallarah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St	Lot 71, DP 222717
CH-06	L	Cottages	12 Clarke St	Lot 72, DP 222717
CH-07	L	Cottages	21 Clarke St	Lot 78, DP 222717
CH-08	L	Cottage	19 Clarke St	Lot 79, DP 222717
CH-10	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-12	L	Cottages	9 Clarke St	Lot 84, DP 222717
CH-13	L	Cottages	7 Clarke St	Lot 85, DP 222717
CH-14	L	Cottages	5 Clarke St	Lot 86, DP 222717
CH-16	L	Cottage	3 Clarke St	Lot 87, DP 222717
CH-17	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-19	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-21	L	House "Wallarah House"	1a Keene St	Lot 2031, DP 841175
CH-22	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-23	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	Lot 22, DP 593154
CH-24	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 21, DP 593154
CH-25	L	Anglican Church	71 Flowers Dr	Lot 14, DP 222943
CH-26	L	Group of cottages	27 Flowers Dr	Lot 15, DP 222943
CH-27	L		29 Flowers Dr	Lot 16, DP 222943
CH-28	L		31 Flowers Dr	Lot 17, DP 222943
CH-29	L		33 Flowers Dr	Lot 18, DP 222943
CH-30	L		35 Flowers Dr	Lot 19, DP 222943
CH-31	L		37 Flowers Dr	Lot 41, DP 222943
CH-32	L		42 Flowers Dr	Lot 42, DP 222943
CH-33	L		44 Flowers Dr	Lot 43, DP 222943

CH-22	L	Hall	48 Flowers Dr	Lot 44, DP 222943		
	CH-24	L	House	50 Flowers Dr	Lot 45, DP 222943	
		CH-25	L	House	54 Flowers Dr	Lot 47, DP 222943
		CH-26	L	House	56 Flowers Dr	Lot 48, DP 222943
		CH-27	L	House	58 Flowers Dr	Lot 49, DP 222943
CH-32	L	Cemetery	1 Northwood Rd	Lot 1, DP 407474		
	CH-33		L	26 Flowers Dr	Lot 1, DP 952963	
	CH-34		L	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154	
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250		
CT-01	L	Miners' Cottages	300 Charlestown Rd	Lot 2, DP 33470		
	CT-02		L	304 Charlestown Rd	Lot 4, DP 33470	
	CT-03		L	306 Charlestown Rd	Lot 5, DP 33470	
	CT-04		L	308 Charlestown Rd	Lot 6, DP 33470	
CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865		
	CT-04	L	Brick Cottage	36 Smith St	SP 43904	
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893		
	CP-01		L	Grave "Frost's Rest"	Lot 1, DP 919600	
CB-01	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197832		
	CB-02		L	41 Martinsville Rd	Lot 120, DP 755223	
CB-03	L	Former Post Office	9 Kings Rd	Lot 3, DP 549007		
CB-06	L	House	8 Kings Rd	Lot 1, DP 798409		
CB-07	L	House	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202		
CB-08	L	North Corrumbung Cemetery	Off Victory St—Crosses Dora Creek			
CB-09	L	Suspension Footbridge	15 Central Rd	Lot 20, DP 3534		
CB-17	L	Water Tower	50 Central Rd	Lot 18, DP 129134		
CB-18	L	Bethel Hall	50 Central Rd	Lot 18, DP 129134		
CB-21	L	College Hall	50 Central Rd	Lot 18, DP 129134		
CB-22	L	Science Hall	50 Central Rd	Lot 18, DP 129134		
CB-23	L	House "The Laurels"	50 Central Rd	Lot 18, DP 129134		
CB-24	L	Auditorium	50 Central Rd	Lot 9, Section 7, DP 3533		
CB-25	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533		
CB-26	L		70 Central Rd	Lot 1, DP 938761		
CB-27	L	Sanitarium Dairy Farm	50 Central Rd	Lot 18, DP 129134		
	CB-28		L	15 Central Rd	Lots 18 to 23, Section 3, DP 3533	
	CB-29		L	597 Freemans Dr	Lot 201, DP 1059478	
CB-29	L	House "Three Bells" Cottage	661 Freemans Dr	Lot A, DP 416525		
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 2, DP 204207		
Dora Creek	DC-02	L	House	Lot 11, DP 533825		
			Holmes Store	Lot 38, DP 528601		
			Cast Iron Reservoir	Lot 1, 446723		
DL-01	L		147 Ocean St			

DL-03	L	Two Miner's Cottages	125 and 127 Ocean St	Lots 1, 2 and 3, Section D, DP 2657
DL-04	L	Dudley Public School	124 Ocean St	Lot 145, DP 755233
DL-06	L	Pensioners Hall	98 Ocean St	Lot 1, DP 931771
DL-07	L	Ocean View Hotel	85 Ocean St	Lot 20, Section A, DP 2304
DL-08	L	Royal Crown Hotel	94 Ocean St	Lot 18, Section B, DP 2304
DL-09	L	Former Miner's Cottage	31A Thomas St	Lot 9, Section D, DP 2657
DL-10	L	Former Miner's Cottage	29 Thomas St	Lot 11, Section D, DP 2657
Edgeworth				
EW-07	L	School Teacher's Residence	7 Minimi Rd	Lot 106, DP 755262
Eraring				
ER-01	L	Eraring Power Station	4 Cross St	Lot 10, DP 1050120
			22B MR 217, Myuna Bay	Lot 20, DP 840668
			22C MR 217, Myuna Bay	Lot 21, DP 840670
			20A MR 217, Myuna Bay	Lot 51, DP 840671
			20 MR 17, Myuna Bay	Lot 11, DP 1050120
			22A MR 217, Myuna Bay	
Fassifern				
FF-01	L	Fassifern Railway Cottage	Wallsend Rd	Lot 1, DP 854050
FF-02	L	Toronto Railway Overbridge	(over) Fassifern Rd (also see RT-11)	
FF-03	L	Fassifern Railway Station	29 Fassifern Rd	
Freemans Waterhole				
FW-01	L	Headframe Former Mining Museum	890A Freemans Dr	Lot 80, DP 610602
Glendale				
GD-01	L	Cardiff Railway Workshops	460 Main Rd	Lot 1, DP 1022127
Holmesville				
HV-04	L	Brick House	47 Appletree Rd	Lot 3, Section B, DP 4479
HV-06	L	Brick House	54 Appletree Rd	Lot 22, DP 740832
HV-07	L	House	20 William St	Lot 14, Section E, DP 5432
HV-08	L	Former Police Station	20 Charlotte St	Lot 15, Section E, DP 5432
HV-09	L	Post Office Store	18 George St	Lot 1, Section L, DP 3442
HV-11	L	Holmesville Hotel	21 George St	Lot 20, Section M, DP 3442
HV-20	L	House	32 Seaham St	Lot 42, Section B, DP 4479
HV-24	L	Railway Station	Killingworth Rd (also see RT-09)	
Kahibah				
KH-01	S L	Glenrock Railway and Mine Entrance and Recreation Area	Glenrock State	Lot 1, DP 523208 and Lot 21, DP 575387

early coal mining sites

Killingworth				
KW-02	L	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513 Lot 2, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 13, Section E, DP 4339
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 1, Section D, DP 4339
Kotara South				
KS-01	L	South Waratah Colliery	31 Kirkdale Dr (also see RT-06)	Lot 132, DP 243393
Martinsville				
MV-01	L	Public School	2 Martinsville Rd	Lot 157, DP 823773
MV-02	L	House "Woodside"	32 Wilkinson Rd	Lot 1, DP 741192
MV-03	L	Dora Creek Bridge	Owens Rd	
MV-04	L	Farm House "Wonga Hill"	10a Owens Rd	Lot 63, DP 661760
Morisset				
MS-01	L	Stationmaster's House	58 Dora St	Pt Lot 1, DP 1002965
MS-08	L	Morisset High School	33 Bridge St	Lot 3, Section 40, DP 758707
MS-10	L	Tree—Morisset's Campsite	147 Macquarie St	Lot 7045, DP 93593
MS-12	S	Morisset Hospital	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S	Morisset Hospital	84 Bridge Street, Ward 9, Clinical Dept	Lot 1, DP 880557
MS-14	S	Morisset Hospital	84 Bridge Street, Ward 10	Lot 1, DP 880557
MS-15	S	Morisset Hospital	The 84 Bridge Street, Chapel	Lot 1, DP 880557
MS-16	S	Morisset Hospital	84 Bridge Street, Recreation Hall	Lot 1, DP 880557
MS-17	S	Morisset Hospital	The 69a Fishing Point Rd, Main Store	Lot 1 DP 880557
MS-19	S	Morisset Hospital	69a Fishing Point Rd, Residence No 1	Lot 1 DP 880557
MS-20	S	Morisset Hospital	69a Fishing Point Rd, Ward 17, General Psychiatry	Lot 1 DP 880557
MS-23	S	Morisset Hospital	69a Fishing Point Rd, Ward 12	Lot 1 DP 880557
MS-24	S	Morisset Hospital	69a Fishing Point Rd, Residence No 3	Lot 1 DP 880557
MS-25	S	Morisset Hospital	69a Fishing Point Rd, Maximum Security Division	Lot 1 DP 880557
MS-26	S	Morisset Hospital	69a Fishing Point Rd, Cottage Row	Lot 1 DP 880557
	L	Residence Nos 16, 17, 18, 19, 20 and 21		
MS-29	S	Morisset Hospital	69a Fishing Point Rd, Water Supply Dam—Poumalong Creek	Lot 1 DP 880557

Nords Wharf

NW-01	L	Former Guesthouse "Kurawilla"	127 Marine Pde	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf"	43c Nords Wharf Rd	PO 1970/126
PF-01	L	Cabbage Trees	5 Soldiers Rd 25 Soldiers Rd 35 Soldiers Rd	Pt Lot 135, DP 755233 Lot 103, DP 755233 Lot 102, DP 755233

Railways and tramways

RT-01	L	West Wallsend Steam Tram Line	West Wallsend to Newcastle via Wallsend, Holmesville, Esterlyville, Edgeworth and Glendale Newcastle to Speers Point via West Wallsend Line passes through Lake Macquarie from Garden Suburb to Wyee	
RT-02	L	Speers Point Steam Tram Line		
RT-03	L	Great Northern Railway		
RT-04	L	Belmont Railway	Adamstown to Belmont, the New Redhead Estate and Coal Company Railway	
RT-05	L	Branch Lines from the Belmont Railway	Burwood No 3 Colliery, Whitebridge, Dudley Colliery, Dudley, Lambton Colliery, Redhead, John Darling Colliery, Belmont North, Belmont Colliery Sidings, Belmont	Lots 1, 2 and 9, DP 1038830
RT-06	L	Raspberry Gully Line Railway	Opposite Dalpura Lane to the Main Northern Railway Line, near Adamstown along Sox Creek	
RT-09	L	Seaham, West Wallsend, Fairley and Killingworth Railway	Cockle Creek to Seaham No 1 Colliery at Seahampton with branches to Fairley and Killingworth	
RT-10	L	Rhondda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhondda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto	

RT-14	L	Wyee Coal Conveyor Railway Loop	Railway Station and then Toronto Wharf North of Wyee to Vales Point Power Station	
RT-15	L	Cardiff South Colliery Tramway	Macquarie Rd, Cardiff South	
RT-18	L	Catherine Hill Bay Colliery Railway	From Mine Camp, north of the township, to the coal loader	
Rathmines				
RM-01	L	Catalina Memorial Nursing Home	171 Dorrington Rd	Lot 2, DP 226531
RM-02	L	Community Hall	1 Overhill Rd	Lot 64, DP 596913
RM-03	L	Catamaran Club	1 Overhill Rd	Lot 64, DP 596913
RM-04	L	Christadelphian School	2 Stilling St	Lot 5, DP 226534
RM-05	L	Flying Boat Ramps	1 Overhill Rd	Lot 64, DP 596913
RM-06	L	Rathmines Bowling Club	1 Stilling St	Lot 4, DP 226533
RM-07	L	Catalina War Memorial	1 Overhill Rd	Lot 64, DP 596913
RM-08	L	Rathmines Holiday Camp	3 Stilling St	Lot 1, DP 226530
RM-09	L	Brick Store	1 Overhill Rd	Lot 64, DP 596913
RM-10	L	Boat Slip	1 Overhill Rd	Lot 64, DP 596913
Redhead				
RH-01	L	Lambton Colliery	1 Geraldton Dr	Lot 68, DP 878840
RH-03	L	Under-Manager's House	17 Geraldton Dr	Lot 7, DP 878840
RH-04	L	"The Gables"	87 Redhead Rd	Lot 4, DP 737493
RH-07	L	Mine Manager's House	21 Elsdon St	Lot 100, DP 609787
Speers Point				
SP-03	L	House	10 Council St	Lot 1, DP 518527
SP-04	L	House	8 Council St	Lot 1, DP 521920
SP-08	L	House	18 Alley St	Lot 11, DP 525378
SP-09	L	House	37 Alley St	Lot 1, DP 587774
SP-10	L	Cottage	64 Speers St	Lot 1, DP 348879
SP-11	L	House	66 Speers St	Lot 3, DP 562487
SP-12	L	House	41 Albert St	Lot 1, DP 962726
SP-13	L	House	74 Speers St	Pt Lot 1, DP 956798
SP-14	L	House	214 The Esplanade	Lot 1, DP 108865
SP-16	L	House "The Knoll"	374 The Esplanade	Lot 3, DP 786053
SP-17	L	House	332 The Esplanade	Lot 4, DP 350608
SP-19	L	House	302 The Esplanade	Lot 32, DP 564214
SP-23	L	House	282 The Esplanade	Lot 145, DP 558308
SP-25	L	Former Lake Macquarie Council Chambers	143 Main Rd	Lot 13, DP 810700

SP-26	L	House	141 Main Rd	Lot 1, DP 368588
SP-29	L	Speers Point Garage	155 Main Rd	Lot 12, Section A, DP 4063
SP-30	L	House "Shangrila"	157 Main Rd	Lot 11, Section A, DP 4063
SP-31	L	House	159 Main Rd	Lot 10, Section A, DP 4063
SP-34	L	Lakeview Street Theatre	81 Lakeview St	Lot 14, Section B, DP 4063
SP-36	L	Shelter Shed	15 Park Rd	Lot 1, DP 998238
SP-37	L	Minerwerfer (or German Mortar)	15 Park Rd	Lot 1, DP 998238
Swansea				
SS-02	L	The Swansea Hotel	196 Pacific Hwy	Lot 2, DP 634759
Swansea Heads				
SD-02	L	Coast Guard Station	3a Lambton Pde	Lot 548, DP 39981
SD-03	L	Reid's Mistake, Head and Channel	7a Lambton Pde	Pt Reserve 88033
Teralba				
TA-03	L	Shop	10 Anzac Pde	Lot 1, DP 999965
TA-08	L	House "Morla"	59 York St	Lot 17, DP 816302
TA-09	L	Teralba Public School	57 York St	Lot 2, DP 795123
TA-10	L	Great Northern Hotel	2 Anzac Pde	Lot 7, Section A, DP 447469
TA-11	L	House "AS"	101 Railway St	Lot 261, DP 554269
TA-12	L	Station Master's Cottage	150 Railway St	Lot 3, DP 831957
TA-13	L	Teralba Cemetery Billygoat Hill	20 Pitt St	Lot 31, DP 838667
TA-16	L	Garlice Mine	159 Railway St	Lot 1, DP 780614
TA-17	L	Rhonda Colliery	23a Unnamed Rd	Lot 76, DP 755262, Lot 13, DP 755262
Toronto				
TT-01	L	House "Manuka"	182 Excelsior Pde	Lot 461, DP 589541
TT-06	L	House "The Moorings"	2 Jarrett St	Lot A, DP 368417
TT-08	L	Toronto Cemetery	354 Awaba Rd	Lots 7044 to 7046, DP 1052029 and Lot 7058, DP 1052031
TT-09	L	Toronto Hotel	74 Victory Pde	Lot 201, DP 549239
TT-11	L	Former Railway Station	16 Victory Row	Lot 220, DP 1021925
TT-12	L	Fritli's Store	66 The Boulevard	Lot B, DP 390795
TT-15	L	Building Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annex	8 Arnot Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnot Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnot Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnot Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnot Ave	Lot 1, DP 950464
TT-21	L	House "Burnbrae"	32 Renwick St	Lot 1, DP 122786

TT-22	L	Station Master's Cottage	98 Brighton Ave	Lot 1, DP 125979
TT-23	L	House "McGeachie's"	109 Brighton Ave	Lot 2, DP 515029
TT-29	L	Convent of Mercy	26 Renwick St	Lot 2, DP 314496
TT-30	L	House	23 Renwick St	Lot 2, DP 350492
TT-38	L	Cottage	6 Renwick St	Lot 21, Section 7, DP 4236
TT-42	L	House	16 Hunter St	Lot 111, DP 596414
TT-43	L	Winn's House	19 Hunter St	Lot 100, DP 717511
Wangi Wangi				
WG-01	S	Wangi Power Station	80 Donnelly Rd	Lot 101, DP 880089
WG-04	L	House "Dobell House"	47 Dobell Dr	Lot 13, DP 8840
Warners Bay				
WB-01	L	House "Ali's Palace"	6 Fairfax Rd	Lot 2, DP 20222, Lot 34, DP 20222, Pt Lot 1, DP 20222
WB-02	L	First Orange Orchard	The slope with north eastern aspect falling from crest of hill at corner Beryl and Mills Sts down to creek and tramway	(WB-03)
WB-03	L	Mine Pithead and Coal Tramway to Lake	Follows creek from below Barbara St, to Lake between Howard and James Sts	
West Wallsend				
WW-01	L	West Wallsend Football Club Ground Park	3 Laidley St, Johnson	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery	off Wilson St	Pt Lot 106, DP 1000408
WW-05	L	Cottage	12 Carrington St	Lot 6, Section Z, DP 3809
WW-06	L	Cottage	15 Carrington St	Lot 15, Section D, DP 2252
WW-08	L	House "Earsdon Cottage"	20 Carrington St	Lot A, DP 370073
WW-10	L	Former Shop and Doctors surgery	47 Carrington St	Lot 16, Section C, DP 2252
WW-11	L	House	47 Carrington St	Lot 16, Section C, DP 2252
WW-12	L	Former Shop and House	52 Carrington St	Lot 2, Section G, DP 2252
WW-13	L	Post Office and Residence	54 Carrington St	Lot 1, Section G, DP 2252
WW-14	L	Catholic Church and Convent	5 Hyndes St	Lot 15, Section G, DP 2255, Lot 16, Section G, DP 2252, Lot 1, DP 500232, Lot 2, DP 500232
WW-15	L	Soldiers' Memorial and Park	49 Carrington St	Lot 1, DP 301342
WW-16	L	Workers' Club	51 Carrington St	Lot 11, DP 863266
WW-18	L	Clyde Inn Hotel	57 Carrington St	Lot 12, Section B, DP 2252
WW-19	L	House	59 Carrington St	Lot A, DP 382915
WW-23	L	Former School of Arts	65 Carrington St	Lot 21, DP 875161

WW-26	L	West Wallsend Co-Op 76a Carrington St 6 Withers St 8 Withers St	Lot 7, Section E, DP 2252 Lot 8, Section E, DP 2252 Lot 9, Section E, DP 2252
WW-31	L	West Wallsend Public School 49a Wallace St	Lot 5, Section J, DP 2252, Lot 7, 6, Section J, DP 2252, Lot 8, Section J, DP 2252, Lot 9, Section J, DP 2252, Lot 10, Section J, DP 2252, Lot 11, Section J, DP 2252, Lot 12, Section J, DP 2252, Lot 1, DP 415746, Lot 1, DP 103681, Lot 1, DP 203314, Lot 1, DP 418805
WW-32	L	Miners' Memorial 49a Wallace St	Lot 8, Section J, DP 2252
WW-33	L	Presbyterian Church 48a Wallace St	Lot 1, Section O, DP 2253
WW-35	L	Baptist Church 49 Wallace St	Lot 15, Section K, DP 2252
WW-38	L	Former Northumberland Hotel 1 Hyndes St	Lot 11, DP 563278
WW-39	L	Cottage 53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage 8 Laidley St	Lot B, DP 319636
WW-41	L	Museum Hotel 70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Lot 1, DP 231108, Lot 2, DP 231108, Lot 21, DP 223395, Lot 1, DP 207238, Lot 1, DP 338999, Lot 121, DP 755262
WW-47	L	Mt Sugarloaf No 1 Colliery Mt Sugarloaf Rd	Lot 7, DP 813135
WW-50	L	West Wallsend Cemetery	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir 30a George Booth Dr, Easteilville	Lot 1, DP 923587
Whitebridge			
WH-01	L	Whitebridge Cemetery	Lots 1697, 1698 and 1731, DP 755233
WH-02	L	House 105 Burwood Rd	Lot 7, DP 800730
WH-08	L	Railway Cutting and Bridge (also see RT-04)	
WH-09	L	Captain Bulls Garden	Lot 10, DP 220823
Wyee			
WY-02	L	Wyee Channel Extending north, from the Wyee Dam, passing under Summerhayes Rd	

Part 2 Potential archaeological sites other than of indigenous origins

Item No	Significance Item	Address	Property description
1	Wharf	Middle Camp Beach, Catherine Hill Bay	
2	Wallarah East Pit	Flowers Dr, Catherine	

3	Newstan Colliery	Hill Bay
4	Lambton Colliery	Fassifern Rd, Fassifern
5	Redhead	Crown Land Redhead Lot 2050, DP 823153
6	Amos Bros, Quarry	Teralba
	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 48)

Part 1 Items relating to fossils

Item No	Significance Item	Address	Property description
Blackalls Park			
BK-01	L	Fossil Tree Sections	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	Reserve 38237
Swansea Heads			
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

TH-01	S	Nature Reserve and being permin fossil insect horizon	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permian Fossil Horizon Belmont—Warners Bay 1949</i> (Records of the Australian Museum 1950)
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Part 2 Landmark of Aboriginal and European heritage significance supporting tree groups and individual trees

Item No	Significance Item	Address	Property description
LM-01	L	Pulbah Island	

Schedule 6 Places or potential places of Aboriginal heritage significance

(Clause 49)

Part 1 Places of Aboriginal heritage significance

Item No	Significance Item	Address	Property description
	Various	All sites identified in the last edition of the National Parks and Wildlife Service's Aboriginal Sites Register available at the office of the Council	All property identified as an Aboriginal site in that Register

Part 2 Potential places of Aboriginal heritage significance

Item No	Significance Item	Address	Property description
Various	All sites, localities and landscapes identified in the <i>Lake Macquarie Aboriginal Heritage Study Report</i> available at the office of the Council		All properties identified as an Aboriginal site, locality or landscape as held in the records of Lake Macquarie City Council

Schedule 7 Additional development allowed on certain land

(Clause 39)

Item No	Column 1 (Repealed)	Column 2
1		Development for the purpose of eco-tourism facilities.
2	Land at Wyee Point being Lot 48, DP 1035946.	Long term residential occupation of movable dwellings.
3	Land at Redhead, part of Lot 6001, DP 787875, Kalaroo Road, Redhead.	Development providing permanent residential accommodation and other buildings, works
4	Land at Wyee Point, incorporating the parcels created by Strata Plans Nos SP 33591, SP 34019, SP 51315, SP 52847, SP 53446, SP 58403, SP 63806, SP 63807, SP 64978, SP 65565, 77 Rutleys Road, Wyee Point.	SP tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs.
5	Land in the vicinity of Rafferty's Road Cam's Wharf, shown in Deposited Plan Nos DP 270043, DP 285138, DP 285268, DP 285325, DP 285410, DP 285518, DP 285546, DP 285579, DP 285636.	Development predominantly providing a tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs.
6	Land at Cam's Wharf, being Lot 1 DP 926581 and subdivided as Lots 321, 322, 323 and 324, DP 864517.	Erection of one dwelling house on each of the 4 lots within DP 864517.
7	So much of the land in the vicinity of Minni Road, Cameron Park Drive and George Booth Drive, Edgeworth, in Lot 216, DP 1036819 as is within Zone 7 (2) and is not the subject of acquisition by the Council.	Development that results in cluster housing or tourist facilities (or both) on a site area consisting of land described in Column 1, but only if: (a) the ratio of the part (if any) of the site area occupied by tourist facilities to the whole of the site area does not exceed 0.5:1, and (b) not more than 2.5% of the site area is physically disturbed by the carrying out of development for the purpose of dwelling houses, and (c) the density of the dwelling houses (if any) must not exceed one dwelling house for every 5 hectares of the site area.

If land is subdivided after any such development has been carried out on it, or if consent is granted for the carrying out of any such development on land at the same time as consent is given for subdivision of the land, the subdivision may be carried out only under the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*.

Any development that is allowed on land in the adjoining zone may be carried out, but only if the consent authority, before granting consent for any such development, has had regard to the guidelines and parameters adopted in the establishment of the relevant zone boundary (as evidenced by any environmental study, assessment or report prepared in relation to the creation of that zone boundary) and is satisfied:

- that the land is suitable having regard to all likely environmental impacts, including slope, access, drainage, bushfire hazard, conservation value, geotechnical instability, erosion hazard, visual significance, and
 - that the development will not reduce the area of open space required to meet the needs of any population increase as a result of the development, and
 - that the development will not reduce the conservation value of the locality required for the protection of flora and fauna species, having regard to all matters, including perimeter effects and the impact of the development on the total area of land identified as relevant for conservation.
- Subdivision into not more than 4 lots and the erection of a dwelling house on each lot so created.
 - Subdivision into not more than 2 lots and the erection of a dwelling house on each lot so created.
 - Subdivision of each lot into not more than 2 lots and the erection of a dwelling house on each vacant lot so created.
 - Development for the purpose of a mortuary.
 - The erection of a dwelling house on each lot within DP 1022805.
 - Development for the purpose of a retail market, being operated on Saturday and Sunday between the hours 7:30am to 6:00pm,

- 14 Land at Fairfax Road, Warners Bay, being so much of Lot 22, DP 1015155 as is within Zone 7 (2).
- with a gross floor area no greater than 10,300 square metres.
- Subdivision into not more than 3 lots, but only if each of the existing dwellings is located on a separate lot and the remaining lot is of such a size and configuration, and in such a location, as to satisfy drainage requirements and is reserved for drainage.

Schedule 8 Land subject to special development requirements

(Clause 42 (1))

Item No	Column 1	Column 2
1	Land at Buttah being land in DP 1128, DP 12507, DP 584905 and DP 807936, zoned 2 (1) or 7 (1).	A development control plan must have been approved by the Council before consent is granted for any development. This development control plan must include recommendations about flora and fauna conservation, soil erosion and sedimentation control, drainage and water management, bushfire risk management, conservation of Aboriginal archaeology, urban design, subdivision pattern and development staging, and appropriate construction types and methods. A master plan must have been adopted by the Council before consent is granted for any development. This master plan must include recommendations about the following: (a) measures to assess, support, manage and conserve places and items of cultural heritage, (b) measures to deliver a diversity of social and economic opportunities including employment, (c) a strategy for the staged delivery of social infrastructure and services, (d) measures that will achieve a balance between ecological, visual, scenic, cultural and heritage values and site sensitive development, (e) the application of ESD principles, (f) principles and a detailed strategy for the management of natural features, foreshore processes and hazards, (g) measures to achieve development that is complementary to and reflects the character of surrounding urban developments, (h) the location and design of development in a manner that complements the on-site and surrounding natural environment, including recommendations for the
2	Land at Morisset Park, being Lot 38 DP 755242, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004".	

retention of vegetation,

- (i) the precise location of development within different parts of the site to allow detailed site planning to achieve the most appropriate configuration of buildings, roads and other works to minimise potential environmental and visual impacts,
 - (j) providing for a diversity of built form that considers building height, form, massing, materials, colour and reflectivity, among others, in the design process with the intent of minimising impacts with the surrounding developments and the lakeshore environment,
 - (k) meeting the objectives of the NSW Coastal Policy in planning and design across the site,
 - (l) retaining the natural form of the foreshore of Lake Macquarie and providing for public access links to the adjoining Lake Macquarie State Recreation Area,
 - (m) an urban form and structure that encourages walking, cycling and public transport use,
 - (n) the location and design of roads and pedestrian/cycleway systems to maximise the opportunity for public access to foreshore areas.
- 3 Land at Morisset Park in Zone 2 (1) as shown edged with a broken black line within the area edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004", being part Lot 38, DP 755242.
- (a) location and design of development in a manner that allows site sensitive residential development that responds to existing vegetation values, ecological values and visual aspects of this part of the site,
 - (b) location and design of developments in a manner that complements the on-site and surrounding natural environment, including retention of existing vegetation,
 - (c) measures to locate and design development within this part of the site to conserve and enhance the visual, ecological and environmental values of the site, including recommendations for the retention of vegetation,
 - (d) measures to provide for a diversity of built form that considers building height, form, massing, variable roof forms, materials, colour and reflectivity, among others, in

the design and process and complements surrounding developments and the lakeshore environment,

- (e) measures to site, consolidate and/or cluster buildings to create built forms that maintain existing vegetation cover and minimise potential environmental and visual impacts.

A development control plan applying only to the land must have been adopted by the Council before consent is granted for any development. This development control plan must address, to the satisfaction of the Council, habitat corridors, slope stability, drainage, water quality management, visual impact and access to the proposed development.

A development control plan for the land must have been adopted by the Council before consent is granted for any development. The development control plan must address, to the satisfaction of the Council, flora and fauna conservation, water quality management, visual impact and site access and mobility.

Schedule 9 Consent to development subject to special requirements

(Clause 42 (2))

Item No	Column 1	Column 2
1	Land at Warners Bay, being Lot 1, DP 204920, Myles Avenue, Warners Bay.	Provision for future vehicle and pedestrian access through Hillsborough Road, Warners Bay in a manner that is satisfactory to the Council.
2	Land at Estelville, being land in Lot 1, DP 877349, Part 301, DP 866450 and Part 1000, DP 870854, Cameron Park Drive, Cameron Park, being land in Zone 4 (1).	All stormwater must be detained and treated within the site boundaries. There must be no direct vehicular access to or egress from the site from or to the F3 Freeway, George Booth Drive or the Newcastle Link Road. There must be no direct vehicular or pedestrian access to Cameron Park Drive from lots fronting Cameron Park Drive. A vegetation buffer is to be established along the adjoining F3 Freeway, the Newcastle Link Road and Cameron Park Drive to the satisfaction of the Council.

Schedule 10 Development by public authorities

(Clause 10)

1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of

ways, works and plant, and

- (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:

- (i) the construction of new railways, railway stations and bridges over roads, and
- (ii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
- (iii) the formation or alteration of any means of access to a road, and
- (iv) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
- (c) the installation or erection of any plant or other structures or erections by way of addition to, or replacement or extension of, plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
- (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
- (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
- (f) routine maintenance and emergency works,
- (g) any other development, except:
 - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
 - (ii) the formation or alteration of any means of access to a road.

3 River transport

The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
- (b) the formation or alteration of any means of access to a road.

4 Air transport

The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

5 Road transport

The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

6 Mines

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purpose of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
- (b) the formation of any means of access to a road.

7 Roads

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

8 Forestry

The carrying out of any forestry work by the Forestry Commission, a School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

9 Rural land protection

The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
- (b) any development designed to change the use or purpose of any such reserve.

10 Water resources

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Infrastructure, Planning and Natural Resources of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

Schedule 11 Restricted development

(Clause 42A)

Item No	Column 1	Column 2
1	Land at Cardiff South, being part of Lot 63, DP 570307, 1A Water Street, as shown edged heavy black on Sheet 1 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Children's playground associated with the adjoining school.
2	Land at Macquarie Hills, being part of Lot PT4, DP 227813 (1A Lawson Road) and Lot 51, DP 790843 (2B Blackland Road), as shown edged heavy black on Sheets 2 and 3, respectively, of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)".	Car parking (and any associated works, including retaining walls, landscaping and fencing) associated with the adjoining church.

Dictionary

(Clause 7 (1))

Acid Sulfate Soil Manual means the document with that title as last adopted by the

Director-General.

acid sulfate soils means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Manual*.

Acid Sulfate Soils Planning Maps means the series of maps marked "Lake Macquarie Local Environmental Plan 2004—Acid Sulfate Soils Planning Maps" kept in the office of the Council.

advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

agriculture means:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of cattle, horses or birds, or
- (c) horticulture including fruit, vegetable and flower crop production, or
- (d) the grazing of livestock.

airline terminal means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

airport means a place for the arrival and departure of aircraft by air and may include buildings associated with aircraft storage, maintenance and control.

animal establishment means a place used for the boarding, breeding, keeping or training of animals for business purposes, and includes a riding school.

appointed day means the day on which this plan commences.

aquaculture means the commercial breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals such as fin-fish, crustaceans, molluscs or other aquatic invertebrates.

archaeological site means a site of one or more relics.

area has the same meaning as in the *Local Government Act 1993*.

Australian Height Datum (AHD), in relation to heights, means the level of the control point approved by the Surveyor-General for measuring the heights for the purpose of establishing Australian Height Datum.

Average Recurrence Interval (ARI) means the average period between the recurrence of a storm event of a given rainfall intensity. The ARI represents a statistical probability. For example, a 10-year ARI indicates an average of 10 events over a 100-year period.

bed and breakfast establishment means a dwelling house occupied by the permanent residents of same who provide overnight accommodation for visitors in no more than 5 bedrooms of that dwelling house, for a maximum period of 7 consecutive days and who provide at least breakfast to those visitors.

boarding house means a building let in permanent lodgings or a hostel, but does not

include a motel.

bottle shop means premises to which an off-licence to sell liquor by retail (granted under the *Liquor Act 1982*) relates.

brothel means a building or place regularly used for the purposes of prostitution.

building frontage is the facade of the building that faces a street.

building products warehouse and showroom means a building used predominantly for warehousing or distribution of building materials, supplies, plumbing supplies, air-conditioning systems, swimming pools and the like, with an ancillary component for the sale of such goods, materials or supplies by retail or auction.

bulk store means a building or place used for the bulk storage of goods where the goods stored, or to be stored, are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

bulky goods showroom means a building or place used for the sale by retail or auction of goods or materials that are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs or clothing.

bus shelter means a small-scale structure or place used to pick up or set down passengers travelling by bus.

bus station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

bushfire hazard reduction work means the reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bushfire hazard.

bushfire prone land has the same meaning as in the Act.

bushland regeneration means:

- (a) the removal of environmental weeds, and the rehabilitation of a degraded native vegetation community or ecosystem, using methods that do not damage the native vegetation or disturb the natural soil surface or hydrology, and
- (b) the planting of native vegetation that is indigenous to the site to establish a healthy population of that vegetation.

car parking facility means a building or place used for parking vehicles, whether operated for gain or not, and any manoeuvring space and access to that building or place, but does not include car parking ancillary to a permissible use.

car repair station means a building or place used for the purpose of carrying out repairs and/or detailing including washing, to motor vehicles, caravans, boats or agricultural

machinery and the like, not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a minor nature.

caravan park means land (including a camping ground) on which caravans, cabins and other moveable dwellings are, or are to be, placed or erected.

cemetery or crematorium means a building or place for the burying or cremation of deceased people or animals and may include a chapel, temple or other religious place for conducting funeral services.

child care centre means a building or place, whether operated for gain or not, which is used for the purpose of educating, supervising or caring for children (whether or not any of the children are related to the owner or operator), where:

- (a) there are 6 or more children under 6 years of age who do not attend a government school or a registered non-government school within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator),

and which may operate before and after school hours as an out of school hours care centre for children over 6 years of age.

clear includes:

- (a) kill, destroy, poison, ringbark, uproot or burn a tree or native vegetation, or
 - (b) cut down, fell, thin, log or remove a tree or native vegetation, or
 - (c) underscrub a tree or native vegetation, or
 - (d) sever or lop a branch, a limb, a stem or a trunk of a tree or native vegetation, or
 - (e) damage a tree or native vegetation in any other way,
- or cause or permit any of the above.

club means premises registered under the *Registered Clubs Act 1976* that are also licensed to serve alcohol under the *Liquor Act 1982*.

commercial mooring has the same meaning as in the *Lake Macquarie Mooring Management Plan* prepared and adopted from time to time by the Maritime Authority of NSW.

commercial premises means a building or place used as an office or for other business or commercial purposes but, in the Table in Part 3, does not include a building or place elsewhere specifically defined in this clause.

community facility means a building or place owned or controlled by a public authority or

non-profit community organisation, which provides for the physical, social, cultural or intellectual development, welfare or safety of the local community.

community land has the same meaning as in the *Local Government Act 1993*.

complying development is identified in clause 9.

conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

corporation has the same meaning as in the Act.

demolish a heritage item, or a building, work, archaeological site, tree or place in a heritage conservation area, means wholly or partly destroy, dismantle or deface the item or the building, work, archaeological site, tree or place.

Department has the same meaning as in the Act.

depot means a building or place used for the storage (but not sale) and maintenance of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place but, in the Table in Part 3, does not include a building or place elsewhere defined in this Dictionary.

development has the same meaning as in the Act.

DP high water mark for any land is the mean high water mark shown on the current plan (within the meaning of the *Conveyancing Act 1919*) for the land.

drainage means works carried out for the purpose of drainage which are not incidental or ancillary to development for which consent has been granted.

dual occupancy—attached means two dwellings in a single building on a single allotment of land.

dual occupancy—detached means two detached dwellings on a single allotment of land.

dwelling means a room or a suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing one but not more than one dwelling.

dwelling house—exhibition means a dwelling house used for the purpose of displaying to potential customers, the dwelling house, its contents and its surrounds for a limited period.

earthworks means a work involving the addition or removal of any solid matter on, to or from land, or any other work that will significantly alter:

- (a) the level of the land from the existing ground level, or
- (b) the character of the surface of that land, or
- (c) the drainage of the land.

eco-tourism facility means a building or place used primarily for tourist accommodation or

recreation, or both, and may include holiday cabins, camp or caravan sites, where the total number of beds does not exceed 20, that is in a natural or rural setting and may involve education and interpretation of the natural environment, and does not have a deleterious effect on the ecology of its location.

educational establishment means a building used as a pre-school, school or tertiary institution within the meaning of a State or Commonwealth Act, whether or not accommodation for staff or students is provided, or a gallery or museum but, in the Table in Part 3, does not include a building or place elsewhere defined.

emergency services facility means a building or place used for the provision of police, fire and ambulance services or the like, and may include training rooms and administration buildings, and buildings or places used to store, service or repair vehicles or equipment.

energy generation works means a building or place used primarily for the purpose of making or generating forms of energy.

entertainment facility means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events, and includes:

- (a) sports stadiums, conference facilities, function centres, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls and the like.

environmental facility means a structure or work that provides for:

- (a) nature study or display facilities, such as walking trails, board walks, observation decks, bird hides or the like, or
- (b) environmental management and restoration, such as bush restoration, wetland restoration, erosion and run off prevention works, dune restoration or the like, and may include ancillary kiosks or cafes.

ESD—see principles of ecologically sustainable development.

exempt development is identified in clause 8.

extractive industry means:

- (a) the winning of extractive material, or
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

flood prone land means land affected by the 1% Average Recurrence Interval (ARI).

foreshore building line means a foreshore building line fixed under clause 7 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by clause 22.

foreshore development means a boatshed, jetty, slipway, boat ramp, in-ground swimming pool, inclinator, landscaping, barbecues or other similar structures.

forestry includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

front building setback means the minimum distance from a lot's frontage to which the outermost projection of a structure may be built on the lot, as specified in Part 3 of *Lake Macquarie Development Control Plan No 1—Principles of Development*.

function centre means a building or place used to hold conferences, wedding receptions and the like, and may include a restaurant.

general store means a building or place for the retail sale of convenience goods that may include the facilities of a post office and/or for the sale of take-away food and that has a maximum gross floor area of 75 square metres but, in the Table in Part 3, does not include a building or place elsewhere defined.

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level) excluding:

- (a) columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and
- (b) lift towers, cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- (c) car parking needed to meet any requirements of the Council and any internal access to such parking, and
- (d) space for the loading and unloading of goods.

group home has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

hazardous industry means an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality.

- (a) to human health, life or property, or
- (b) to the biophysical environment.

height in relation to a building or structure, means the distance measured vertically from the topmost element of the building or structure to the natural ground level immediately below that point.

helipad means an area or place, whether or not open to public use, set apart for the taking off and landing of helicopters.

heliport means an area or place open to public use that is licensed by the Commonwealth for the taking off and landing of helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

heritage conservation area means an area of land that is shown edged by a heavy black broken line on the map, and includes buildings, works, archaeological sites, trees and places situated on or within the land.

heritage impact statement means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or a building, work, archaeological site, tree or place within a heritage conservation area, and an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, potential archaeological site or place.

- (a) the site and nature of which is described in Schedule 4, 5 or 6, and

- (b) that is more particularly specified in an inventory of heritage items available at the office of the Council, and

in the case of an item described in Schedule 6 as a place or potential place of Aboriginal heritage significance, the item includes any component, fixture or fitting that is attached to it.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (e) other goods, systems and components intended for use in science and technology.

home business means the use of part of a dwelling house or dwelling as an office or for business, where:

- (a) the use is ancillary to the residential use of, and is contained within, the main dwelling, and
- (b) the use is undertaken by the permanent residents of the dwelling, and
- (c) the use does not involve the employment of more than two persons on site in addition to those residents, and
- (d) the use does not cause any unacceptable impact on the environment or interference with the amenity of the surrounding area, and
- (e) the use does not involve the exhibition of any notice, advertisement or sign (other than a non-illuminated notice or sign to indicate the name or occupation of the resident), and
- (f) the use does not involve the retailing of any items from the premises, and
- (g) the use is not as a brothel.

home industry means an industry carried on in a building (other than a dwelling house or a dwelling) where:

- (a) the building does not occupy a gross floor area exceeding 50 square metres and is erected within the curtilage of the dwelling house or dwelling occupied by the person carrying on the industry, or on adjoining land owned by that person, and
- (b) the industry does not involve the employment of more than one person on site in addition to those residents, and
- (c) the industry does not:

- (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
- (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
- (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
- (iv) involve the sale of goods from the premises.

home occupation means an occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or

- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used by hospital staff or health care workers, and whether or not any such use is a commercial use.

hotel means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

industry means the manufacturing, assembling, altering, formulating, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up or adapting of any goods or any articles or any part of a good or an article for trade or sale or gain but, in the Table in Part 3, does not include any other use specifically defined in this Dictionary.

intensive agriculture means a form of agriculture, involving:

- (a) intensive livestock enterprises such as piggeries, cattle feed lots or poultry farms, which requires particular treatment or practices for the management of wastes (including faeces or other by-products), or
- (b) other intensive rural production enterprises such as hydroponic crop production, glass house fruit, flowers and vegetables, and the like.

junk yard means land used:

- (a) for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or
- (b) for the collection, dismantling, storage, salvaging or abandonment of vehicles or machinery, or
- (c) for the sale of parts derived from those vehicles or machinery.

Lake means the lake known as Lake Macquarie.

Lake Macquarie Development Control Plan No 1—Principles of Development means *Lake Macquarie Development Control Plan No 1—Principles of Development—Revision 01* as adopted by the Council on 30 January 2006.

land has the same meaning as in the Act.

large-scale commercial premises means premises, or part of premises, that have a gross floor area of not less than 500 square metres, and are used for the purpose of an office, or any other commercial or business purpose, by a single occupancy, but does not include any other premises defined in this Dictionary.

light industry means an industry, not being a hazardous industry or offensive industry, in which the processes carried on, the transportation involved, or the machinery or materials used, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

liquid fuel depot means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other flammable liquid.

maintenance in Part 6 (Heritage provisions) means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or exotic species and artificial landscapes or technology.

manufactured home estate has the same meaning as it has in *State Environmental Planning Policy No 36—Manufactured Home Estates*.

marina means a pontoon, jetty, pier or similar structure operated for commercial gain and designed or adapted to provide moorings for boats used primarily for pleasure or recreation and may include ancillary works such as slipways, facilities for the hire, repair and maintenance of boats and the provision of fuel, accessories and parts for boats and foodstuff.

medical centre means a building or place used as an outpatient day surgery, health centre, pathology laboratory or collection centre, diagnostic centre or the like.

mine means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal, mineral or gas by any mode or method and includes any place on which any product of the mining there is stacked, stored, crushed or otherwise treated, but does not include a quarry.

mixed use development means development that comprises a combination of two or more of the following uses: dwellings; accommodation for tourists; shops; commercial premises; recreation facilities; restaurants.

motels means a building or buildings substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used for the provision of meals to those people or the general public but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

motor showroom means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

multiple dwelling housing means three or more dwellings, not being a residential flat building, and may include villas, town houses and terraces.

native vegetation has the same meaning as it has in the *Native Vegetation Act 2003*, including scrub that is native vegetation but does not include any tree, sapling or shrub.

natural ground level means the ground level of a site before any development has been carried out that alters the naturally occurring height or contours of the site.

natural heritage means:

- (a) natural features consisting of physical and biological formations or groups of such formations, which are of identifiable value from the aesthetic or scientific point of view, or
- (b) geological and physiographical formations and delineated areas, which constitute the habitat of threatened species of animals and plants of identifiable value from the point of view of science or conservation, or
- (c) natural sites or delineated natural areas of identifiable value from the point of view of science, conservation or natural beauty regardless of evidence of human intervention.

offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

operational land has the same meaning as in the *Local Government Act 1993*.

place of Aboriginal heritage significance means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include heritage items (refer to Schedule 6) and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature that may include natural features such as creeks or mountains of long-standing cultural significance, as well as

initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

potential archaeological site means a site:

- (a) that is specified in Schedule 4 or 5 and described in that schedule as a potential archaeological site and shown on the map, or
- (b) that, in the opinion of the Council, has the potential to be an archaeological site even if it not so specified.

potential place of Aboriginal heritage significance means a place:

- (a) that is specified in Schedule 6 as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the Council, has the potential to have Aboriginal heritage significance, even if it is not so specified.

principles of ecologically sustainable development means the following statements of principle:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
 - (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of

costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

- (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

professional consulting rooms means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of, an existing dwelling house and used by not more than 3 persons providing medical services, or similar health care services, and who employ not more than 3 employees connected with those particular services.

public authority has the same meaning as it has in the Act.

public utility undertaking means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,
- and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government department, corporation, firm or authority carrying on the undertaking.

recreation facility means a building or place used for indoor recreation, whether used for the purpose of gain or not but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

relic means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old, relating to the use or settlement, not being Aboriginal habitation, of Lake Macquarie City local government area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of that area, or
- (c) any deposit, object or material evidence of any age relating to the existence or evolution of fauna and flora species and geology and geomorphology.

residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below natural ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings,

but does not include a Class 1a building or Class 1b building within the meaning of the *Building Code of Australia*.

Note. Class 1a and Class 1b buildings are commonly referred to as "town houses" or "villas" where the dwelling units are side by side, rather than on top of each other.

restaurant means a building or place, principally providing food to seated paying customers and may include take-away, footway dining, kiosk and drive-through services. **restricted premises** means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1900* applies is conducted.

retail plant nursery means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

road means a public thoroughfare used for the passage of vehicles, pedestrians or animals and includes:

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

roadside stall means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

rural industry means the handling, treating, processing or packing of primary products and/or the servicing in a workshop of plant or equipment used for rural purposes.

sawmill means a mill handling, cutting and processing timber from logs or baulks.

service station means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil, gas or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles, or the hiring of trailers or other vehicles,
- (b) washing and greasing of motor vehicles,
- (c) installation of accessories,
- (d) repairing and servicing of motor vehicles (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),
- (e) a shop.

shop means a building or place used for the purpose of selling, exposing or offering for sale by retail, food, goods, merchandise or materials but, in the Table in Part 3, does not include any other building or place specifically defined in this Dictionary.

sign means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like.

site area means the area of land to which an application for consent under the Act relates, exclusive of any land on which the development to which the application relates is not permitted by or under this plan.

small lot housing means a single dwelling on an allotment of land with an area of not less than 250 square metres but less than 450 square metres.

sporting facility means a building or place used for outdoor recreational activities, whether for the purpose of gain or not but, in the Table to Part 3, does not include any other building or place specifically defined in this Dictionary.

storage facility means a building or place used for the purpose of storing the belongings or materials of individuals in separate compartments.

storey means the space within a building that is situated between one floor level and the next floor level above, or if there is no floor level above, the ceiling or roof above, but does not include a space that only contains:

- (a) a lift shaft, stairway or metre rooms, or
- (b) a bathroom, laundry or similar room, or
- (c) parking accommodation intended for less than 3 vehicles, or
- (d) a combination of the items, rooms or accommodation referred to in paragraphs (a)–(c), or
- (e) a mezzanine floor.

stormwater management facility means a building or work used to control the quality of stormwater and includes detention basins, artificial wetlands, silt traps, gross pollutant traps, swales, channels and the like.

strata title subdivision means subdivision under the Strata Schemes (Freehold Development) Act 1973.

subdivision of land has the same meaning as in the Act.

sustainable generating works means a building or place used for the purpose of generating electricity using energy derived from water, wind or sun.

sustainable water cycle management means water cycle management that incorporates the principles and practice of water smart and water sensitive urban design philosophies.

telecommunications facility means a facility used to receive and transmit telecommunications including, but not limited to, towers, antennae, ground based and underground facilities.

the Act means the Environmental Planning and Assessment Act 1979.

the Council means the Council of the City of Lake Macquarie.

the map means the series of maps marked "Lake Macquarie Local Environmental Plan 2004", as amended by the maps, or sheets of maps, marked as follows:

Editorial note. The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Lake Macquarie Local Environmental Plan 2004 (Amendment No 1)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 3)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 4)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 6)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 7)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 10)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 12)—Sheet 3

Lake Macquarie Local Environmental Plan 2004 (Amendment No 15)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 16)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 17)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 18)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 19)—Sheets 1 and 2

Lake Macquarie Local Environmental Plan 2004 (Amendment No 20)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 26)

Lake Macquarie Local Environmental Plan 2004 (Amendment No 30)

the Regulation means the Environmental Planning and Assessment Regulation 2000.

tourist resort means a building or place that provides accommodation for tourists together with any one or more of the following:

- (a) on-site facilities to satisfy the recreational, entertainment, dining and business needs of tourists,
- (b) a function centre.

transport terminal means a building or place used mainly for the bulk handling of goods for transport by road, rail or air and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles, and includes a road transport terminal and a rail terminal.

tree includes:

- (a) any sapling or shrub that is more than 3 metres in height or has a trunk with a diameter, at ground level, of 75mm or more, and
- (b) any species of vegetation that existed in the State of New South Wales before European settlement, and
- (c) any vegetation listed on the Council's *Significant Tree Register*.

Note.

The term **tree** includes any tree within the ordinary meaning of that term, such as the Norfolk Island Pine. The above definition extends the meaning of **tree** to include plants that might not otherwise be considered to be trees.

unzoned land means land not zoned by this plan.

utility installation means a building or work used for a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

warehouse means a building used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

waste management and/or recycling facility means a building or place used for the collection, storage, abandonment, sorting and/or sale of waste materials and/or the preparation of those recycled materials for further use.

water cycle management means the handling of water and water resources in a manner that has regard to the whole of the hydrological process. This includes having regard to the quality and quantity of the resource from its various sources and its use and transport in the natural and built environment.

water pollution or pollution of waters has the same meaning as in the *Protection of the Environment Operations Act 1997*.

waterbody means:

- (a) a natural waterbody, including:
- a lake or lagoon either naturally formed or artificially modified, or
 - a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
 - tidal waters including any bay, estuary or inlet, or
- (b) an artificial waterbody, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

wetland means those areas where flora are dependent on, or are significantly adapted to living in, wet conditions for a significant part of their life cycle.

wholesale plant nursery means a building or place used for both the growing and wholesaling of plants.

Historical notes

The following abbreviations are used in the Historical notes:

Am amended	No number	Schs Sec	Schedules section
CI clause	p page	Secs pages	sections
CII clauses	pp pages	Reg Regulation	Subdivisions
Div Division	Regs Regulations	Subdiv Subdivisions	Subdivisions
Divs Divisions	Rep repeated	Subst substituted	Subdivisions
GG Government Gazette	Sch Schedule		
Ins inserted			

Table of amending instruments

Lake Macquarie Local Environmental Plan 2004 published in Gazette No 58 of 19.3.2004, p 1293 and amended as follows:

Statute Law (Miscellaneous Provisions) Act 2004 No 55. Assented to 6.7.2004. Date of commencement of Sch 2.18, assent, sec 2 (2).

Lake Macquarie Local Environmental Plan 2004 (Amendment No 1) (GG No 36 of 24.3.2005, p 905)

2005 No 64 Statute Law (Miscellaneous Provisions) Act 2005. Assented to 1.7.2005.

Date of commencement of Sch 2.29, assent, sec 2 (2).

Lake Macquarie Local Environmental Plan 2004 (Amendment No 4). GG No 139 of

(720) 11.11.2005, p 9379.

Date of commencement, on gazetal.

2006 (128) Lake Macquarie Local Environmental Plan 2004 (Amendment No 16). GG No 37 of

24.3.2006, p 1552.

Date of commencement, on gazetal.

(258) Lake Macquarie Local Environmental Plan 2004 (Amendment No 15). GG No 68 of

26.5.2006, p 3197.

Date of commencement, on gazetal.

No 58 Statute Law (Miscellaneous Provisions) Act 2006. Assented to 20.6.2006.

Date of commencement of Sch 2.26, assent, sec 2 (2).

(430) Lake Macquarie Local Environmental Plan 2004 (Amendment No 3). GG No 98 of

4.8.2006, p 6103.

Date of commencement, on gazetal.

(565) Lake Macquarie Local Environmental Plan 2004 (Amendment No 6). GG No 114 of

8.9.2006, p 7915.

Date of commencement, on gazetal.

(566) Lake Macquarie Local Environmental Plan 2004 (Amendment No 12). GG No 114

of 8.9.2006, p 7919.

Date of commencement, on gazetal.

(567) Lake Macquarie Local Environmental Plan 2004 (Amendment No 13). GG No 114

of 8.9.2006, p 7923.

Date of commencement, on gazetal.

2007 (53) Lake Macquarie Local Environmental Plan 2004 (Amendment No 2). GG No 31 of

9.2.2007, p 770.

Date of commencement, on gazetal.

- (197) Lake Macquarie Local Environmental Plan 2004 (Amendment No 17). GG No 63 of 4.5.2007, p 2608.
Date of commencement, on gazetal.
- (318) Lake Macquarie Local Environmental Plan 2004 (Amendment No 7). GG No 83 of 29.6.2007, p 4232.
Date of commencement, on gazetal.
- (331) Lake Macquarie Local Environmental Plan 2004 (Amendment No 10). GG No 90 of 13.7.2007, p 4502.
Date of commencement, on gazetal.
- (366) Lake Macquarie Local Environmental Plan 2004 (Amendment No 22). GG No 94 of 27.7.2007, p 4870.
Date of commencement, on gazetal.
- (524) Lake Macquarie Local Environmental Plan 2004 (Amendment No 19). GG No 156 of 26.10.2007, p 8112.
Date of commencement, on gazetal.
- No 82 Statute Law (Miscellaneous Provisions) Act (No 2) 2007. Assented to 7.12.2007.
Date of commencement of Sch 3, assent, sec 2 (2).
- (583) Lake Macquarie Local Environmental Plan 2004 (Amendment No 18). GG No 180 of 7.12.2007, p 9323.
Date of commencement, on gazetal.
- (641) State Environmental Planning Policy (Infrastructure) 2007. GG No 185 of 21.12.2007, p 10003.
Date of commencement, 1.1.2008, cl 3.
- 2008 (5) Lake Macquarie Local Environmental Plan 2004 (Amendment No 26). GG No 4 of 11.1.2008, p 34.
Date of commencement, on gazetal.
- (77) Lake Macquarie Local Environmental Plan 2004 (Amendment No 30). GG No 36 of 20.3.2008, p 2435.
Date of commencement, on gazetal.
- (152) Lake Macquarie Local Environmental Plan 2004 (Amendment No 20). GG No 61 of 30.5.2008, p 4061.
Date of commencement, on gazetal.

Table of amendments

- Cl 9 Am 2007 (53), Sch 1 [1].
- Cl 15, table Am 2006 No 58, Sch 2.26 [1]; 2007 (53), Sch 1 [2]–[16].
- Cl 23 Am 2007 (53), Sch 1 [17].
- Cl 24 Am 2007 (53), Sch 1 [18].
- Cl 26 Am 2007 (53), Sch 1 [19]–[21].
- Cl 27 Am 2007 (53), Sch 1 [22]–[24].
- Cl 29 Am 2007 (53), Sch 1 [25] [26].
- Cl 33 Am 2007 No 82, Sch 3.15 [1] [2].
- Cl 34 Am 2007 (53), Sch 1 [27]–[31].
- Cl 42A Ins 2006 (430), Sch 1 [1].
- Cl 55 Am 2007 (53), Sch 1 [32].
- Cl 60 Am 2007 (53), Sch 1 [33].
- Cl 61 Am 2006 (430), Sch 1 [2].
- Cl 62 Ins 2008 (152), Sch 1 [1].
- Sch 1 Am 2005 No 64, Sch 2.29; 2007 (53), Sch 1 [34]–[69].
- Sch 2 Am 2007 (53), Sch 1 [70]–[72].
- Sch 3 Am 2006 (430), Sch 1 [3]; 2006 (566), Sch 1 [1]; 2006 (567), cl 4; 2007 (366), Sch 1; 2007 (524), Sch 1 [1].

- Sch 4 Am 2007 (53), Sch 1 [73]–[98].
- Sch 7 Am 2007 (53), Sch 1 [99] [100].
- Sch 8 Am 2007 (197), Sch 1 [1].
- Sch 11 Ins 2006 (430), Sch 1 [4].
- Dictionary Am 2004 No 55, Sch 2.18; 24.3.2005; 2005 (720), cl 4; 2006 (128), cl 4; 2006 (258), cl 4; 2006 No 58, Sch 2.26 [2]; 2006 (430), Sch 1 [5]; 2006 (565), cl 4; 2006 (566), Sch 1 [2]; 2007 (53), Sch 1 [101]–[107]; 2007 (197), Sch 1 [2]; 2007 (318), cl 4; 2007 (331), cl 4; 2007 (524), Sch 1 [2]; 2007 (583), cl 4; 2007 (641), Sch 5.20; 2008 (5), cl 4; 2008 (77), cl 4; 2008 (152), Sch 1 [2].