



Section 73A EP&A Act submission

Part A. Council to complete

Subject:

Lake Macquarie City Council Local Environment Plan 2014 (LMLEP 2014) – Heritage Schedule Administrative Amendment.

Report requesting the making of amending local environmental plan under section 70 and section 73A.

Background:

Lake Macquarie City Council resolved on 10 July 2017 to amend the Lake Macquarie City Council Local Environmental Plan 2014 and to request that the Minister for Planning make the plan under section 70 and section 73A of the *Environmental Planning and Assessment Act 1979*. The draft amending plan is attached (see Attachment 1).

The land to which this amendment applies is listed in Attachment 2.

Why there is a need for the amendment:

Please see Attachment 3 for reasoning of proposed amendments.

What the amendment does:

Please see Attachment 4 for details of proposed amendments.

Why the amending plan is suitable to be made in accordance with section 73A:

Please see Attachment 5 for justification of proposed amendments.

The council requests that the Minister agree to make draft *Lake Macquarie Local Environment Plan 2014*

Signed: Date: 12 July 2017

Name: Samantha Hardie Position: Student Landuse Planner.....

On behalf of: Lake Macquarie City Council



NSW GOVERNMENT

Department of Planning

DOP file no:

Section 73A EP&A Act submission

Part B. Department of Planning use only

Date of referral to LEP Review Panel: (Insert date)

Department position:

The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

Parliamentary Counsel opinion:

The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

Recommendation:

It is recommended that the Minister:

- (a) under sections 70(1)(a) and (8) and section 73A of the *Environmental Planning and Assessment Act 1979* maketagged 'B')
(Name of LEP)
- (b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: Name'

Position:

for Director-General

Attachment 1 – Council Resolution



Determinations of the City Strategy Committee

Monday 10 July 2017

Council Chambers Speers Point

Present: Deputy Mayor Councillor Wendy Harrison, who presided; and Councillors Brian Adamthwaite, Kevin Baker, David Belcher, Christine Buckley, Luke Cubis, Colin Grigg, Nick Jones, Barney Langford, Jason Pauling and Adam Shultz.

Apologies: Mayor, Councillor Kay Fraser and Councillor John Gilbert.

Officers:	Morven Cameron	Acting General Manager
	Laura Kendall	Acting Director Community Development
	Tony Farrell	Director City Strategy
	Amanda Colbey	Director Operations
	Sharon Pope	Manager Integrated Planning
	Greg Field	Acting Manager Development Assessment & Compliance
	John Ferguson	Manager Community Planning
	Alice Howe	Manager Sustainability
	Helen Plummer	Section Manager Infrastructure Assets
	Kate Cramp	Manager Property & Business Development
	Angela Lamb	Acting Governance Officer
	Kate Davies	Public Relations
	Amy De Lore	Public Relations

Your City Strategy Committee wishes to report having met in the Council Chambers Speers Point on Monday 10 July 2017 at 5:34pm.

Councillor Jason Pauling declared a less than significant, non-pecuniary interest in item 17STRAT033 – Draft Amendment to LMLEP 2014 – Schedule 5 Environmental Heritage, advising that persons are known to him.

17STRAT033 Draft Amendment to LMLEP 2014 - Schedule 5 Environmental Heritage

Folder No: F2015/00090/02

Report By: Student Landuse Planner - Samantha Hardie

36

Moved. Cr. Baker

Seconded. Cr. Belcher

Council:

- A. Supports the proposed amendments to Schedule 5 and the Heritage Map within *Lake Macquarie Local Environmental Plan 2014*, as contained in Attachment 1.
- B. Submits a request to the Department of Planning and Environment to make the Local Environmental Plan, in accordance with the provisions of Section 73A of the *Environmental Planning and Assessment Act, 1979*, that addresses the matters contained in Attachment 1.
- C. Notifies the Office of Environment and Heritage of the amendments to Schedule 5 and the Heritage Map

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Against the Motion

Cr. Adamthwaite

Cr. Langford

Cr. Pauling

Cr. Harrison

Cr. Baker

Cr. Belcher

Cr. Buckley

Cr. Cubis

Cr. Grigg

Cr. Jones

Cr. Shultz

(carried)

(Carried)

Attachment 2 – Land to which this amendment applies

Subject Land:	Land Owner
475-477 Lake Road, Argenton Lots 1 and 2 DP 125686	Mr L Papadopoulos Mr K E Peterson and Mrs W L Peterson
531A Lake Road, Argenton Lot3, DP 577566	Lake Macquarie City Council
House “Alida” – Lakeview Road, Boolaroo Lot 4, Section M, DP 3494	Mr M H Gooch
3-9 Clarke Street, Catherine Hill Bay Lots 84-87 DP 33470	Mr D M Goodsall and Mrs E L Goodsall Mrs S M Whyte Ms L J Hale Ms J M Hall
19-21 Clarke Street, Catherine Hill Bay Lots 79 and 78 DP 222717	Mr A Morris and Ms M M Davey Mr D P Hawcroft
300 and 304-308 Charlestown Road, Charlestown Lots 2 and 4-6 DP 33470	Mrs J Borg Mrs K G Skelton Mr B P Carberry and Ms L R Cullen
890A Freemans Drive, Freemans Waterhole Lot 80, DP 610602	Lake Macquarie City Council
29 Helens Street, Holmesville Lot 16, Section N, DP 3442	Uniting Church in Australia Property Trust (NSW)
15 Haddon Crescent, Marks Point Lot 12 DP 1213011	Mr A P Lynch
Morisset High School 133 Bridge Street, Morisset Lot 3, Section 40, DP758707	NSW Department of Education and Communities
Coast Guard Station - 3a Lambton Parade, Swansea Heads Lot 548 DP 39981	Land and Property Management Authority
Teralba Cemetary – 62 and 64 Pitt Street, and 16 Cockle Crescent, Teralba Lots 429, 430 and 441, DP 1228495	McCloy Teralba Pty Ltd
Wangi Power Station Complex	Centennial Fassifern Pty Limited

Lots 100 and 101, DP 880089; Lots 2, 3, 4 and 6 DP810981, Lots 1, 2, 3 and 4 DP 1229937	IJ McDonald Pty Ltd Land And Property Management Authority Ms M J Hall Mr A R Tierney and Mrs E M Tierney
5 and 7 Hyndes Street, West Wallsend Lots 1 and 2, DP 1230885	Trustees of the Roman Catholic Church
Awaba Railway Station Cottage – Lot 1 DP 1191531	Railcorp Property and Rail Corporation New South Wales
Fossil Tree Sections – Venetia Avenue, Blackalls Parks Lot 6, DP 12604	Mr C E Wilkinson and Mrs K A Wilkinson
Nature Reserve – Burton Road, Tingira Heights Lots 180 DP 755233	National Parks and Wildlife Service (Hurstville)
127, 129 and 129A Marine Parade, Nords Wharf Lots 4, 5 and 6, DP 23483	Mr R P J Morante Ms J M Smith Mr J M Macgregor and Ms J A Macgregor and Ms F J Macgregor and Ms A N Macgregor

Attachment 3 – Reasons for proposed amendments

475-477 Lake Road, Argenton Lots 1 and 2 DP 125686	Change in address listing format
531A Lake Road, Argenton Lot3, DP 577566	Item has been relocated with development approval from Council, from 890A Freemans Drive, Freemans Waterhole, to 531A Lake Road, Argenton. Both sites are owned by Lake Macquarie City Council
House “Alida” – Lakeview Road, Boolaroo Lot 4, Section M, DP 3494	Updated address
3-9 Clarke Street, Catherine Hill Bay Lots 84-87 DP 33470	Change in address listing format
19-21 Clarke Street, Catherine Hill Bay Lots 79 and 78 DP 222717	Change in address listing format
300 and 304-308 Charlestown Road, Charlestown Lots 2 and 4-6 DP 33470	Change in property description due to a subdivision.
890A Freemans Drive, Freemans Waterhole Lot 80, DP 610602	Item has been relocated with development approval from Council, from 890A Freemans Drive, Freemans Waterhole, to 531A Lake Road, Argenton. Both sites are owned by Lake Macquarie City Council
29 Helens Street, Holmesville Lot 16, Section N, DP 3442	Incorrect address listing
15 Haddon Crescent, Marks Point Lot 12 DP 1213011	Change in property description due to a subdivision.
Morisset High School 133 Bridge Street, Morisset Lot 3, Section 40, DP758707	Incorrect address
Coast Guard Station - 3a Lambton Parade, Swansea Heads Lot 548 DP 39981	Incorrect address
Teralba Cemetary – 62 and 64 Pitt Street, and 16 Cockle Crescent, Teralba Lots 429, 430 and 441, DP 1228495	Change in property description due to a subdivision.
Wangi Power Station Complex Lots 100 and 101, DP 880089; Lots 2, 3, 4 and 6 DP810981, Lots 1, 2, 3 and 4 DP 1229937	Change in property description due to a subdivision.

5 and 7 Hyndes Street, West Wallsend Lots 1 and 2, DP 1230885	Change in property description due to a subdivision.
Awaba Railway Station Cottage – Lot 1 DP 1191531	This amendment is to align the listing under the LMLEP 2014 Schedule 5 as per Sydney Trains s170 register listing
Fossil Tree Sections – Venetia Avenue, Blackalls Parks Lot 6, DP 12604	Item has been removed, with approval
Nature Reserve – Burton Road, Tingira Heights Lots 180 DP 755233	Spelling mistake.
127, 129 and 129A Marine Parade, Nords Wharf Lots 4, 5 and 6, DP 23483	Heritage map layer to be removed, as item is no longer a listed item under Schedule 5

Attachment 4 – Details of proposed amendments

475-477 Lake Road, Argenton Lots 1 and 2 DP 125686	Amend Address from 475-477 Lake Road to 475 and 477 Lake Road
531A Lake Road, Argenton Lot3, DP 577566	Insert 531A Lake Road, Argenton Lot 3, DP 577566
House “Alida” – Lakeview Road, Boolaroo Lot 4, Section M, DP 3494	Amend address from Lakeview Road to 48 Lakeview Road
3-9 Clarke Street, Catherine Hill Bay Lots 84-87 DP 33470	Amend Address from 3-9 Clarke Street to 3,5,7 and 9 Clarke Street Amend Property description from Lots 84-87, DP 222717 to Lots 84, 85, 86, and 87, DP 222717
19-21 Clarke Street, Catherine Hill Bay Lots 79 and 78 DP 222717	Amend Address from 19-21 Clarke Street to 19 and 21 Clarke Street
300 and 304-308 Charlestown Road, Charlestown Lots 2 and 4-6 DP 33470	Amend Address from 300 and 304-308 Charlestown Road to 300, 304,306 and 308 Charlestown Road Amend Property Description from Lots 2 and 4-6, DP 33470 to Lots 2, 4, 5 and 6, DP 33470
890A Freemans Drive, Freemans Waterhole Lot 80, DP 610602	Remove from Schedule 5 as item has been removed with Council consent
29 Helens Street, Holmesville Lot 16, Section N, DP 3442	Amend Address from 29 Helens Street to 29 St Helen Street
15 Haddon Crescent, Marks Point Lot 12 DP 1213011	Amend property description from Lot 1 DP 124241 to Lot 12 DP 1213011
Morisset High School 133 Bridge Street, Morisset Lot 3, Section 40, DP758707	Amend Address from 33 Bridge Street, to 133 Bridge Street
Coast Guard Station - 3a Lambton Parade, Swansea Heads Lot 548 DP 39981	Amend Address from 3a Lambton Parade to 2b Wallsend Street
Teralba Cemetary – 62 and 64 Pitt Street, and 16 Cockle Crescent, Teralba Lots 429, 430 and 441, DP 1228495	Amend address from 20 Pitt Street to 62 and 64 Pitt Street, and 16 Cockle Crescent Amend Property description from Lot 31 DP 858667 to Lots 429, 430 and 441 DP 1228495
Wangi Power Station Complex Lots 100 and 101, DP 880089; Lots 2, 3, 4 and 6 DP810981, Lots 1, 2, 3 and 4 DP 1229937	Amend Property Description from; Lots 100 and 101, DP 880089; Lots 2–6, DP 810981, to Lots 100 and 101, DP 880089, Lots 2, 3, 4 and 6 DP810981, Lots 1, 2, 3 and 4, DP 1229937

5 and 7 Hyndes Street, West Wallsend Lots 1 and 2, DP 1230885	Amend Address from 5 Hyndes Street to 5 and 7 Hyndes Street Amend Property Description from Lots 15 and 16 Section G DP 2252 ; Lots 1 & 2 DP 500232, to Lots 1 and 2, DP 1230885
Awaba Railway Station Cottage – Lot 1 DP 1191531	Amend property description to Part Lot 1 DP 1191531, as per Sydney Trains s170 register listing
Fossil Tree Sections – Venetia Avenue, Blackalls Parks Lot 6, DP 12604	Remove from Schedule 5 as item has been removed
Nature Reserve – Burton Road, Tingira Heights Lots 180 DP 755233	Amend suburb spelling from Tingara to Tingira.
127, 129 and 129A Marine Parade, Nords Wharf Lots 4, 5 and 6, DP 23483	Remove heritage map layer

The Lake Macquarie Local Environment Plan 2014 Schedule 5 will be amended as shown below. A ~~red strikethrough~~ indicates a deletion, while *blue italics* indicate an insertion.

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Argenton	Church hall and Anglican Church	475 — <i>and</i> 477 Lake Road	Lots 1 and 2, DP 125686	Local	1
<i>Argenton</i>	<i>Headframe from West Wallsend (No1) Colliery</i>	<i>531A Lake Road</i>	<i>Lot 3, DP 577566</i>	<i>Local</i>	<i>249</i>
Boolaroo	House “Alida”	<i>48</i> Lakeview Road	Lot 4, Section M, DP 3494	Local	24
Catherine Hill Bay	Cottages	3—9 <i>3, 5, 7 and 9</i> Clarke Street	Lots 84-87 <i>84, 85, 86 and 87</i> , DP 222717	Local	42
Catherine Hill Bay	Cottages	19-21 <i>19 and 21</i> Clarke Street	Lots 78 and 79, DP 222717	Local	45
Charlestown	Miners’ cottages	300 and 304-308 , <i>304, 306 and 308</i> Charlestown Road	Lots 2 and 4-6 , <i>4 and 6</i> , DP 33470	Local	59
Freemans Waterhole	Headframe former mining museum	890A Freemans Drive	Lot 80, DP 610602	Local	97

Holmesville	Former Uniting Church	29 St Helens Street	Lot 16, Section N, DP 3442	Local	241
Marks Point	House	15 Haddon Crescent	Lot 1, DP 124241 12, DP 1213011	Local	229
Morisset	Morisset High School	33-133 Bridge Street	Lot 3, Section 40, DP 758707	Local	117
Swansea Heads	Coast guard station	3a Lambton Parade-2b Wallsend Street	Lot 548, DP 39981	Local	159
Teralba	Teralba Cemetery Billygoat Hill	20 Pitt Street 62 and 64 Pitt Street, 16 Cockle Crescent	Lot 31, DP 858667 Lots 429, 430 and 441, DP 1228495,	Local	163
Wangi Wangi	Wangi Power Station Complex		Lots 100 and 101, DP 880089; Lots 2-6, 3, 4 and 6, DP 810981, Lots 1, 2, 3 and 4 DP 1229937	State	191
West Wallsend	Catholic Church and Convent	5 and 7 Hyndes Street	Lots 15 and 16 Section G DP 2252 ; Lots 1 & 2 DP 500232 Lots 1 and 2, DP 1230885	Local	209

Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Awaba	Railway station cottage	Off Adelaide Street	Within rail corridor Part Lot 1, DP 1191531	Local	A1
Blackalls Park	Fossil Tree Sections	Venetia Avenue	Lot 6, DP 12604	Local	A3
Tingara Tingira Heights	Nature reserve and being permian fossil insect horizon	Burton Road	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled Permian Fossil Horizon Belmont—Warners Bay 1949 (Records of the Australian Museum 1950)	Local	A10

Maps

The following properties require map layer amendments as listed below

- 890A Freemans Drive, Freemans Waterhole
- 531A Lake Road, Argenton
- 23 Venetia Avenue, Blackalls Park
- 127, 129 and 129A Marine Parade, Nords Wharf

Item 97 - Freemans Water Hole



-  Land Parcel
-  Subject Land

Air Photo

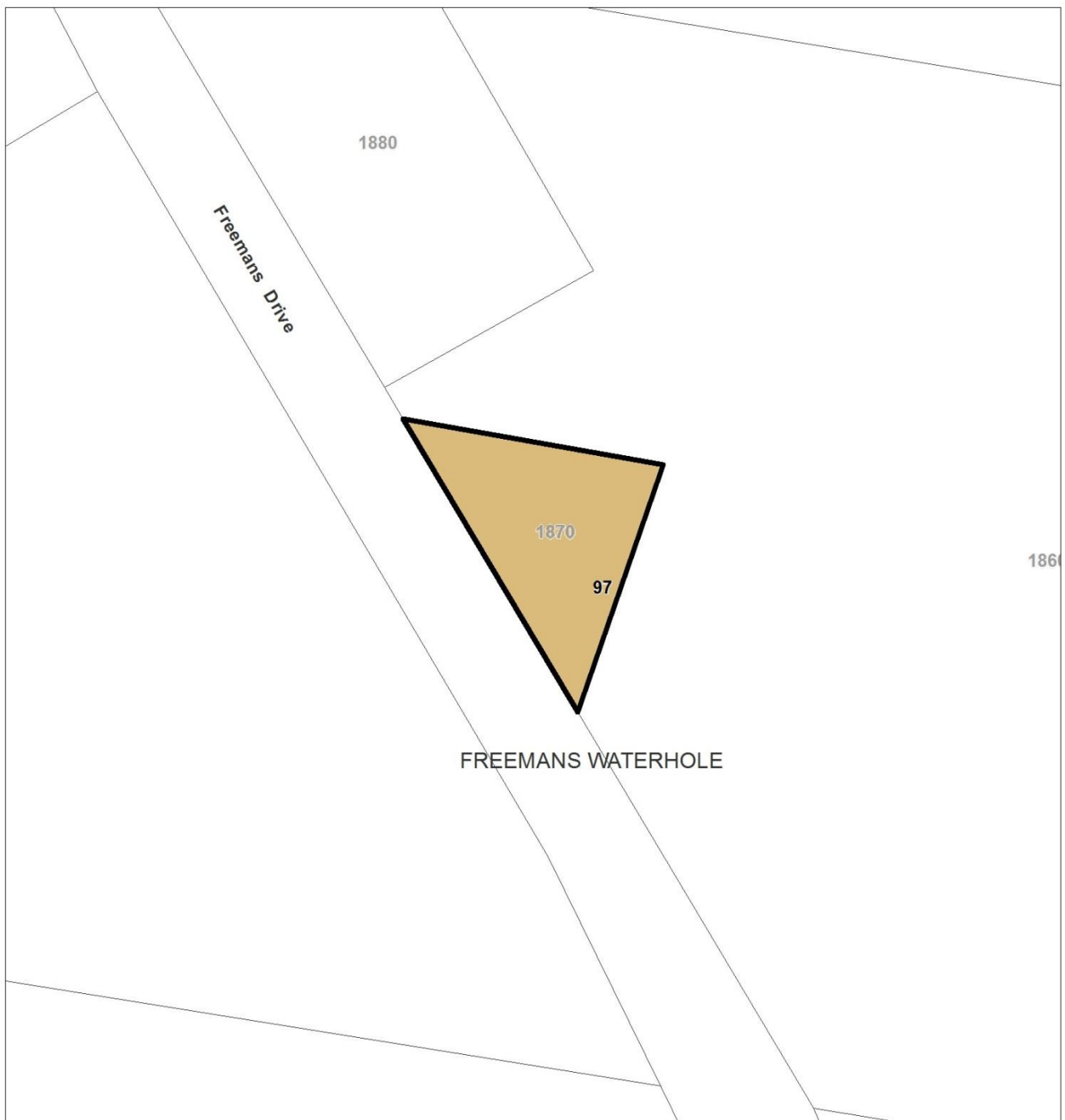
2014 Aerial Photography
Sinclair Knight Merz 2014

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Projection GDA 1994
Zone 56



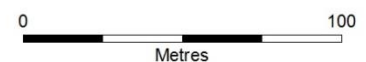
Date: 9/06/2017 Planning Proposal: F2015/00090



- Land Parcel
- Subject Land
- Heritage
- Conservation Area - General
- Item - General
- Item - Archaeological
- Item - Landscape

Existing Heritage Map

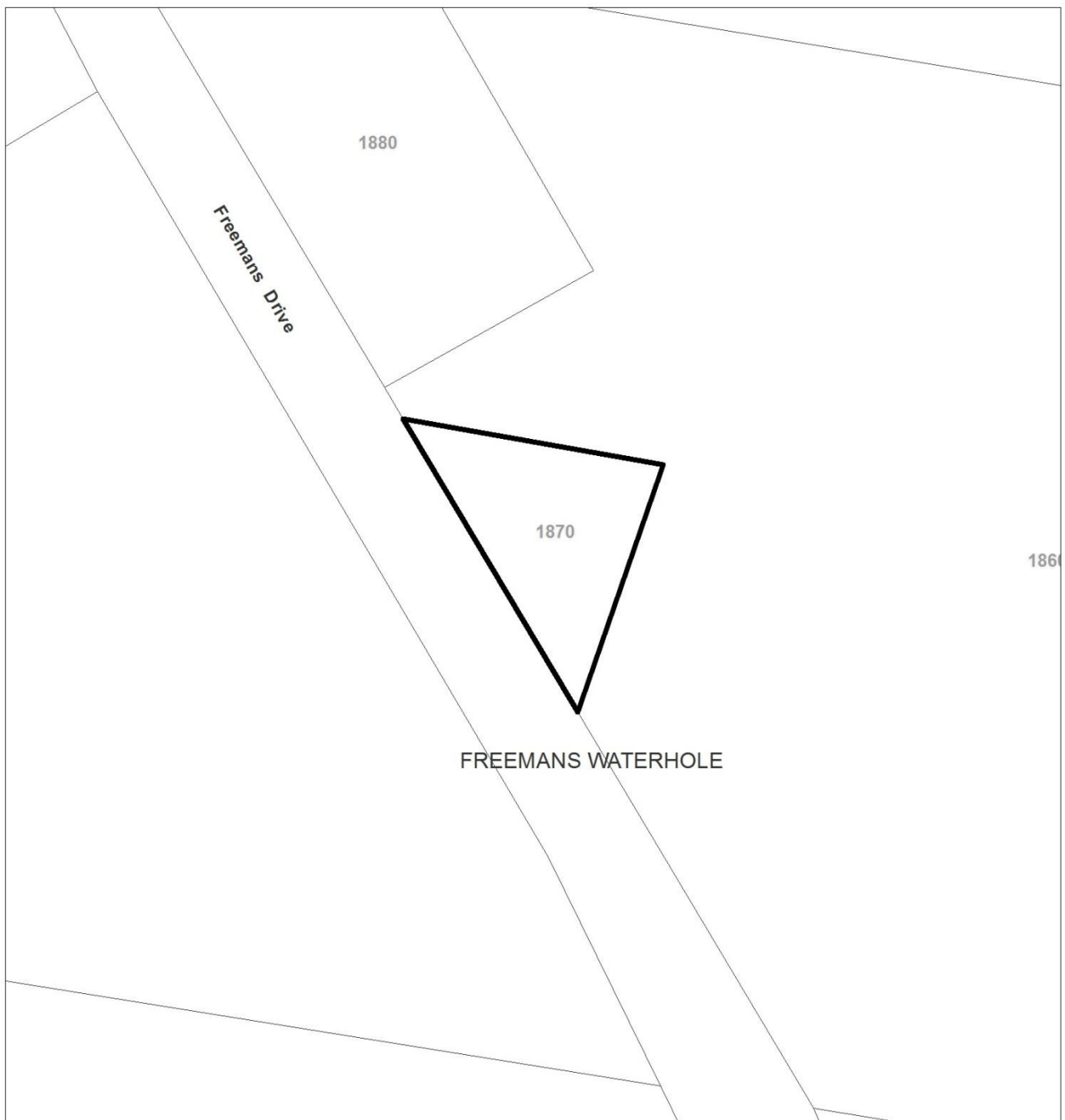
Lake Macquarie Local Environmental Plan 2014



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Projection GDA 1994
Zone 56



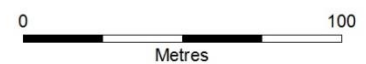
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- Land Parcel
- Subject Land
- Heritage
- Conservation Area - General
- Item - General
- Item - Archaeological
- Item - Landscape

Proposed Heritage Map

Lake Macquarie Local Environmental Plan 2014




 Projection GDA 1994
 Zone 56



Date: 9/06/2017 Planning Proposal: F2015/00090

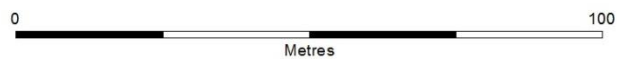
Item 249 – Argenton




-  Land Parcel
-  Subject Land

Air Photo

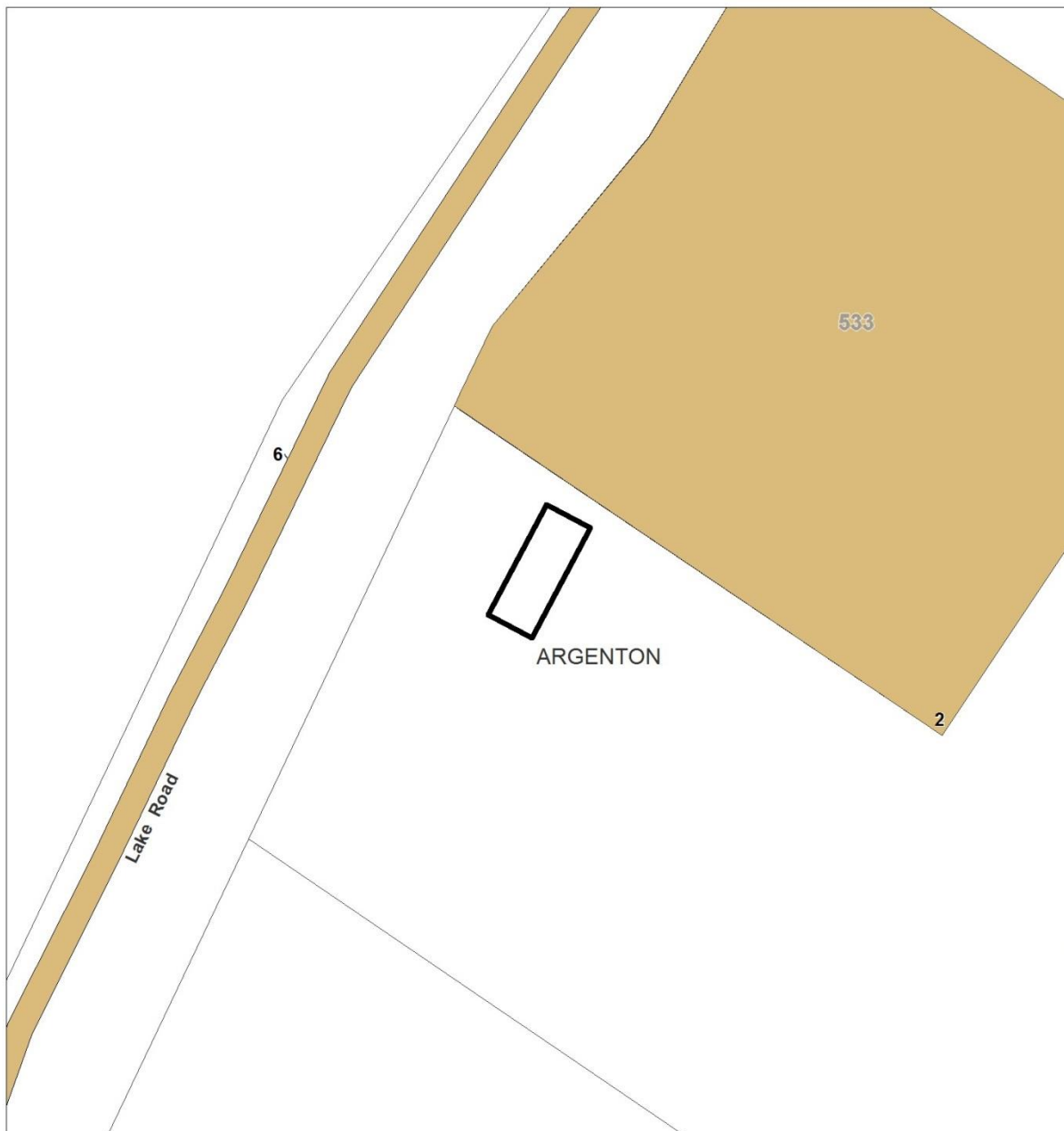
2014 Aerial Photography
Sinclair Knight Merz 2014



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Projection GDA 1994
Zone 56



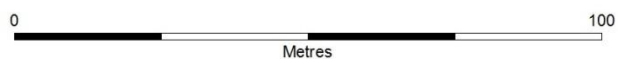
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- Land Parcel
- Subject Land
- Heritage
 - Conservation Area - General
 - Item - General
 - Item - Archaeological
 - Item - Landscape

Existing Heritage Map

Lake Macquarie Local Environmental Plan 2014

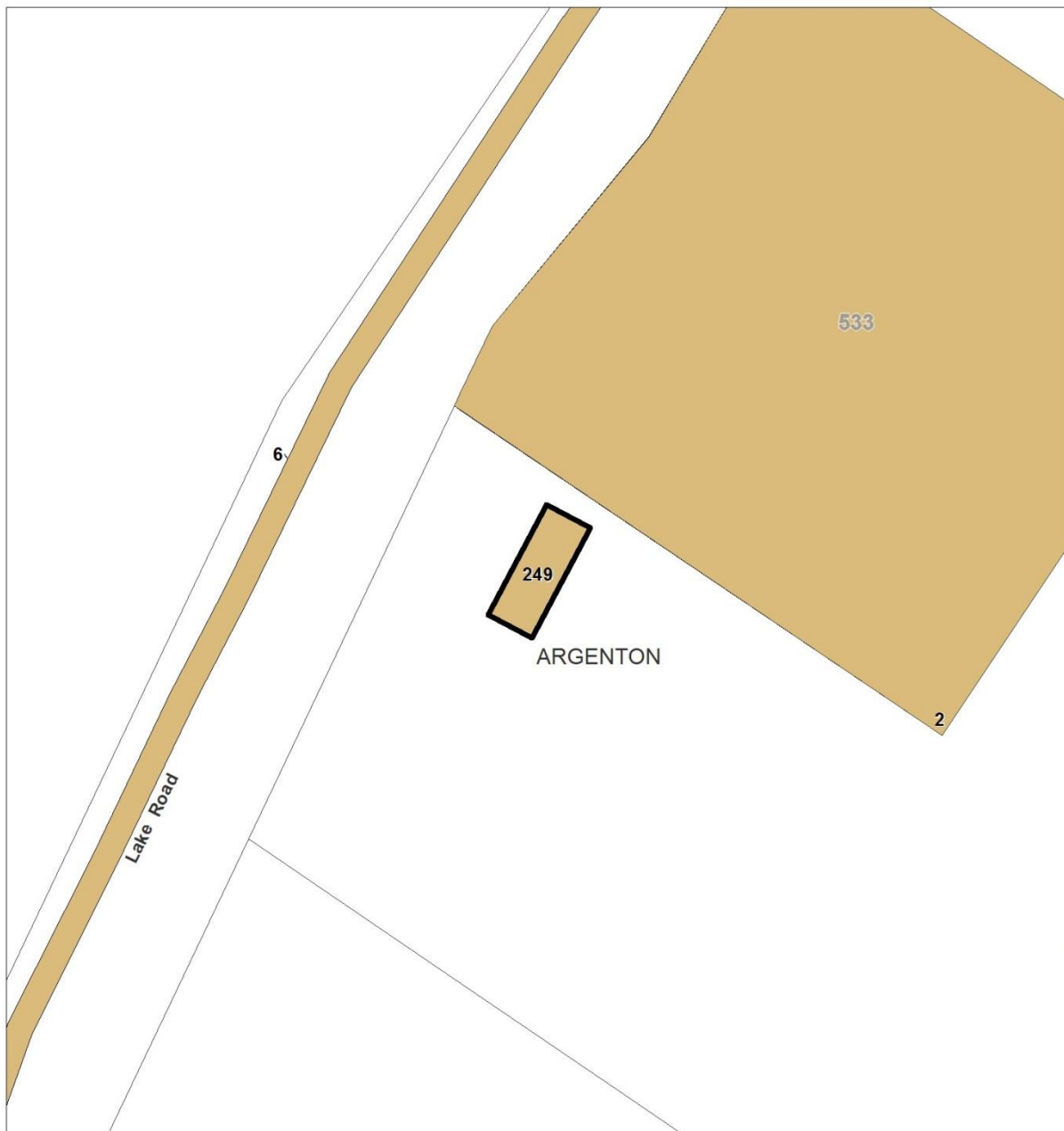


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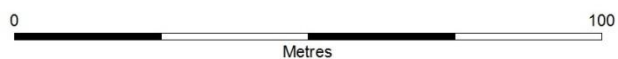
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- Land Parcel
- Subject Land
- Heritage
 - Conservation Area - General
 - Item - General
 - Item - Archaeological
 - Item - Landscape

Proposed Heritage Map

Lake Macquarie Local Environmental Plan 2014



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 Projection GDA 1994
 Zone 56



Date: 9/06/2017 Planning Proposal: F2015/00090

Item A3 – Blackalls Park



- Land Parcel
- Subject Land

Air Photo

2014 Aerial Photography
Sinclair Knight Merz 2014

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Projection GDA 1994
Zone 56



Date: 9/06/2017 Planning Proposal: F2015/00090



- Land Parcel
- Subject Land
- Heritage
- Conservation Area - General
- Item - General
- Item - Archaeological
- Item - Landscape

Existing Heritage Map

Lake Macquarie Local Environmental Plan 2014



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Projection GDA 1994
Zone 56



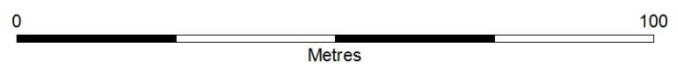
Date: 9/06/2017 Planning Proposal: F2015/00090



- Land Parcel
- Subject Land
- Heritage
- Conservation Area - General
- Item - General
- Item - Archaeological
- Item - Landscape

Proposed Heritage Map

Lake Macquarie Local Environmental Plan 2014

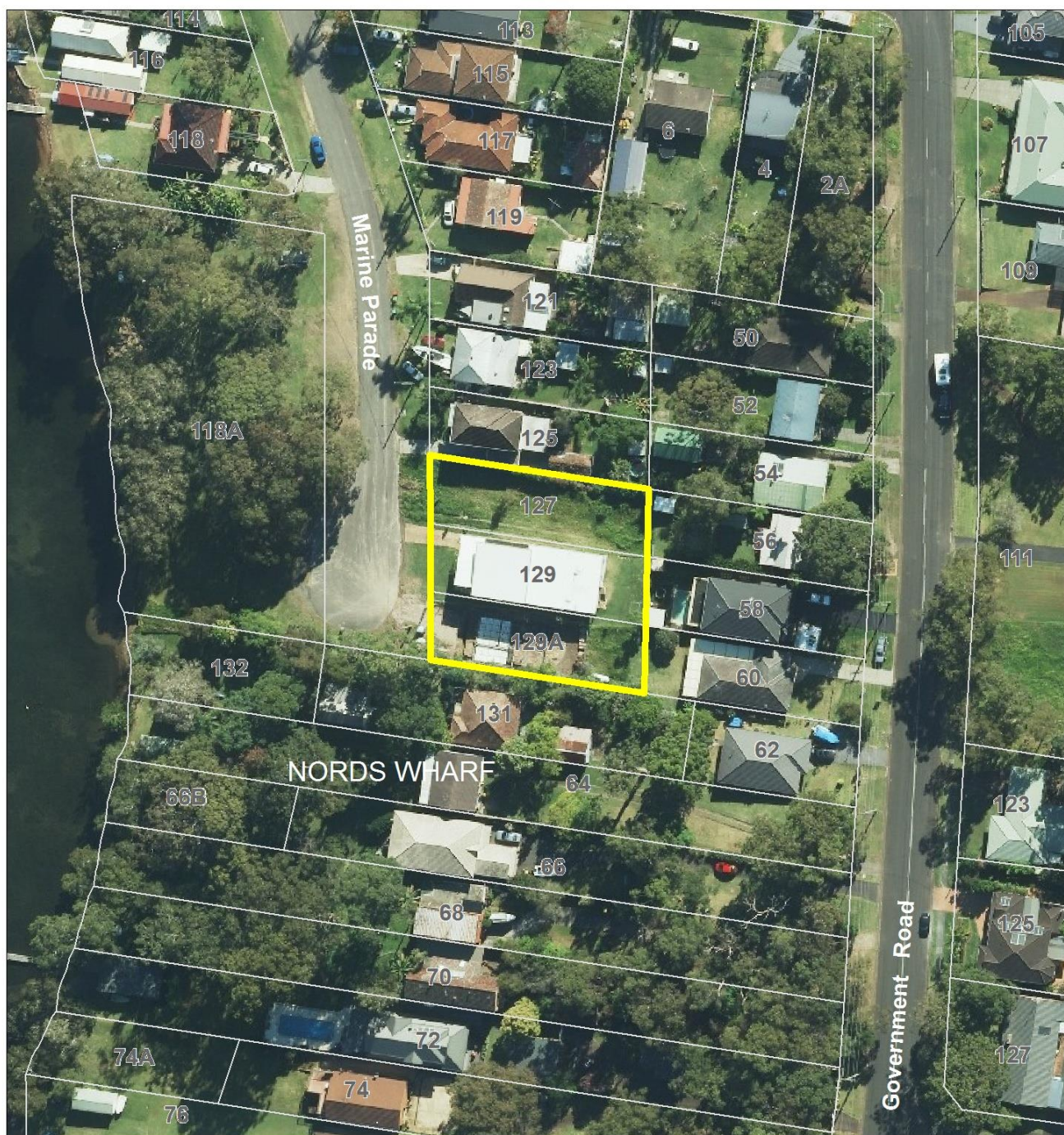



 Projection GDA 1994
 Zone 56



Date: 9/06/2017 Planning Proposal: F2015/00090

127, 129 and 129A Marine Parade, Nords Wharf



- Land Parcel
- Subject Land

Air Photo

2014 Aerial Photography
Sinclair Knight Merz 2014

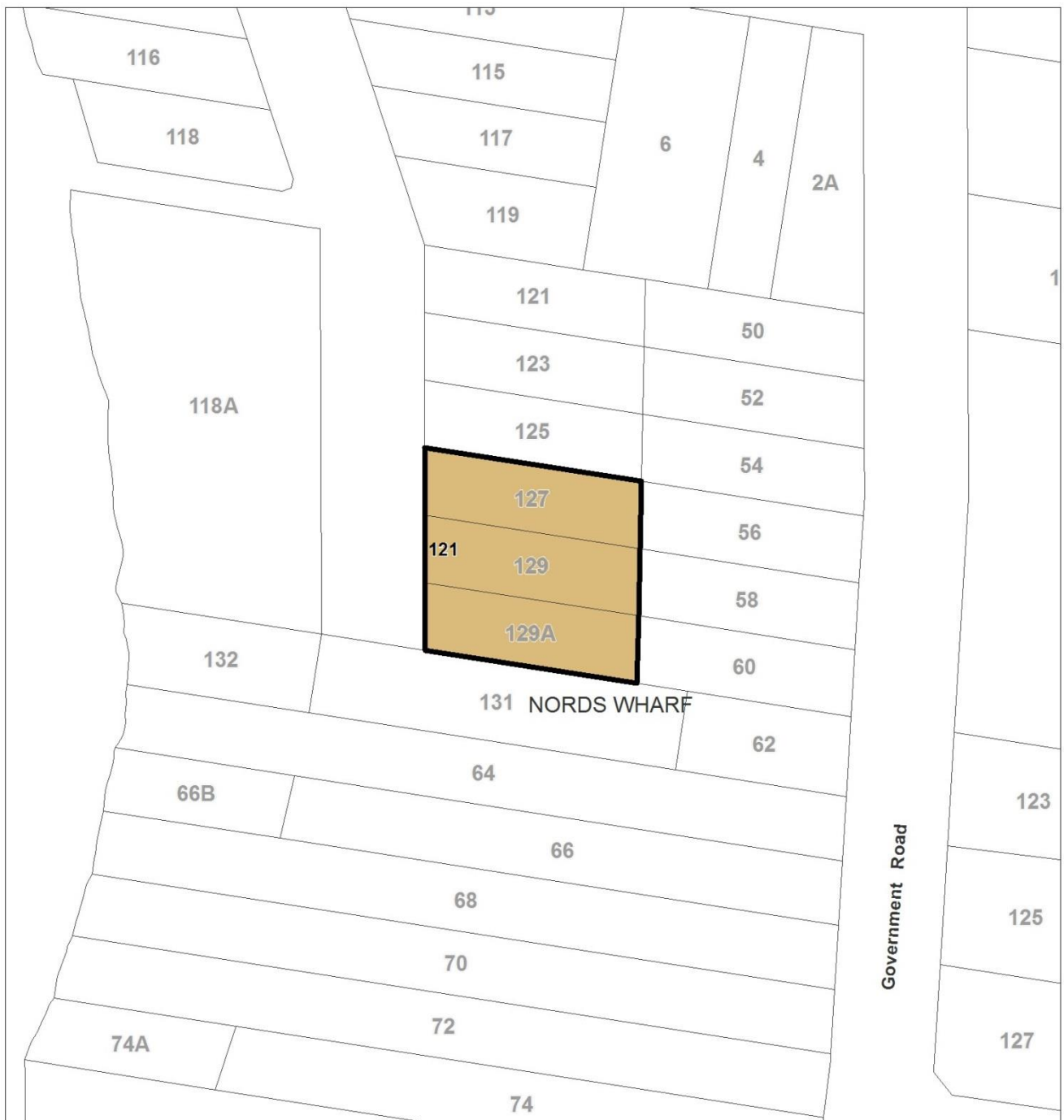
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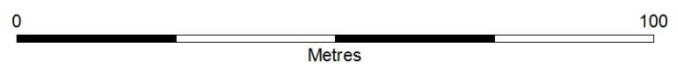
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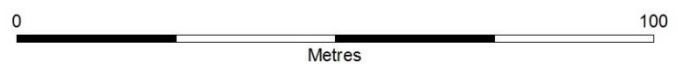
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- Heritage
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- Item - Landscape

Proposed Heritage Map

Lake Macquarie Local Environmental Plan 2014



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 Projection GDA 1994
 Zone 56



Date: 9/06/2017 Planning Proposal: F2015/00090

Attachment 5 – Justification for being a 73A amendment

475-477 Lake Road, Argenton Lots 1 and 2 DP 125686	Misdescription
531A Lake Road, Argenton Lot3, DP 577566	Obvious error as listed item does not exist at listed site. Has been relocated and listing should be adjusted accordingly
House “Alida” – Lakeview Road, Boolaroo Lot 4, Section M, DP 3494	Misdescription
3-9 Clarke Street, Catherine Hill Bay Lots 84-87 DP 33470	Misdescription
19-21 Clarke Street, Catherine Hill Bay Lots 79 and 78 DP 222717	Misdescription
300 and 304-308 Charlestown Road, Charlestown Lots 2 and 4-6 DP 33470	Misdescription
890A Freemans Drive, Freemans Waterhole Lot 80, DP 610602	Obvious error as listed item does not exist at listed site. Has been relocated and listing should be adjusted accordingly
29 Helens Street, Holmesville Lot 16, Section N, DP 3442	Correction of obvious spelling error
15 Haddon Crescent, Marks Point Lot 12 DP 1213011	Misdescription
Morisset High School 133 Bridge Street, Morisset Lot 3, Section 40, DP758707	Misdescription
Coast Guard Station - 3a Lambton Parade, Swansea Heads Lot 548 DP 39981	Misdescription
Teralba Cemetary – 62 and 64 Pitt Street, and 16 Cockle Crescent, Teralba Lots 429, 430 and 441, DP 1228495	Misdescription
Wangi Power Station Complex Lots 100 and 101, DP 880089; Lots 2, 3, 4 and 6 DP810981, Lots 1, 2, 3 and 4 DP 1229937	Misdescription

5 and 7 Hyndes Street, West Wallsend Lots 1 and 2, DP 1230885	Misdescription
Awaba Railway Station Cottage – Lot 1 DP 1191531	Resolving a minor discrepancy between the Sydney Trains s170 register listing and the listing under the <i>LMLEP 2014</i>
Fossil Tree Sections – Venetia Avenue, Blackalls Parks Lot 6, DP 12604	Obvious error as listed item does not exist at that site
Nature Reserve – Burton Road, Tingira Heights Lots 180 DP 755233	Correction of obvious spelling error
127, 129 and 129A Marine Parade, Nords Wharf Lots 4, 5 and 6, DP 23483	Minor discrepancy between map layer and the written instrument