

Explanatory Note

Amended Voluntary Planning Agreement for land exchange, provision of car parking spaces and bus shelters at Swansea

Introduction

Clause 25E of the Environmental Planning and Assessment Regulation 2000 requires a planning authority (Lake Macquarie City Council) proposing to enter into a voluntary planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") to prepare an explanatory note about the voluntary planning agreement.

This explanatory note relates to the proposal to amend the existing Voluntary Planning Agreement (hereafter referred to as "the existing Planning Agreement") entered into by Fabcot Pty Limited ("the Developer") and the Lake Macquarie City Council ("the Council") in respect of a development application for land at Swansea. The existing Planning Agreement makes provision for car parking and two bus shelters by the Developer to the Council in lieu of levying some of the section 94 contributions by the Council under the EP&A Act for the Development referred to in the Background below. The Council and the Developer propose to amend the existing Planning Agreement as set out in the Amended Planning Agreement. The proposed amendments do not materially change the Development or the aforesaid provision for car parking and two bus shelters, and accordingly the objectives and the merits of the Amended Planning Agreement remain unchanged.

A planning agreement results from an offer by a developer to a consent authority to make contributions to that authority (here, a council) by dedicating land, making monetary contributions, constructing facilities and / or providing any other material public benefit, to be used for or applied toward a public purpose.

This explanatory note has been prepared jointly between the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000.

Background

On the 25 July 2007, a development application was lodged with the Council seeking development consent to carry out the development of the land ("the Development Application").

The Development Application sought approval for, amongst other things, removal of trees; removal of an existing car park area; the closure of part of an existing lane; lot consolidation; demolition of four existing buildings; the construction of a supermarket, speciality shops and associated car park, bike stand and signage ("the Development").

Our Ref:

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In relation to the Development Application an offer was made by the Developer to enter into a Planning Agreement with the Lake Macquarie City Council.

The existing Planning Agreement was publicly exhibited and the Council subsequently granted conditional consent to the Development Application on 23 December 2008.

The existing Planning Agreement was entered into by the Council and the Developer on 7 January 2009.

A section 96 application in respect of the Development Application was subsequently determined by the Council on 9 February 2009. Pursuant to condition 51 of the Development Consent, a floodgate mechanism is required to be installed to flood proof shop tenancies and a flood plain risk management plan is to be provided which demonstrates a process for installation, preparedness, fail safe management/activation of the floodgate system.

Pursuant to conditions 60, 61 and 64, the Developer is also required to arrange for the creation of easements in favour of Council to drain water prior to, or at the time of, registration of the final plan of subdivision. In addition, under condition 64 the Developer is obligated to ensure that the requirements of Energy Australia for easements and sites for electricity purposes are created and indicated on the final plan of subdivision and associated section 88B *Conveyancing Act 1919* instrument.

Since the section 96 application was determined, a title deed has also been issued for the "Unnamed Lane" (comprising part of the lane leading off Josephson Street, Swansea) referred to in the Planning Agreement.

As a consequence, the Council and the Developer propose to amend the existing Planning Agreement to reflect these requirements and changes which are set out in the Amended Planning Agreement.

The changes and requirements outlined above do not materially change the Development and accordingly the objectives and the merits of the Amended Planning Agreement (outlined below and as previously exhibited) remain unchanged.

Objectives, nature and effect of the Amended Planning Agreement

The objective of the Amended Planning Agreement is to provide local infrastructure to meet the needs of the customers of the Development.

The Amended Planning Agreement proposed between the Developer and Lake Macquarie City Council, provides for the Developer to:

1. Exchange lands between the Developer and Council to facilitate the provision and upgrading of car parking spaces on the consolidated Lot 1 which will be owned by the Council;
2. Construct car parking spaces including kerb and guttering; paving; landscaping; lighting; and car park stormwater works; and

3. Construct two bus shelters.

As a result of development consent for the Development being given by Council, then:

1. The Developer's Exchange Land identified in Annexure 1 of the Amended Planning Agreement will be transferred to Council in exchange for Council's Exchange Land also identified in Annexure 1 of the Amended Planning Agreement. The net effect of this exchange provides for the transfer of 1,330m² of land to Council. Upon the completion of the exchange, the Council will grant an easement for access and car parking to the Developer in accordance with clause 12 of the Amended Planning Agreement;
2. The Developer will:
 - a. Construct, line mark and maintain at-grade car parking spaces on the consolidated Lot 1 which will be owned by the Council; and
 - b. Construct two bus shelters.

Assessment of the merits of the Amended Planning Agreement

The Swansea Urban Centre will be provided with modern car parking spaces (at-grade) associated with the Woolworths' Development, but such facilities are also open to the public.

Additional works will also be carried out and are specified in Schedule 1 of the Amended Planning Agreement, and include the

1. Land exchange, the net effect of this exchange provides for the transfer of 1,330m² of land to Council;
2. Construction of car parking spaces including kerb and guttering; paving; landscaping; lighting; and car park stormwater works; and
3. Construction of two bus shelters.

The lands held by Council will be consolidated into 1 allotment which in part will be available for Council future development.

How the Amended Planning Agreement promotes the public interest and one or more objects of the *Environmental Planning and Assessment Act 1979* (NSW)

The objects of the Act are:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
 - (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

In relation to (a), the Planning Agreement particularly promotes the Objects (ii), (iv), and (v).

How this Amended Planning Agreement promotes the Elements of the Council's Charter under Section 8 of the *Local Government Act 1993*

Under Section 8 of the *Local Government Act 1993*, a council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councilors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants

- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

The Amended Planning Agreement promotes Council's charter under section 8 of the *Local Government Act 1993* as it provides district public services and amenities to meet the needs of the proposed new Development.

The planning purposes served by the Amended Planning Agreement and an assessment of whether the agreement provides for a reasonable means of achieving that purpose

The planning purposes served by the Amended Planning Agreement include creating and/or upgrading local infrastructure to meet the demands of the Development.

The Amended Planning Agreement provides reasonable means of achieving this purpose by requiring the Developer to provide the following contributions:

- the transfer of land to Council for purposes of a car parking area for the Development;
- the provision of public facilities and amenities by the construction of car parking spaces; and
- the provision of public transport infrastructure through the construction of two bus shelters.

Fabcot Pty Limited

Council of the City of Lake Macquarie

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THE HERALD Monday 9 November 2009

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Council of the City of Lake Macquarie

Fabcot Pty Ltd

Amended Planning Agreement

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This Deed made on 5th February 2010.

Parties

Council of the City of Lake Macquarie of 126 -138 Main Road, Speers Point
NSW 2284 (Council)

Fabcot Pty Ltd ACN 002 960 983 of 1 Woolworths Way, Bella Vista NSW
2153 (Developer)

Background

- A On 25 July 2007, a Development Application was lodged with the Council seeking Development Consent to carry out the Development on the Land.
 - B The Development Application seeks approval for, amongst other things, removal of trees; removal of an existing car park area; the closure of part of an existing lane; lot consolidation; demolition of four existing buildings; the construction of the Supermarket, speciality shops and associated car park, bike stand and signage.
 - C The Development Application is accompanied by an offer by the Developer to enter into this document to make the Developer's Contributions towards public facilities and amenities.
-

Agreed terms

- 1 **Planning Agreement under the Act**
This document is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.
- 2 **Application of this Planning Agreement**
This planning agreement is made in respect of the Development Application and applies to the Land and the Development.
- 3 **Operation of this Planning Agreement**
This planning agreement operates on and from the Commencement Date. Until the Commencement Date, this document constitutes an irrevocable offer

from the Developer to enter into a planning agreement for the provision of the Developer's Contributions.

Definitions and interpretation

3.1 Definitions

In this document the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Authorisation means any authorisation, approval, consent, licence, permit, permission, filing, registration, resolution, direction, declaration or exemption relating to the Development and the Construction Works, as applicable.

Bank Guarantee means an irrevocable undertaking by an Australian bank, which may have an expiry date, to pay the amount of money therein expressed in \$A to the Council on demand.

Business Day means a day which is not a Saturday, Sunday or bank or public holiday in New South Wales.

Car Park means a place for parking vehicles on the Car Park Land for the patrons of the Supermarket.

Car Park Land means the land identified as the hatched area on the plan at **Annexure 2**.

Commencement Date means the date of this planning agreement.

Construction Certificate has the meaning given to it in section 109C(1)(b) of the Act.

Construction of the Bus Shelters means the erection of bus shelters designed and constructed in accordance with the reasonable requirements of the Council, but does not include civil works associated with the bus shelters.

Construction of the Car Park means the grading, resurfacing, linemarking, kerbing and draining of the Car Park Land and the provision of paving, landscaping, lighting and signage to the Car Park Land in accordance with the Development Consent.

Construction Works means the Construction of the Car Park and the Construction of the Bus Shelters.

Council Future Development means the development of the airspace above the areas indicated on the plan at **Annexure 3** and in accordance with the requirements of **clause 13**.

Council Land means the land shown hatched on the plan at **Annexure 4**.

Council's Exchange Land means the land owned by the Council and shown hatched on the plan at **Annexure 1**, comprising 783.6 square metres.

Developer means Fabcot Pty Limited, or, if the Supermarket Lot is not owned by it, the owner of the Supermarket Lot.

Developer's Contributions means the land to be transferred by the Developer to the Council and the other material public benefits to be provided to the Council by the Developer under this document and more particularly set out in **Schedules 1 and 2**.

Developer's Exchange Land means the land owned by the Developer shown as shaded on the plan at **Annexure 1**, comprising 2,113.6 sqm.

Development means the development of the Land in accordance with the Development Consent granted for the Development Application, as modified from time to time, and includes the completed and occupied Development.

Development Application means the Developer's development application for the development described in DA/1313/2007, namely "Shopping Centre inclusive of Supermarket and Specialty shops and signage and Lot consolidation with associated works including construction of civil works and associated carparking". Brief description, construction of a retail centre (approximately 3850 sqm) and demolition of a single storey brick shop, cottage and outbuildings.

Development Consent has the same meaning as in the Act and in this document refers to a development consent (as modified from time to time) for the development proposed in the Development Application.

Dispute means any dispute, disagreement, claim, controversy, demand, proceeding, suit, action or cause of action in contract, tort, under statute, including under the *Trade Practices Act 1974* (Cth) or otherwise.

Easement means an easement benefiting the Supermarket Lot the proposed terms of which are attached at **Annexure 5**.

Gazettal means the publication in the NSW Government Gazette by the appropriate Minister of the closure to the public of the Unnamed Lane.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means the land on which the Development will be undertaken, as described in the Development Application and known as Lots 37, 38 and 39 DP 5688; Lot A 356808; Lot 41 DP 5688; Lot 2 DP 529225; Lot 422 DP 785216; Lot 421 DP 785216; Lot 1 DP 1138514 (in this Agreement referred to as "part of the **Unnamed Lane**"); Lot 1 DP 206729; Lot 423 DP 785216; Lot B DP 416407; and Lot 1 DP 1135836.

Land Exchange means the exchange of parcels of land between the Developer and the Council as set out in **clause 9**.

Occupation Certificate has the meaning given to that term in section 109C(1) of the Act.

Operational Land is as defined under the *Local Government Act 1993* (NSW).

Party means a party to this document, including their servants, agents and contractors and the party's successors and assigns.

Plan of Consolidation means the plan at **Annexure 8**

Supermarket means the proposed Woolworths Supermarket described in the Development Application.

Supermarket Lot means Part of Lot 41 DP 5688, Part Lot 422 DP 785216, Part Lot 421 DP 785216, Part Lot A DP 416407, Lot 1 DP 206729, Lot B DP 416407, Lot 423 DP 785216 and part of Unnamed Lane.

Unnamed Lane means part of the lane leading off Josephson Street, Swansea, New South Wales, having an area of 412.6m² and identified as hatched and marked "unnamed lane" on the plan at **Annexure 1** (being Lot 1 DP 1138514).

3.2 Interpretation

In the interpretation of this document, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this document.
- (b) If the day on which any act, matter or thing is to be done under this document is not a business day, the act, matter or thing must be done on the next business day.
- (c) A reference in this document to dollars or \$ means Australian dollars and all amounts payable under this document are payable in Australian dollars.
- (d) A reference in this document to any law, legislation or legislative provision includes any statutory modification, amendment or re enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (e) A reference in this document to any document, deed or document is to that document, deed or document as amended, novated, supplemented or replaced.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this document.
- (g) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (h) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (i) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

- (j) References to the word 'include' or 'including' are to be construed without limitation.
- (k) A reference to this document includes the document recorded in this document.
- (l) Any schedules and attachments form part of this document.
- (m) A reference to agreement or planning agreement is a reference to this document and vice versa.

4 The Land

The land to which this planning agreement applies is the Land.

5 The Development

The development to which this planning agreement applies is the Development.

6 Provision of the Developer's Contributions

- (a) Upon the occurrence of all of the events in **clause 8**, and in consideration for the Development Consent, the Developer will provide the Developer's Contributions in the nature, to the extent and in the manner set out in **Schedules 1 and 2** and by the times set out in **Schedule 2** and otherwise in accordance with the terms of this agreement. The Developer's Contributions in the nature of the contribution works referred to in Schedule 1 are to be provided by the Developer at no cost to the Council.
- (b) The Developer assumes all risk in relation to the provision and the making of the Developer's Contributions and in particular, should the cost of an item of contribution works differ from the value ascribed to the item in **Schedule 1**, then the Developer is not relieved from the performance of its promise to provide the item and must provide it notwithstanding the difference.

7 Provision of Car Parking

The Parties acknowledge and agree that:

- (a) the transfer of Developer's Exchange Land to the Council and the carrying out and completion by the Developer of the Construction Works and creation of the Easement will satisfy the requirement that the Developer provide car parking for the Development in accordance with the Council's Development Control Plan No.1; and

- (b) there is no requirement for the Developer to replace or otherwise provide additional public car parking due to the loss of public car parking spaces as a result of the Development.

8 Conditions Precedent

The Developer does not have to provide the Developer's Contributions unless the following events have occurred:

- (a) Gazettal and Council's having received the Certificate of Title for the Unnamed Lane following its closure; and
- (b) the Council Land (excluding the whole of the Lane in Annexure 4) and the Council's Exchange Land (excluding the Unnamed Lane) have been reclassified to Operational Land by the making of a local environmental plan and by the operation of that plan the land is discharged from any trusts affecting the land; and
- (c) the Council has lodged for registration at the Department of Lands, Sydney a form of Request to remove the notation of Lease No. I987699 to Swansea Community Cottage Incorporated from the title to the land in folio identifier 421/785216; and
- (d) a subdivision certificate has issued under the Act for the subdivision of the Council Land to create Council's Exchange Land; and
- (e) a subdivision certificate has been issued under the Act for the subdivision of Lot 422 in DP 785216 to create part of the Developer's Exchange Land; and
- (f) an operational Development Consent has been granted for the proposed subdivision of Lot A in DP 416407; and
- (g) an operational Development Consent has been granted for the Development Application; and
- (h) a Construction Certificate has been issued in respect of the Development.

9 Land Exchange

- (a) If all of the events in **clause 8** have occurred:
 - (i) the Developer and the Council will forthwith enter into and simultaneously exchange:
 - (A) the contract for sale attached at **Annexure 6** whereby the Developer will transfer the Developer's Exchange Land to the Council; and
 - (B) the contract for sale attached at **Annexure 7** whereby the Council will transfer the Council's Exchange Land to the Developer; and

- (ii) both Parties agree to do all things necessary to enter into and complete the contracts for sale described in **clauses 9(a)(A) and 9(a)(B)** which are interdependent; and
 - (iii) upon or before completion of those contracts, the Council will grant the Easement in accordance with **clause 12**.
- (b) If either or both of the contracts referred to in this **clause 9(a)(i)(A) and (B)** are rescinded for any reason:
- (i) the Developer agrees that it will cancel the Easement by arranging at its cost and expense for the preparation and lodgement for registration of a form of Cancellation of Easement at the Department of Lands, Sydney;
 - (ii) Council agrees that as registered proprietor of the servient tenement, it will sign the Cancellation of Easement when submitted by the Developer and arrange for production at the Department of Lands of the relevant title deed for the purpose of lodgement for registration of the Cancellation of Easement; and
 - (iii) neither party will be entitled to make any claim against the other arising out of the cancellation of the Easement.

10 Application of s94, s94A and s94EF of the Act to the Development

- (a) This document wholly excludes the operation of the City of Lake Macquarie Council Section 94 Contributions Plan no.4 – Commercial Centres (4 February 1998) and any other contributions plans applying to the Land only in respect of the provision of car parking for the Development.
- (b) This document does not otherwise exclude the operation of sections 94 or 94A of the Act in respect of the Development and, apart from **clause 10(a)** above, public benefits under this planning agreement are not to be taken into account under section 94 of the Act in assessing the Development Application.
- (c) This document does not exclude the operation of section 94EF to the Development.

11 Access to the Car Park Land

- (a) From the date of this planning agreement the Developer and its employees, agents, consultants and contractors may have uninterrupted and full access to the Car Park Land at all times to enable the Developer to carry out the Construction of the Car Park, provided the Developer observes **clauses 11(c) and (d)** below.
- (b) In particular and without limiting **clause 11(a)**:

- (i) The Council consents as owner, to the Developer and its employees, agents, consultants and contractors carrying out the Construction of the Car Park on the Car Park Land;
- (ii) The Council consents as owner, to the Developer and its employees, agents, consultants and contractors entering the Car Park Land at all times for the purposes of:
 - (A) carrying out surveys, tests and investigations as may be required to enable the Developer or its employees, agents, consultants and contractors to carry out the Construction of the Car Park or the Developer's Contributions; and
 - (B) the Developer and its employees, agents, consultants and contractors carrying out any other works in connection with the Development.
- (c) The Developer assumes all risk and liability arising out of the acts and omissions and defaults of the Developer, its employees, agents, consultants and contractors that are related to the purposes referred to in **clauses 11(a) and (b)** above.
- (d) Except to the extent caused or contributed to by acts, omissions or defaults of the Council or its employees, agents, consultants and contractors, the Developer releases the Council from and indemnifies the Council against all loss, damage, cost and expense the Council may suffer as a result of the acts and/or omissions and/or defaults of the Developer, its employees, agents, consultants and/or contractors that are related to the carrying out of the things and purposes referred to **clauses 11(a) and (b)**.

12 Easement and free parking area

- (a) The Council agrees:
 - (i) to grant the Easement to the Developer for no monetary consideration; and
 - (ii) subject to the provisions of this agreement, warrants that it will not breach and will fully perform its obligations pursuant to the Easement.
- (b) The Council acknowledges that the Developer has relied on the Council's warranty in **clause 12(a)(ii)** in entering into this Planning Agreement.
- (c) The Developer will raise no objection if:
 - (i) the Council resolves to make the Car Park Land and/or the Car Park to be a free parking area under section 650 of the *Local Government Act 1993 (NSW)*;
 - (ii) the Council marks the spaces for car parking in the free parking area; and

- (iii) the Council regulates parking in such free parking area and erects notices or signs so as to permit vehicles to park in that free parking area for 2 hours each 24 hours, except that there shall be no such limitation on vehicles displaying a notice or card issued by the Roads and Traffic Authority of NSW showing that the driver of the vehicle is disabled.
- (d) The Council will take all steps necessary to make the Car Park Land and/or the Car Park a free parking area on terms referred to in **clause 12(c)** and in accordance with section 650 of the *Local Government Act 1993* (NSW), prior to the issue of a final Occupation Certificate for the Supermarket.
- (e) Subject to the Developer observing **clause 12(f)**, the Council will use its reasonable endeavours to exercise and enforce the powers given to it pursuant to section 650 of the *Local Government Act 1993* (NSW) in respect of management of the Car Park Land.
- (f) The Developer will, as agent of the Council, carry out, without cost to the Council, the marking of the car parking spaces and preparing and erecting the signs and notices in and near the Car Park Land that the Council considers necessary for the purposes of section 650 of the *Local Government Act 1993* (NSW).
- (g) The Developer will be responsible for the costs of the preparation and registration of the documentation necessary to create the Easement.
- (h) The Parties will do all things reasonably necessary to bring about the execution and registration of the Easement.

13 Council Future Development

- (a) The Council will ensure that in undertaking any development of the Car Park Land (including the construction of access ramps and lobbies) it will comply with this **clause 13**.
- (b) Subject to **clause 13(d)**, the Council may develop in the airspace from 3.2 metres above finished ground level of the Car Park Land in the area hatched and marked "A" on the plan attached as **Annexure 3**.
- (c) Subject to **clause 13(d)**, the Council may develop in the airspace from 4.6 metres above finished ground level of the Car Park Land in the area shown hatched and marked "B" on the plan attached as **Annexure 3**.
- (d) The Council may develop on ground level to the street frontage to Josephson Street within the area hatched and marked "C" on the Plan attached as **Annexure 3**.
- (e) The Council must comply with all of its development controls and codes applying to car parking in designing the Council Future Development without counting the car parking spaces the subject of the Easement.

- (f) If the Council constructs the Council Future Development, then the Council will, during construction of it, take reasonable steps to ensure that:
 - (i) access for trucks (including 19.3 metre articulated vehicles) to the Supermarket's loading docks is unobstructed by vehicles and/or materials associated with that construction; and
 - (ii) customer access to the Development is not unreasonably hindered by vehicles and/or materials associated with that construction.
- (g) Construction of the Council Future Development must be staged so that during construction a minimum of 146 public car spaces on the Car Park Land is maintained at all times for use by the Developer's tenants, customers, employees and invitees; and
 - (i) each car space provided has minimum dimensions of 2.6 metres x 5.5 metres; and
 - (ii) aisle widths for vehicle access on the Car Parking Land must be a minimum of 6.4 metres.
- (h) Council will repair, at its cost, all damage caused to the Car Park Land resulting directly or indirectly from the Council Future Development.
- (i) Ramps or lobbies associated with the Council Future Development must be designed so as not to compromise the entry and egress points to the Supermarket's pedestrian entry and loading dock.
- (j) On completion of the Council Future Development, and in accordance with the Easement, at least 192 ground level car parking spaces must be available for customers, employees and invitees of the Developer on the Car Park Land at all times.
- (k) During the construction of and at all times following the completion of the Council Future Development, Council will be responsible for the repair, maintenance and upkeep of that part of the Car Park Land that is not at grade in the areas hatched and marked "A" and "B" on the plan attached as **Annexure 3**.
- (l) The Council will not transfer its interest in the Car Park Land without first obtaining from the transferee a deed binding the transferee to such of the Council's obligations as remain unperformed in this **clause 13** and the terms of the Easement.
- (m) The Council agrees that the Developer may register a caveat on the title to the Car Park Land to protect its interests specified in this **clause 13**.
- (n) The Council indemnifies the Developer in respect of all loss, cost and expense suffered by the latter arising in any way from the Council's breach of this **clause 13** or from the Council's breach of the Easement.

14 Developer to Register

Following the occurrence of all the events referred to in **clause 8** (Conditions Precedent,) the Developer must promptly procure registration of this planning agreement on the title to the Land pursuant to section 93H of the Act, and to that end it will:

- (a) obtain such consents to the registration of this document as are necessary to the registration of this planning agreement pursuant to section 93H of the Act;
- (b) within 14 Business Days of the later of:
 - (i) registration of the Plan of Consolidation; or
 - (ii) completion of the Land Exchange referred to in **clause 9**lodge the necessary documentation to secure registration of this planning agreement with the Land & Property Information Office of the Department of Lands;
- (c) advise the Council in writing of full details of lodgement of the documents referred to in this clause immediately following their lodgement; and
- (d) promptly, after registration of this planning agreement, notify the Council of that registration by enclosing a title search of the Land confirming the registration.

15 Review of this document

This planning agreement may be varied or amended only with the express written approval of both Parties and in compliance with the Act.

16 Dispute resolution

16.1 Notice of Dispute

- (a) As a condition precedent to the commencement of any litigation, if a Dispute arises between any of the Parties under a provision of this planning agreement, then a Party may at any time notify the other Parties involved that it requires that it be resolved in accordance with this clause.
- (b) The notice under **clause 16.1(a)** must:
 - (i) be in writing;
 - (ii) identify the subject matter of the Dispute;
 - (iii) set out in detail the facts on which the Dispute is based;
 - (iv) identify the provisions of this document relevant to the Dispute;
 - (v) nominate the person who will have authority to settle the Dispute;

- (vi) have attached to it copies of all correspondence and background information relevant to the Dispute; and
- (vii) contain particulars of the amount of any claim in relation to the Dispute.

16.2 Negotiation

The Parties must use their best endeavours to settle the Dispute within 21 days after the date of issue of the notice of Dispute, or any further period that the Parties agree. During this period, a senior executive of each of the Parties must confer at least once to attempt to resolve the Dispute or to agree on methods of doing so. All aspects of every such conference except the fact of occurrence will be privileged.

17 Enforcement

- (a) Within 14 days of the satisfaction of the last condition precedent referred to in **clause 8**, the Developer shall deliver to the Council a Bank Guarantee in the amount of \$100,000.00 for the purpose of securing the performance by the Developer of its obligations under this planning agreement .
- (b) If any Bank Guarantee provided by the Developer is expressed as expiring on a certain date, the Developer must provide the Council with a replacement Bank Guarantee 20 Business Days prior to the expiration of the expiring Bank Guarantee.
- (c) In the event that the Developer is in breach of any of its obligations under this planning agreement, the Council may make a demand under the Bank Guarantee for an amount reasonably required to secure performance of the breached obligation.
- (d) The Council is entitled to use the money received under the Bank Guarantee to remedy the breach of the Developer, including a breach of **clause 17(b)**.
- (e) The Developer will ensure that if the Council receives any money under the Bank Guarantee the Developer will immediately make appropriate arrangements to ensure that the Council has a further Bank Guarantee for the amount so received to ensure that an amount of \$100,000.00 is always available to the Council for the purposes of this **clause 17**.
- (f) The Council agrees not to make any claim under the Bank Guarantee without giving at least 20 Business Days' prior written notice to the Developer of its intention to do so.
- (g) All Bank Guarantees as remain available to the Council must be returned to the Developer upon notification of the issue of an Occupation Certificate for the Bus Shelters described in **Schedule 2**, except where a breach by the Developer has not been remedied.

- (h) Notwithstanding anything else contained in this planning agreement, the Council does not have to complete the transfer of the Council's Exchange Land to the Developer unless registration of this planning agreement pursuant to section 93H of the Act has occurred.
- (i) This document may be enforced by either Party in any Court of competent jurisdiction.

18 Notices

18.1 Address for delivery of notices

Any notice, consent, information, application or request that must or may be given or made to a Party under this document is only given or made if it is in writing and delivered or posted to that Party at its address set out below.

Council

Address: Administration Building
Main Road Speers Point NSW 2284

Attention: Property Manager and Development Contributions
Co-ordinator

Facsimile: (02) 4958 7257

Developer

Address: Fabcot Pty Limited
1 Woolworths Way, Bella Vista, NSW 2153

Attention: Company Secretary

Facsimile: (02) 8888 0001

With a copy of any notice to be sent to:

Address: Fabcot Pty Limited
1 Woolworths Way, Bella Vista, NSW 2153

Attention: Group Legal Manager – Property

Facsimile: (02) 8888 0558

18.2 Change of address

If a Party gives the other Party three Business Days' notice of a change of its address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered or posted to the latest address.

18.3 Delivery

- (a) Any notice, consent, information, application or request is to be treated as given or made at the following time:
 - (i) If it is delivered, when it is left at the relevant address.

- (ii) If it is sent by post, two Business Days after it is posted.
- (b) If any notice, consent, information, application or request is delivered on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

19 Approvals and consent

Except as otherwise set out in this document, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this document in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

20 Costs

- (a) Each Party is to pay its own costs of negotiating, preparing and executing this document except that the Developer will pay the Council within 14 days of the Commencement Date, the amount of \$3300.00 in respect of the Council's administrative costs in dealing with the administration and exhibition of this planning agreement.
- (b) Each party is to pay its own stamp duty in respect of this planning agreement and all documents entered into pursuant to it. For the avoidance of any doubt:
 - (i) Fabcot will pay any stamp duty (including any interest, fine or penalty) payable or assessed in connection with its acquisition of the Council's Exchange Land; and
 - (ii) the Council will pay any stamp duty (including any interest, fine or penalty) payable or assessed in connection with its acquisition of the Developer's Exchange Land.

21 Termination

- (a) This planning agreement terminates on the first to occur of:
 - (i) the lapse of the Development Consent within the meaning of the Act and service on the Council of a notice of termination in writing by the Developer; or
 - (ii) a declaration by a Court of competent jurisdiction that the Development Consent is invalid and service on the Council of a notice of termination in writing by the Developer; or
 - (iii) a failure to complete the Land Exchange by either party; or
 - (iv) all of the following:

- (A) the proper and complete performance of the obligations imposed (excluding the obligations imposed under **clause 13**) on each of the Parties; and
 - (B) the parties entering into a deed providing for performance by the Council of all of its obligations in **clause 13** which have not then been properly and completely performed; and
 - (C) the service by one party of a notice of termination in writing by the other; or
 - (v) by agreement in writing between the parties.
- (b) On determination of this Planning Agreement, the following shall occur unless otherwise agreed:
- (i) in respect of **clause 21(a)(i) and (ii)** above, all obligations of both Parties come to an end and the Developer agrees to make safe any uncompleted work;
 - (ii) the Bank Guarantees, or the unexpended called balance of those Bank Guarantees, must be returned to the Developer unless there has been a breach of this Agreement by the Developer (for which the Council is not wholly or partially responsible) that has been identified in writing by the Council and has not been rectified within a reasonable period of time as specified in the Council's notice, in which case, the Council is entitled to call on and retain that portion of the amount of the Bank Guarantees which is reasonably required to rectify the Developer's breach;
 - (iii) deleted;
 - (iv) the Parties must do all things necessary to procure that the planning agreement is extinguished or released from the titles on which it is registered, and
 - (v) if the termination occurs under **clause 21(a)(iii)**, the exclusion of s.94 in clause 10(a) remains operative;
- unless agreed otherwise.

22 Entire document

This document contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this document was executed, except as permitted by law.

23 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this document and all transactions incidental to it.

24 Governing law and jurisdiction

This document is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its Courts and Courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those Courts on any basis.

25 Joint and individual liability and benefits

Except as otherwise set out in this document, any document, covenant, representation or warranty under this document by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

26 No fetter

Nothing in this document shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

27 Representations and warranties

The Parties represent and warrant that they have power to enter into this document and comply with their obligations under the document and that entry into this document will not result in the breach of any law.

28 Severability

If a clause or part of a clause of this document can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this document, but the rest of this document is not affected.

29 Modification

No modification of this document will be of any force or effect unless it is in writing and signed by the Parties to this document.

30 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this document, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

31 GST

31.1 Construction

In this **clause 31**:

- (a) words and expressions which are not defined in this document but which have a defined meaning in GST Law have the same meaning as in the GST Law;
- (b) **GST Law** has the same meaning given to that expression in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth); and
- (c) any reference to GST payable or an entitlement to an input tax credit includes a reference, as appropriate, to GST payable by, or an input tax credit entitlement of, the representative member of a GST group.

31.2 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under, or in connection with, this document are exclusive of GST.

31.3 Payment of GST – additional payment required

- (a) If GST is payable in respect of any supply made by a supplier under, or in connection with, this document, then to the extent that the consideration (or part thereof) payable by the recipient is:
 - (i) a monetary payment; or
 - (ii) a non-monetary payment which is not a taxable supply by the recipient,

the recipient will pay to the supplier an additional amount equal to the GST payable by the supplier in respect of the supply (**GST Amount**).

- (b) The recipient will pay the GST Amount referred to in this **clause 31.3** in addition to and at the same time that the consideration for the supply is to be provided under this document. However, if the supplier is required to return GST in respect of a supply it makes under this document in relation to a tax period which ends on an earlier date, then subject to **clause 31.6**, the recipient must pay the GST Amount prior to that earlier date.

31.4 Payment of GST – contra taxable supplies

If GST is payable in respect of any supply made by a supplier under, or in connection with, this document, then to the extent that the consideration (or part thereof) payable by the recipient is a non-monetary payment which is also a taxable supply by the recipient at or before the time of payment of any relevant consideration by either party, the Parties agree that they will each exchange tax invoices.

31.5 Valuation of non-monetary consideration

The parties will agree upon the market value of any non-monetary consideration which the recipient is required to provide under **clauses 31.3 or 31.4**. If agreement cannot be reached prior to the time that a party becomes liable for GST, the matter in dispute is to be determined by an independent expert nominated by the President for the time being of the Institute of Chartered Accountants in Australia. The parties will each pay one half of the costs of referral and determination by the independent expert.

31.6 Tax invoice

The supplier must deliver a tax invoice to the recipient before the supplier is entitled to payment of the GST Amount under **clause 31.3**. The recipient can withhold payment of the GST Amount until the supplier provides a tax invoice.

31.7 Adjustment event

If an adjustment event arises in respect of a taxable supply made by a supplier under, or in connection with, this document;

- (a) any amount payable by the recipient under **clause 31.3** will be recalculated to reflect the adjustment event, taking into account any previous adjustments under this clause, and a payment will be made by the recipient to the supplier or by the supplier to the recipient as the case requires and the supplier will issue an adjustment note to the recipient; or
- (b) in respect of an exchange of supplies that falls within **clause 31.4**, the principle in that clause will be applied, taking into account the adjustment event and any previous adjustments under this **clause 31.7**, tax invoices or adjustment notes will be exchanged, and a further monetary payment made as required or appropriate.

31.8 Reimbursements

Where a party is required under, or in connection with, this document to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the First Party will be the sum of:

- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party, or to which the representative member for a GST group of which the other party is a member, is entitled; and
- (b) if the payment or reimbursement is subject to GST, an amount equal to that GST.

31.9 Inconsistency

To the extent that there is any inconsistency between this **clause** and any provision in a document executed under or pursuant to this agreement, this **clause** will prevail.

31.10 No merger

This **clause** will not merge, and will continue in full force and effect, on rescission, termination or completion of this agreement.

31.11 Indemnity

The Developer agrees to indemnify the Council for any GST payable by the Council on a taxable supply by the Council under or in connection with this document to the extent that the GST payable is not offset by any input tax credit to which the Council is entitled.

32 Force Majeure

- (a) Force Majeure means a circumstance beyond the reasonable direct or indirect control and without the fault or negligence of the Party claiming force majeure, including but not limited to accident, fire, explosion, epidemic, strike, lockout, labour conditions, civil disturbance, riot, any act of God, act of war, terrorist incident, cyclone, flood, storm or earthquake.
- (b) Delay in or failure of performance by a Party (other than the payment of money) does not constitute a breach of the document evidenced by this document by that Party if and to the extent that the delay or failure is caused by a Force Majeure, provided the Party claiming Force Majeure:
 - (i) gives notice to the other Party within five days of the occurrence of the Force Majeure providing details of the Force Majeure and its anticipated likely duration and effect; and
 - (ii) uses its best endeavours to resume fulfilling its obligations as promptly as possible and gives notice to the other Party with written notice within five days of the cessation of the Force Majeure.

33 Other matters

- (a) Following the occurrence of the events in **clause 8** and registration of this agreement under section 93H of the Act, the Developer may register a caveat on the title to the Car Park Land to protect its interests in respect of that land under this agreement.
- (b) On the transfer of land by one party to another pursuant to this planning agreement, the transferor of that land promises the transferee of the land that the transferee will have an estate in fee simple in possession, freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates and contracts, except:

- (i) as contained in the Crown Grant; and
 - (ii) rights to mine; and
 - (iii) an easement for electricity and other purposes 4 wide, created by transfer no. AE976873; and
 - (iv) an easement for electricity purposes 1.0 wide affecting that part of land in Annexure 8 shown as (D); and
 - (v) an easement to drain water 3 wide affecting that part of the land in Annexure 8 shown as (E); and
 - (vi) a restriction on use requiring the installation of a floodgate mechanism and the implementation of a floodplain risk management plan affecting the proposed lot 2 on **Annexure 8**; and
 - (vii) notwithstanding the terms of **clause 9(a)(iii)**, the **Easement**; and
 - (viii) as may be permitted by this planning agreement.
- (c) Except in respect of the Easement, the Developer is not relieved of the obligation to pay compensation to the Council for the grant of the easements referred to in **clauses 33(b)(iii), (iv) and (v)**.

34 Key considerations

The Parties acknowledge that the following matters have been considered by each of them prior to and at the time of entering into this agreement:

- (a) the public infrastructure that is proposed to be funded by the Developer's Contributions will be provided within a reasonable time;
- (b) the impact of the proposed Developer's Contributions on the affordability of the Development;
- (c) the proposed Developer's Contributions are based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the Development to which to contribution relates;
- (d) the proposed Developer's Contributions are based on a reasonable estimate of the cost of proposed public infrastructure and reasonable service provision to the public; and
- (e) the estimates of demand for each item of public infrastructure to which the Development relates are reasonable.

The Parties also acknowledge that the Developer's Contributions to be provided pursuant to this planning agreement will directly serve the needs of the completed Development.

Schedule 1

Developer's Contributions

This Schedule identifies the public benefits to be provided under this planning agreement by the Developer to the Council and the lands which are the subject of the proposed exchange between the Council and the Developer, subject to the planning agreement and the contracts of sale referred to in **clause 9**.

Land Exchange

Transfer to Council of land by Developer (Developer's Exchange Land):

- Part Lot 422 DP 785216 approximate area 894.5 sqm.
- Lot A DP 356808 approximate area 522.6 sqm.
- Lot 39 DP5688 approximate area 696.5 sqm.

a total area of 2,113.6 sqm (approximately).

Less the Council owned land to be transferred to the Developer (Council's Exchange Land):

- Part Lot 421 DP 785216 approximate area 165.0 sqm.
- Part Lot 41 DP 5688 approximate area 206 sqm.
- Part Unnamed Lane approximate area 412.6 sqm, being Lot 1 in DP1138514

A total area of 783.6 sqm (approximately).

Net transfer of 1,330 sqm to the Council.

Contribution works to be carried out by the Developer at no cost to the Council

Amounts as determined in the quantity surveying cost plan prepared by Rider Levett Bucknall and dated March 2008:

	Value
1	
Carpark & roadworks	
Internal roadway and parking bays	\$363,285
Kerb	\$16,403
Kerb and gutter	\$7,830
Kerb and gutter (Pacific Highway)	\$4,320
Pram Crossing (x 2)	\$1,080
Trolley corral balustrading	\$21,600
Preliminaries	<u>\$62,482</u>
Total	\$477,000
2	
External Paving to Carpark & Josephson St	\$31,465
3	
Landscaping	\$103,358
- Josephson St	
- Carpark porous strip	
- Trees & grates	
4	
Carpark lighting	\$102,600
5	
Carpark stormwater	\$120,060

6	2 x Bus Shelters (including associated civil works and constructed in accordance with Council's specifications and the requirements under the <i>Disability Discrimination Act 1992</i> (Cth))	\$30,000
	Contingency	\$41,724
	<u>TOTAL</u>	<u>\$906,207</u>

Schedule 2

DEVELOPER'S CONTRIBUTIONS

1 Program for the provision of the public benefits

The Developer must provide the following Developer's Contributions to the Council by the following dates:

Description	Date
Transfer of the Developer's Exchange Land to the Council	In accordance with clause 9 and the contract for sale entered into pursuant to that clause.
Construction of the Car Park	No later than the date of grant of the first Occupation Certificate for the Supermarket.
Construction of the Bus Shelters	No later than the date of grant of the final Occupation Certificate for the Supermarket.

2 Standard of Construction Works

The Developer must construct the Construction Works in a good and workmanlike manner and in accordance with the Development Consent, and all other relevant Authorisations, as applicable.

Executed as a deed.

The Common Seal of **Council of the City of Lake Macquarie** was hereunto affixed pursuant to resolution made on **14 December 2009**



before

Brian Beale

General Manager

Steve

Mayor

Executed by **Fabco Pty Ltd** under section 127 of the *Corporations Act*

Maria Liu
.....
Company Secretary/Director

.....
Name of Company Secretary/Director (print)

MARIA LIU
1 Woolworths Way
Bella Vista NSW 2153

Signed by... **Fabco Pty Ltd**
by its Attorney **MARK HADRIAN STUDD**
pursuant to Power of Attorney registered... **BK 9506 NO. 74**
who has no notice of revocation of the said Power of Attorney.

Mark Hadrian Studd
.....
Director

.....
Name of Director (print)

Council of the City of Lake Macquarie

Fabcot Pty Ltd

Amended Planning Agreement

Annexure 1

Council's Exchange and Developer's Exchange Land

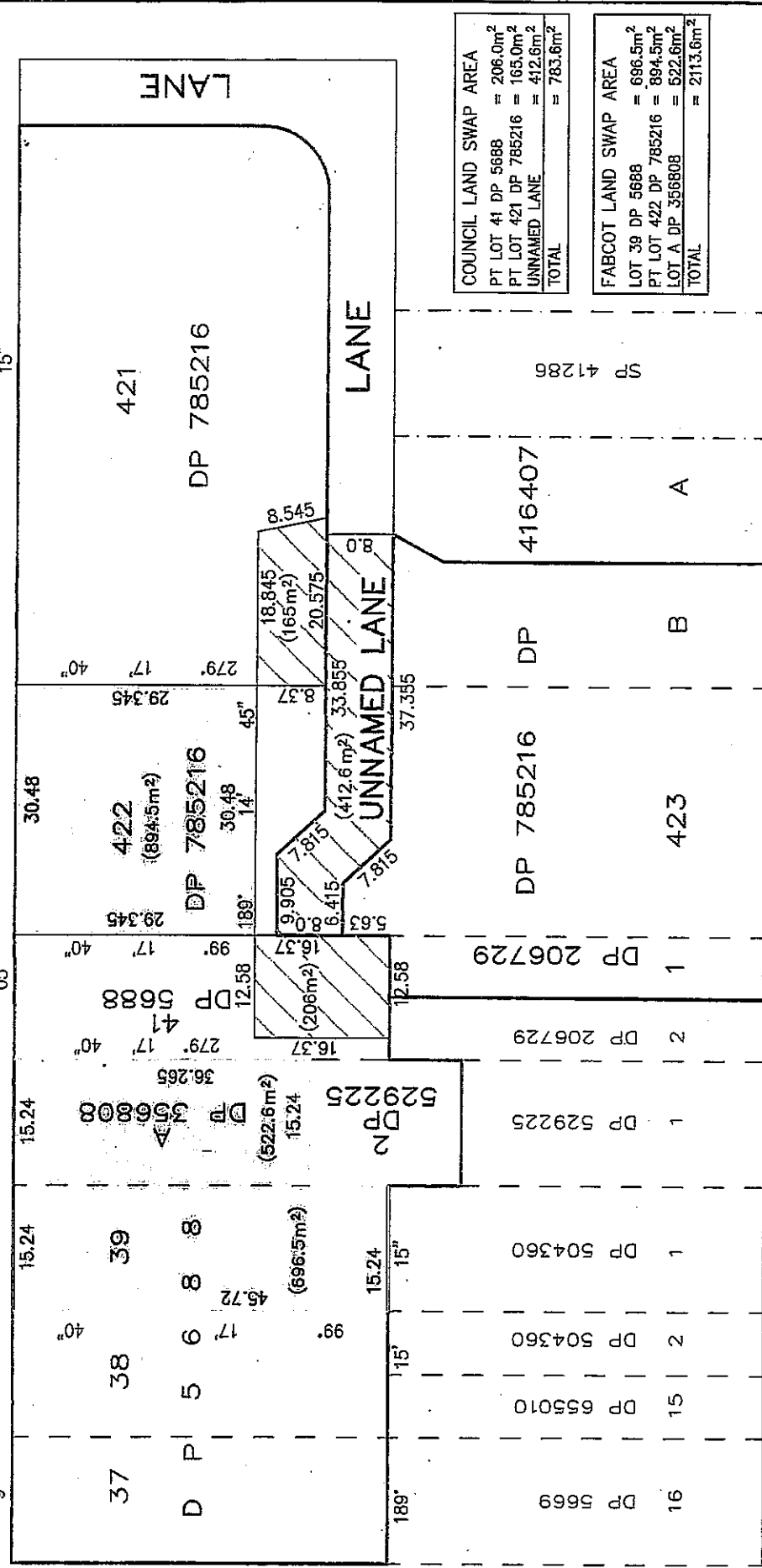
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ANNEXURE:1

STREET

15"



COUNCIL LAND SWAP AREA	
PT LOT 41 DP 5688	= 206.0m ²
PT LOT 421 DP 785216	= 165.0m ²
UNNAMED LANE	= 412.6m ²
TOTAL	= 783.6m²

FABCOT LAND SWAP AREA	
LOT 39 DP 5688	= 696.5m ²
PT LOT 422 DP 785216	= 894.5m ²
LOT A DP 356808	= 522.6m ²
TOTAL	= 2113.6m²

PLAN SHOWING LANDS TO BE EXCHANGED

PACIFIC HIGHWAY

<p>THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: -</p> <p>Registered Surveyor NSW</p>	<p>DATE OF SURVEY: 29-4-08</p> <p>DATUM: -</p> <p>SITE AREA: m²</p>	<p>LOCKLEY LAND TITLE SOLUTIONS</p> <p>19 Murray Street Gladstone NSW 2111</p> <p>PO BOX 400 Gladstone NSW 1675</p> <p>ph: (02) 9879 4077 fax: (02) 9789 7143</p>	<p>CLIENT: FABCOT PTY LTD</p> <p>PLAN OF EXISTING LOTS AT JOSEPHSON STREET AND PACIFIC HIGHWAY, SWANSEA</p> <p>UGA: LAKE MACQUARIE</p>	<p>ORIGINAL PLAN SIZE: A3 1:500</p> <p>PROJECT NO: -</p> <p>JOB REFERENCE: 31057PSA</p> <p>SHEET OF 4 SHEETS 1</p>
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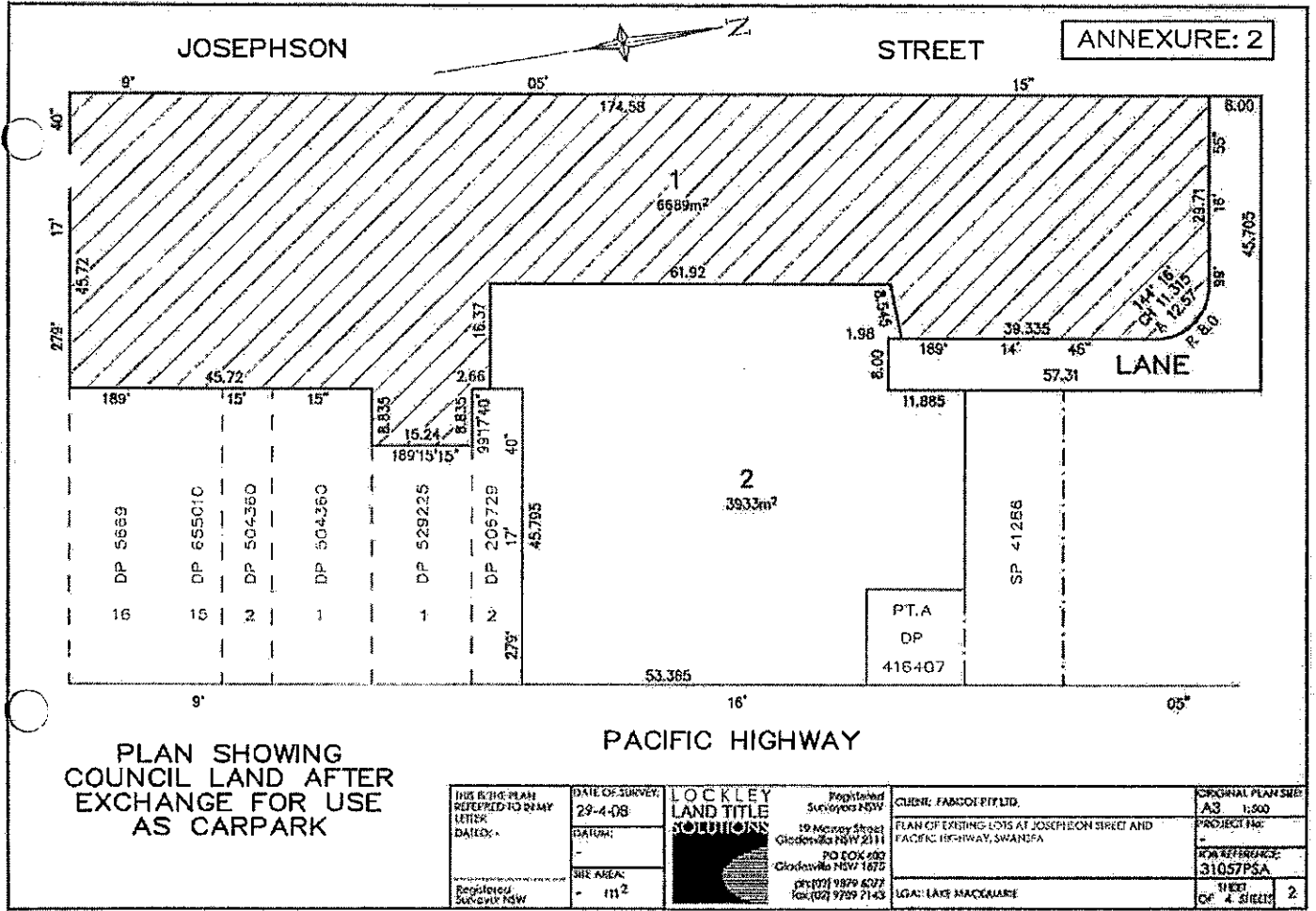
- LAKE MACQUARIE CITY COUNCIL LAND TO BE EXCHANGED
- FABCOT PTY LTD LAND TO BE EXCHANGED

Annexure 2

Car Park Land

C

O



PLAN SHOWING
COUNCIL LAND AFTER
EXCHANGE FOR USE
AS CARPARK

THIS IS THE PLAN REFERRED TO REPLY LETTER DATE:	DATE OF SURVEY: 29-4-08	LOCKLEY LAND TITLE SOLUTIONS Registered Surveyors NSW 19 Moray Street Glenelg NSW 2111 PO BOX 203 Glenelg NSW 1675 ph: (02) 9299 6277 fax: (02) 9299 2143	CLIENT: FABCO PTY LTD. PLAN OF EXISTING LOTS AT JOSEPHSON STREET AND PACIFIC HIGHWAY, SWANSEA LGA: LAYS MACQUARIE	ORIGINAL PLAN SHEET A3 1:500
	DATE:			PROJECT No: -
Registered Surveyor NSW	SITE AREA: = 1112	FOR REFERENCE: 31057P5A	SHEET OF 4 SHEETS 2	

Annexure 3

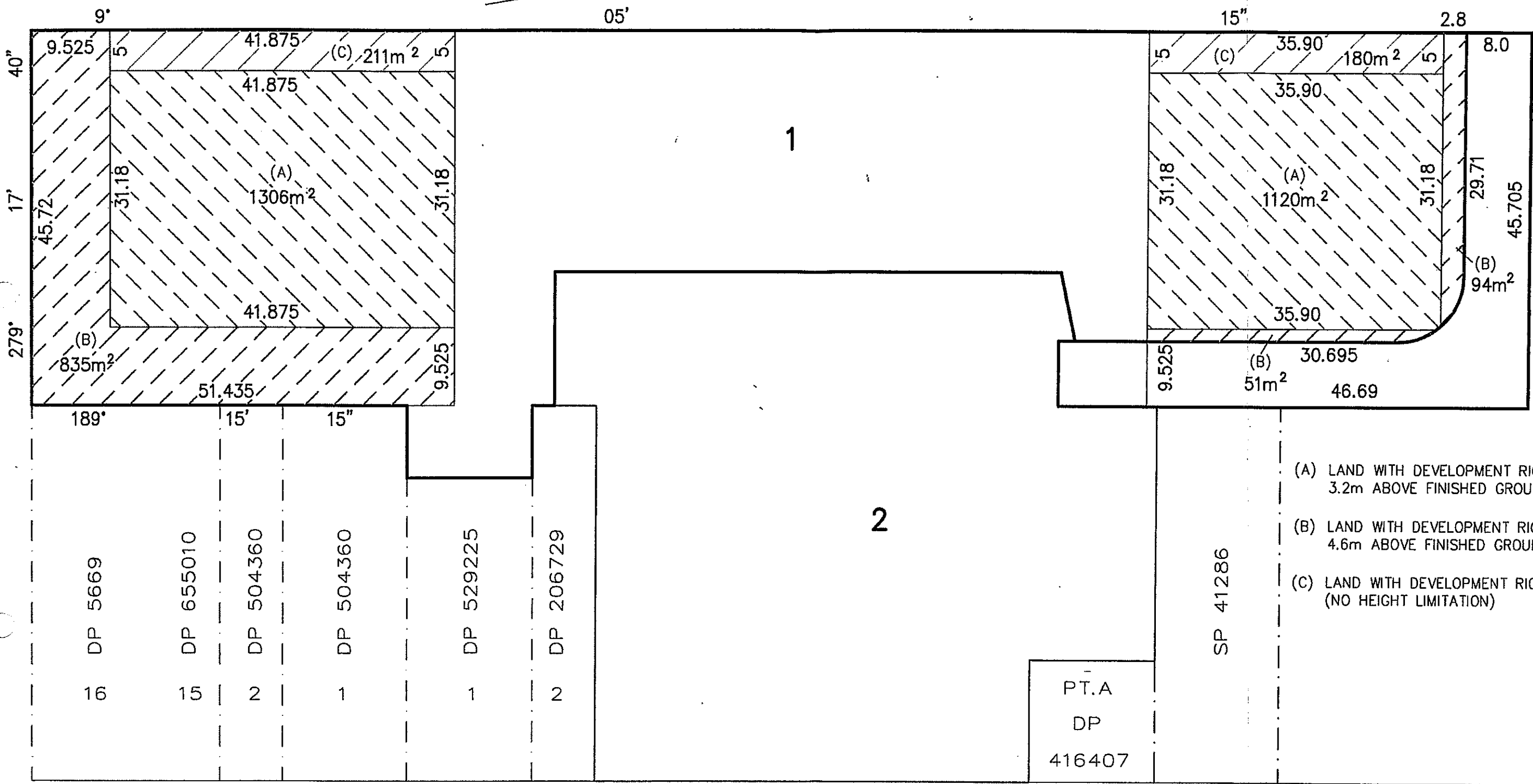
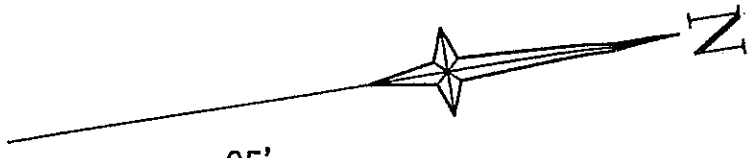
Council Future Development



JOSEPHSON

STREET

ANNEXURE: 3




PACIFIC HIGHWAY

- (A) LAND WITH DEVELOPMENT RIGHTS
3.2m ABOVE FINISHED GROUND LEVEL
- (B) LAND WITH DEVELOPMENT RIGHTS
4.6m ABOVE FINISHED GROUND LEVEL
- (C) LAND WITH DEVELOPMENT RIGHTS
(NO HEIGHT LIMITATION)

- NOTE
1. STRATUM LEVELS TO BE CONFIRMED
 2. BOUNDARIES, RIGHT OF CARRIAGEWAY AND EASEMENT DIMENSIONS ARE SUBJECT TO FINAL SURVEY

PLAN SHOWING COUNCIL LAND FOR FUTURE DEVELOPMENT

THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: - Registered Surveyor NSW	DATE OF SURVEY: 3-11-08	LOCKLEY LAND TITLE SOLUTIONS 	Registered Surveyors NSW	CLIENT: FABCOT PTY LTD	ORIGINAL PLAN SIZE: A3 1:500
	DATUM: AHD		19 Massey Street Gladesville NSW 2111	PLAN OF EXISTING LOTS AT JOSEPHSON STREET AND PACIFIC HIGHWAY, SWANSEA	PROJECT No: -
	SITE AREA: - m ²		PO BOX 400 Gladesville NSW 1675	LGA: LAKE MACQUARIE	JOB REFERENCE: 31057PSA
			ph:(02) 9879 6077 fax:(02) 9789 7143		SHEET OF 4 SHEETS 3

Annexure 4

Council Land



Annexure 5

Easement



Instrument setting out terms of Easements or Profits à Pendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 11 sheets)

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for car parking variable width (F)	1	2
2	Easement for Electricity Purposes 1 wide (D)	1	2 Energy Australia
3	Easement to Drain Water 3 wide (E)	1	Lake Macquarie City Council 2
4	Restriction as to User	2	Lake Macquarie City Council

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 2 (Terms)

1. Interpretation

1.1 Definitions

In this Instrument, unless the contrary intention appears, the following terms have the following meanings:

Act means the *Environmental Planning and Assessment Act, 1979* (NSW).

Authorised Users means persons authorised by the Grantee and members of the public.

Authority means any government or governmental, semi-governmental, quasi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes the Council.

At grade means on the finished surface.

Council means the Council of the City of Lake Macquarie Council.

Council Future Development means the development of Lot 1 by the Grantor as permitted by clause 3.5.3.

Development has the meaning given in the Act.

Grantee means the owner or mortgagee in possession of the Lot Benefited.

Grantor means the owner or mortgagee in possession of the Lot Burdened.

Grantee's Development is the development of a shopping centre by the Grantee pursuant to development consent in the records of the Grantor numbered DA/1313/2007, as may be modified from time to time in accordance with law.

.....
Council Authorised Person

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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
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No of

**Full name and address of the owner of
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126 – 138 Main Road, Speers Point, NSW
2284 and
Fabcot Pty Limited of 1 Woolworths Way,
Bella Vista, NSW 2153

1.3 Headings do not affect the interpretation of this Instrument.

2. Covenants and agreements between Grantee and Grantor

The conditions, covenants and restrictions in this Instrument are covenants and agreements between:

- (a) the Grantee for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Benefited or any part of it with which the right is capable of enjoyment; and
- (b) the Grantor for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Burdened or any part of it with which the right is capable of enjoyment;

to the intent that the benefit and burden of those covenants and agreements are annexed to and pass with the benefits and burdens of the easement.

3. Terms of Easement for Car Parking numbered 1 in the Plan.

3.1 The Grantee and Authorised Users may, subject to the:

- (a) provisions of clause 3.5 relating to the Council Future Development that exclude and restrict the rights hereby granted, and
- (b) regulation of the Lot Burdened by the Grantor as a free parking area pursuant to clause 3.6,

by any reasonable means and at any time pass across the Lot Burdened to get to or from the Lot Benefited and at any time be permitted to park 192 motor vehicles (including cars, trucks, vans and the like) at grade on the Lot Burdened.

3.2 The Grantee shall, at its cost, maintain the Lot Burdened and, as and when it thinks necessary or when required by written notice given to it by the Grantor's General Manager or his delegate, acting reasonably, keep it in good and trafficable repair, by

.....
Council Authorised Person

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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
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**Full name and address of the owner of
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126 – 138 Main Road, Speers Point, NSW
2284 and
Fabcot Pty Limited of 1 Woolworths Way,
Bella Vista, NSW 2153

including the carrying out of work relating to constructing, placing, repairing, draining or maintaining trafficable surfaces and driveways, line-marking, lighting, and landscaping structures to a reasonably trafficable standard, except where such repair is the responsibility of the Grantor under clause 3.5.2(d) below.

3.3 In performing its obligations under clause 3.2 or 3.5.2(d), a party must ensure:

- (a) all work is done in a good and workmanlike manner; and
- (b) all work is done in accordance with all approvals and consents required and obtained, if necessary, under the Act and any other legislation.

3.4 A party carrying out any work on the Lot Burdened under the obligations imposed by this instrument does so at its own risk, and the party carrying out that work releases the other party from and indemnifies the other party against all claims and demands of every kind and from all liabilities which may arise in respect of any accident or damage to property or death or injury to any person arising out of the carrying out of any work on the Lot Burdened under the obligations created by this instrument, other than to the extent caused or contributed to by the act or omission of the other party, its contractors, representatives, officers, employees, licensees and lessees.

3.5 Council Future Development

3.5.1 The rights granted by clause 3.1 do not extend to the Council Future Development.

3.5.2 If the Grantor commences the construction of the Council Future Development, then the rights of the Grantee and the Authorised Users granted under clause 3.1 hereof are modified to the extent reasonably necessary to carry out the construction works for the Council Future Development but the Grantor must, during construction of the Council Future Development, take reasonable steps to ensure that:

.....
Council Authorised Person

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- (a) access for trucks (including 19.3 metre articulated vehicles) to the Supermarket's loading docks is not obstructed by construction vehicles and/or construction materials at any time; and
- (b) access to the Grantee's Development is not unreasonably hindered at any time by construction vehicles and/or construction materials; and
- (c) construction of the Council Future Development proceeds so that a minimum of 146 at grade public car spaces (instead of the number required by clause 3.1) on the Lot Burdened is maintained at all times for use by the Grantee's tenants, customers, employees and invitees, and
 - (i) each car space is to have minimum dimensions of 2.6 metres x 5.5 metres; and
 - (ii) aisle widths for vehicle access on the Lot Burdened must be a minimum of 6.4 metres; and
- (d) it repairs, at its cost and to the reasonable satisfaction of the owner of the Lot Burdened, all damage caused to the Lot Burdened resulting from the construction of the Council Future Development; and
- (e) ramps or lobbies associated with the Council Future Development must be designed so as not to compromise the entry and egress points to the Development's pedestrian entry and loading dock; and
- (f) on completion of the Council Future Development, and in accordance with the Easement, 192 ground level car parking spaces must be available for the Grantee and Authorised Users on the Lot Burdened at all times; and
- (g) during the construction of and at all times following the completion of the Council Future Development, it will be responsible for the repair, maintenance and upkeep of that part of the Lot Burdened that is not at grade in the areas marked "A" and "B" on Annexure 3 of the VPA; and

.....
Council Authorised Person

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- (h) it will not transfer its interest in the Lot Burdened without first obtaining from the transferee a deed binding the transferee to such of the Grantor's obligations as remain unperformed in this clause and otherwise the terms of the Easement; and
- (i) it indemnifies the Grantee in respect of all loss, cost and expense suffered by the latter arising in any way from the Grantor's breach of this clause or otherwise of the terms of this Easement.

3.5.3

- (a) Subject to (d) below, the Grantor may develop in the airspace from 3.2 metres above finished ground level of the Lot Burdened in the area marked "A" on Annexure 3 of the VPA.
- (b) Subject to (d) below, the Grantor may develop in the airspace from 4.6 metres above finished ground level of the Lot Burdened in the area marked "B" on Annexure 3 of the VPA.
- (c) The Grantor may develop on ground level to the street frontage to Josephson Street within the area marked "C" on Annexure 3 of the VPA.
- (d) The Grantor must comply with all of its development controls and codes applying to car parking in designing the Council Future Development without counting the car parking spaces the subject of the Easement.
- (e) For the avoidance of doubt, those parts of Lot 1 referred to in subclauses (a), (b) and (c) above are no longer burdened by the grant of rights to the Grantee and Authorised Users under this instrument after the development of those parts by the Grantor commences.

.....
Council Authorised Person

Plan:	Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583 No of
Full name and address of the owner of the land:	Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

3.6 Regulation by Grantor of Lot Burdened

3.6.1 The Grantee and Authorised Users will not object if:

- (a) the Grantor resolves to make the Lot Burdened and/or the car park thereon a free parking area under section 650 of the *Local Government Act 1993 (NSW)*;
- (b) the Grantor marks the spaces for car parking in that free parking area; and
- (c) the Grantor regulates parking in such free parking area and erects notices or signs so as to permit vehicles to park in that free parking area for 2 hours each 24 hours, except that there shall be no such limitation on vehicles displaying a notice or card issued by the Roads and Traffic Authority of NSW showing that the driver of the vehicle is disabled.

3.6.2. The Grantor will take all steps necessary to make the Lot Burdened and/or the car park thereon a free parking area on terms referred to in this clause 3.6 and in accordance with section 650 of the *Local Government Act 1993 (NSW)*, prior to the issue of a final Occupation Certificate for the Development.

3.6.3. The Grantor will use its reasonable endeavours to exercise and enforce the powers given to it pursuant to section 650 of the *Local Government Act 1993 (NSW)* in respect of management of the Lot Burdened.

3.6.4. The Grantee will, as agent of the Grantor, carry out, without cost to the Grantor, the marking of the car parking spaces and preparing and erecting the signs and notices in and near the Lot Burdened that the Grantor considers necessary for the purposes of section 650 of the *Local Government Act 1993 (NSW)*.

3.7 No charge or fee to be imposed by the Grantee

The Grantee will not impose a charge or fee for the use of the Lot Burdened.

.....
Council Authorised Person

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○ **4. Terms of Restriction as to User numbered 4 on the Plan**

The proprietor of the lot burdened and every person authorised by him to occupy the building erected upon the land hereby burdened shall:

- (a) install a "Floodgate" mechanism to effectively seal the shop tenancies flood-proof to a minimum level of 2.37m AHD to the satisfaction of Council.
- (b) Implement a "Floodplain Risk Management Plan" which demonstrates a process for installation, preparedness, failsafe management/activation and maintenance of the "Floodgate" system.

Name of person or Authority empowered to release vary or modify Easement numbered 1 in the Plan:

The registered proprietor from time to time of the Lot Benefited.

○ Name of Authority empowered to release, vary or modify Restriction as to User numbered 4 in the plan.

Lake Macquarie City Council.

.....
Council Authorised Person

Plan:

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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
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No of

**Full name and address of the owner of
the land:**

Council of the City of Lake Macquarie of
126 – 138 Main Road, Speers Point, NSW
2284 and
Fabcot Pty Limited of 1 Woolworths Way,
Bella Vista, NSW 2153



Signed for and on behalf of **Fabcot Pty
Limited** ACN 002 960 983 under s.127 of
the Corporations Act:

Signature of witness

Name of witness

.....
Council Authorised Person

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Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

○ The Common Seal of Council of the City of Lake Macquarie was hereunto affixed pursuant to resolution made on before

General Manager _____ Mayor

○

.....
Council Authorised Person

Annexure 6

Contract for Sale of Developer's Exchange Land



Contract for the sale of land - 2005 edition

MEANING OF TERM

TERM		
Vendor's agent	N/A	
Co-agent	N/A	
Depositholder	N/A	
Vendor	FABCOT PTY LIMITED ACN 002 960 983 1 Woolworths Way, Bella Vista NSW 2153	
Vendor's solicitor	CORRS CHAMBERS WESTGARTH Level 32, Governor Phillip Tower, 1 Farrer Place Sydney NSW 2000	Phone (02) 9210 6500 Fax (02) 9210 6611 Ref Christine Covington
Completion date	See clause 31.1 (clause 15)	
Land (Address, plan details and title reference)	Lot 39 in DP5688, Lot A in DP356808 and Lot 12 (being part of Lot 422 in DP 785216) having an area of 894.5m ² on the <i>Plan of Subdivision</i> attached to this contract as attachment F and lodged for registration at the Department of Lands as DP1142583 (all of which will form part of Lot 1 in the <i>Plan of Consolidation</i> attached to this contract as attachment G) Folio Identifiers 39/5688, A/356808 and part 422/785216	
Improvements	<input checked="" type="checkbox"/> VACANT POSSESSION <input type="checkbox"/> subject to existing tenancies <input type="checkbox"/> house <input type="checkbox"/> garage <input type="checkbox"/> carport <input type="checkbox"/> home unit <input type="checkbox"/> carspace <input type="checkbox"/> none <input type="checkbox"/> other:	
Attached copies	Documents in the List of Documents as marked with a <input checked="" type="checkbox"/>	

A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.

Inclusions	<input type="checkbox"/> blinds <input type="checkbox"/> curtains <input type="checkbox"/> insect screens <input type="checkbox"/> stove <input type="checkbox"/> built-in wardrobes <input type="checkbox"/> dishwasher <input type="checkbox"/> light fittings <input type="checkbox"/> pool equipment <input type="checkbox"/> clothes line <input type="checkbox"/> fixed floor coverings <input type="checkbox"/> range hood <input type="checkbox"/> TV antenna <input type="checkbox"/> other:	
Exclusions		
Purchaser	COUNCIL OF THE CITY OF LAKE MACQUARIE ABN 81 065 027 868 126-138 Main Road, Speers Point NSW 2284	
Purchaser's solicitor	Grant Long, Lake Macquarie City Council. 126-138 Main Road, Speers Point NSW 2284	Phone (02) 4921 0405 Fax (02) 4921 0345 Ref Grant Long
Price	See clause 41	
Deposit	NIL (10% of the price, unless otherwise stated)	
Balance		
Contract date	(if not stated, the date this contract was made)	

SEE ATTACHMENT FOR EXECUTIONS

Vendor	GST AMOUNT (optional) The price includes GST of \$NIL	Witness
Purchaser	<input type="checkbox"/> JOINT TENANTS <input type="checkbox"/> tenants in common <input type="checkbox"/> in unequal shares	Witness

Tax information (the parties promise this is correct as far as each party is aware)

Vendor duty is payable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes in full	<input type="checkbox"/> yes to an extent
Deposit can be used to pay vendor duty	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	
Land tax is adjustable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	

HOLDER OF STRATA OR COMMUNITY TITLE RECORDS -

List of Documents

General	Strata or community title (clause 23 of the contract)
<input checked="" type="checkbox"/> property certificate for the land	<input type="checkbox"/> property certificate for strata common property
<input checked="" type="checkbox"/> plan of the land	<input type="checkbox"/> plan creating strata common property
<input checked="" type="checkbox"/> unregistered plan of the land	<input type="checkbox"/> strata by-laws not set out in <i>legislation</i>
<input checked="" type="checkbox"/> plan of land to be subdivided	<input type="checkbox"/> strata development contract or statement
<input type="checkbox"/> document that is to be lodged with a relevant plan	<input type="checkbox"/> strata management statement
<input checked="" type="checkbox"/> section 149(2) certificate (Environmental Planning and Assessment Act 1979)	<input type="checkbox"/> leasehold strata - lease of lot and common property
<input checked="" type="checkbox"/> section 149(5) information included in that certificate	<input type="checkbox"/> property certificate for neighbourhood property
<input type="checkbox"/> sewerage connections diagram	<input type="checkbox"/> plan creating neighbourhood property
<input checked="" type="checkbox"/> sewer mains diagram	<input type="checkbox"/> neighbourhood development contract
<input checked="" type="checkbox"/> document that created or may have created an easement, profit à prendre, restriction on use or positive covenant disclosed in this contract	<input type="checkbox"/> neighbourhood management statement
<input type="checkbox"/> section 88G certificate (positive covenant)	<input type="checkbox"/> property certificate for precinct property
<input type="checkbox"/> survey report	<input type="checkbox"/> plan creating precinct property
<input type="checkbox"/> section 317A certificate (certificate of compliance)	<input type="checkbox"/> precinct development contract
<input type="checkbox"/> building certificate given under <i>legislation</i>	<input type="checkbox"/> precinct management statement
<input type="checkbox"/> insurance certificate (Home Building Act 1989)	<input type="checkbox"/> property certificate for community property
<input type="checkbox"/> brochure or note (Home Building Act 1989)	<input type="checkbox"/> plan creating community property
<input type="checkbox"/> section 24 certificate (Swimming Pools Act 1992)	<input type="checkbox"/> community development contract
<input type="checkbox"/> lease (with every relevant memorandum or variation)	<input type="checkbox"/> community management statement
<input type="checkbox"/> other document relevant to tenancies	<input type="checkbox"/> document disclosing a change of by-laws
<input type="checkbox"/> old system document	<input type="checkbox"/> document disclosing a change in a development or management contract or statement
<input type="checkbox"/> Crown tenure card	<input type="checkbox"/> document disclosing a change in boundaries
<input type="checkbox"/> Crown purchase statement of account	<input type="checkbox"/> certificate under Management Act – section 109 (Strata Schemes) or section 26 (Community Land)
<input type="checkbox"/> Statutory declaration regarding <i>vendor duty</i>	

WARNINGS

- Various Acts of Parliament and other matters can affect the rights of the parties to this contract. Some important matters are actions, claims, decisions, licences, notices, orders, proposals or rights of way involving:

AGL Gas Networks Limited	Government Business & Government Procurement	Public Works Dept
Council	Heritage Office	Roads & Traffic Authority
County council	Infrastructure Planning and Natural Resources	Rural Lands Protection Board
East Australian Pipeline Limited	Land & Housing corporation	Sustainable Energy Development
Education & Training Dept	Mine Subsidence Board	Telecommunications authority
Electricity authority	Owner of adjoining land	Water, sewerage or drainage authority
Environment & Conservation Dept	Primary Industries Department	
Fair Trading	RailCorp	

If you think that any of these matters affects the property, tell your solicitor.
- A lease may be affected by the Agricultural Tenancies Act 1990, the Residential Tenancies Act 1987 or the Retail Leases Act 1994.
- If any purchase money is owing to the Crown, it may become payable when the transfer is registered.
- If a consent to transfer is required under legislation, see clause 27 as to the obligations of the parties.
- The vendor should continue the vendor's insurance until completion. If the vendor wants to give the purchaser possession before completion, the vendor should first ask the insurer to confirm this will not affect the insurance.
- The purchaser will usually have to pay stamp duty on this contract. The sale will also usually be a vendor duty transaction. If duty is not paid on time, a party may incur penalties.
- If the purchaser agrees to the release of deposit any rights in relation to the land (for example, the rights mentioned in clause 2.8) may be subject to the rights of other persons such as the vendor's mortgagee.
- The purchaser should arrange insurance as appropriate.

DISPUTES

If you get into a dispute with the other party, the Law Society and Real Estate Institute encourage you to use informal procedures such as negotiation, independent expert appraisal or mediation (for example mediation under the Law Society Mediation Guidelines).

AUCTIONS

Regulations made under the Property, Stock and Business Agents Act 2002 prescribe a number of conditions applying to sales by auction.

These are the additional clauses to the contract for sale of land between FABCOT PTY LIMITED (as vendor) and COUNCIL OF THE CITY OF LAKE MACQUARIE (as purchaser) in respect of the Land being Lot 39 in DP 5688, Lot A in DP 356808 and part of Lot 422 in DP 785216

30 Amendments to printed clauses

The printed **clauses 1 to 29** of this contract are amended as follows:

- (a) **clause 1** is amended by:
 - (i) amending the definition of "*depositholder*" to mean "*vendor*"; and
 - (ii) deleting from the definition of "*settlement cheque*" the words: "a building society, credit union or other FCA institution as defined in the Cheques Act 1986; or";
- (b) **clause 7.1.1** is replaced with:

"7.1.1 the total amount claimed exceeds 3% of the price;";
- (c) the first line of **clause 10.1** is replaced with:

"10.1 The purchaser cannot make a claim, *requisition*, delay completion, *rescind* or terminate in respect of:";
- (d) add further subclauses to **clause 10.1**:
 - "10.1.10 any environmental hazard in or contamination of the property; or
 - 10.1.11 any latent or patent defect in the property;"
- (e) **clause 10.2** is amended by adding the words "make a claim, *requisition*, delay completion," before the word "*rescind*";
- (f) **clause 13** is deleted; and
- (g) **clauses 28 and 29** are deleted.

31 Interpretation

31.1 Definitions

In this document, unless expressed to the contrary:

completion means completion of this contract.

Completion date means the latest of the following dates:

- (a) twenty eight (28) days after the date of this contract;
- (b) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Subdivision* has been registered at the Department of Lands; and

- (c) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Consolidation* has been registered at the Department of Lands.

Council means the purchaser as referred to in the cover page to this contract.

Council's Contract means that contract facilitating the transfer of the *Council's Exchange Land* pursuant to the *Planning Agreement*.

Council's Exchange Land means the land owned by the *Council* shown and referred to in the *Planning Agreement*, to be transferred to the *Developer* under the *Council's Contract*.

default rate means 10% per annum calculated on a daily basis;

Developer means the vendor as referred to in the cover page to this contract.

Developer's Contributions has the same meaning as referred to in the *Planning Agreement*.

Developer's Exchange Land means the land owned by the *Developer* shown and referred to in the *Planning Agreement*, to be transferred to the *Council* under this contract.

Development Application DA/1313/2007 means the application for development as a defined term and as otherwise described in the *Planning Agreement*.

includes means includes without limitation.

Plan of Subdivision means the draft Plan attached to this contract as **attachment F** and lodged for registration at the Department of Lands as DP1142583.

Plan of Consolidation means the draft Plan and the draft Section 88B Instrument attached to this contract as **attachment G** including:

- (a) Lot 1 in the *Plan of Consolidation* will comprise:
- (i) Lots 37, 38 and 39 in DP5688;
 - (ii) Lot A in DP356808;
 - (iii) Lot 2 in DP529225;
 - (iv) Part Lot 41 in DP5688 having an area of 490.5m² shown as 10 in **attachment F**;
 - (v) Part Lot 422 in DP785216 having an area of 894.5m² shown as 12 on **attachment F**; and
 - (vi) Part Lot 421 in DP785216 having an area of 2382m² shown as 14 in **attachment F**.
- (b) Lot 2 in the *Plan of Consolidation* will comprise:
- (i) Lot 1 in DP206729;
 - (ii) Part Lot 41 in DP5688 having an area of 206m² shown as 11 in **attachment F**;

- (iii) Lot 423 in DP785216;
- (iv) Lot B in DP416407;
- (v) Lot 1 in DP1135836;
- (vi) Lot 1 in DP1138514;
- (vii) Part Lot 421 in DP785216 having an area of 165m² shown as 15 in **attachment F**; and
- (viii) Part Lot 422 in DP785216 having an area of 182.5m² shown as 13 in **attachment F**.

Planning Agreement means the Agreement dated **[to be completed]** between the *Council* and the *Developer* entered into by the parties for the purposes of *Development Application 1313/2007* and which sets out the *Developer's Contributions* to be provided by the *vendor* and which are set out in that Agreement.

Sunset Date means the date which is twenty four (24) months after the date of exchange of this contract or such other date as is agreed by the *Council* and the *Developer* in writing.

31.2 Construction

Unless expressed to the contrary:

- (a) words in the singular include the plural and vice versa;
- (b) if a word or phrase is defined its other grammatical forms having corresponding meanings;
- (c) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, body corporate and a government or statutory body or authority;
 - (ii) a person includes its legal personal representatives, successors and assigns;
 - (iii) time is to local time in New South Wales;
 - (iv) "\$" or "dollars" is a reference to the lawful currency of Australia;
 - (v) this or any other document includes the document as varied or replaced and notwithstanding any change in the identity of the parties;
 - (vi) any thing (including any amount) is a reference to the whole or any part of it;
 - (vii) a group of things or persons is a reference to any one or more of them; and
 - (viii) a day in this contract (other than a *business day*) means a day, whether or not a Saturday, Sunday, public or religious holiday; and

- (d) if a period of time is specified to start from a certain day, the period is to be calculated exclusive of that day.

31.3 Inconsistency

If there is any inconsistency between the printed clauses of this contract and these additional clauses, the additional clauses prevail to the extent of that inconsistency.

31.4 Rules of construction

No rule of construction will apply to disadvantage the vendor on the basis that the vendor puts forward this contract.

31.5 Severability

If a clause of this contract is illegal or unenforceable, it may be severed without affecting the enforceability of other clauses in this contract.

32 Notice to complete

32.1 Reasonable time

If a *party* is entitled to serve a notice to complete then 14 days will be a reasonable time to allow for completion in the notice.

32.2 Withdrawal of notice to complete

Each time a *party* serves a notice to complete they may:

- (a) at any time prior to its expiry, withdraw the notice by further notice to the other *party*; and
- (b) issue a further notice to complete.

33 GST

33.1 Planning Agreement

The parties agree that clause 31 of the *Planning Agreement* applies in relation to this contract and any transaction contemplated by this contract.

34 Additional rights to rescind

34.1 For a body corporate

If the purchaser (or, if more than one, any one of them) is a body corporate and:

- (a) an application is made to a court for an order, or an order is made, for it to be wound up;
- (b) any action is taken to appoint an external administrator in respect of it, or an external administrator is appointed; or

- (c) any proposal is made to take advantage of any law for the relief of debtors in adverse financial circumstances,

then the vendor may *rescind* this contract. **Clause 19.2.1** will not apply and the vendor may forfeit the deposit and any interest which has accrued on it.

34.2 For a natural person

If a *party* (or if the *party* consists of more than one person, one of them):

- (a) dies; or
- (b) becomes intellectually, physically or psychologically disabled so as, in the reasonable opinion of the other *party*, to be unable to complete this contract on time,

the other *party* may *rescind* this contract by notice to the *party's solicitor*.

35 Attachments

35.1 Documents attached on behalf of vendor

The purchaser acknowledges that any person attaching documents to this contract at the request of the vendor or the vendor's *solicitor* does so as the agent of the vendor.

35.2 No warranty

Subject to Part IV of the *Conveyancing Act 1919*, the vendor does not warrant the accuracy or completeness of the documents attached to this contract.

36 Encumbrances

If a caveat or mortgage is noted on the folio of the Register, the purchaser must accept, on completion a withdrawal of that caveat or discharge of that mortgage in registrable form so far as it relates to the property.

37 Notices

37.1 Deemed receipt

A document under or relating to this contract is taken to be *served*:

- (a) if *served* by prepaid post:
 - (i) within Australia, on the third *business day* after the day of posting;
or
 - (ii) in any other case, on the tenth *business day* after posting;
- (b) if *served* by facsimile, on transmission unless the sender is aware that the transmission is impaired; or
- (c) if served on a day which is not a *business day* or after 5.00 pm on a *business day*, on the next *business day*.

37.2 Address for service

A document under or relating to this contract is taken to be served if sent by certified post, fax or hand delivered to:

the vendor:

Address: Corrs Chambers Westgarth, Lawyers,
Level 32, Governor Phillip Tower, 1 Farrer Place,
Sydney NSW 2000
Attention: Christine Covington
Fax: (02) 9210-6611 Attention Christine Covington; and

the purchaser:

Address: City Solicitor
Lake Macquarie City Council
126-138 Main Road
SPEERS POINT NSW 2283
Attention: Grant Long
Fax: 4921 0345 Attention: Grant Long

38 Vendor owns adjoining land

The purchaser cannot require the vendor to contribute to fencing work as defined in the *Dividing Fences Act 1991* (NSW) in relation to any land adjoining the property owned by the vendor.

39 Interdependent Contracts

39.1 Completion conditional upon interdependent contract

- (a) The parties expressly acknowledge that completion of this contract is subject to and conditional upon the simultaneous completion of the *Council's Contract* for the land contained and comprised in that part of Lot 41 in Deposited Plan 5688 indicated by the number 11 on the *Plan of Subdivision* having an area of 206m², that part of Lot 421 in Deposited Plan 785216 indicated by the number 15 on the *Plan of Subdivision* having an area of 165m² and Lot 1 in Deposited Plan 1138514 (*Interdependent Contract*).
- (b) The parties agree that should any condition of this contract or a breach of this contract occur that gives rise to a party's right to rescind or terminate this contract, such condition or breach shall also give rise to the right to rescind or terminate the *Interdependent Contract* and should such party exercise its right to rescind or terminate this contract it shall simultaneously rescind or terminate the *Interdependent Contract* as the case may be.

- (c) In the event that the *completion date* of this contract is extended for whatever reason, the *completion date* of the *Interdependent Contract* will also be extended and if the *completion date* of the *Interdependent Contract* is extended for whatever reason, the *completion date* in this contract is also extended to such date.

39.2 Termination of Planning Agreement

If the *Planning Agreement* is terminated under the provisions of clause 21(a)(i), (ii), (iii) or (v) of that document, unless the parties agree in writing to the contrary within ten (10) Business Days after termination of the *Planning Agreement*, then either party may by notice in writing to the other rescind this contract.

40 Plan of Subdivision and Plan of Consolidation

40.1 Preparation and lodgment of Plan of Subdivision and Plan of Consolidation

Subject to the provisions contained in this contract, *completion* of this contract is conditional on the *Developer* at its cost and expense arranging for the preparation, execution and lodgment for registration at the Department of Lands of the *Plan of Subdivision* and the *Plan of Consolidation*.

40.2 Titles in the name of the Council of the City of Lake Macquarie

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Council* as registered proprietor together with the titles set out in **clause 40.3**:

- (a) Lot 37 in DP5688;
- (b) Lot 38 in DP5688;
- (c) Lot 2 in DP529225;
- (d) Lot 41 in DP5688;
- (e) Lot 421 in DP785216; and
- (f) Lot 1 in DP1138514.

40.3 Titles in the name of Fabcot Pty Limited

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Developer* as registered proprietor together with the titles set out in **clause 40.2**:

- (a) Lot 1 in DP206729;
- (b) Lot 39 in DP5688;
- (c) Lot A in DP356808;
- (d) Lot 422 in DP785216;
- (e) Lot 423 in DP785216;

- (f) Lot B in DP416407; and
- (g) Lot 1 in DP1135836.

40.4 Council to produce

The *Council* will arrange for the production of the title deeds set out in **clause 40.2** at the Department of Lands within seven (7) days of a written request by the *Developer* or its lawyers to do so. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Developer's* lawyers.

40.5 Fabcot Pty Limited to produce

The *Developer* will arrange for the production of the title deeds set out in **clause 40.3** at the Department of Lands at approximately the same time as the title deeds set out in **clause 40.2**. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Council's* lawyers.

40.6 Council's and Developer's obligations

The *Council* and the *Developer* must use their best endeavours to carry out their respective obligations as required by this **clause 40** including compliance with any requisitions raised by the Department of Lands within seven (7) days of a written request for such compliance.

40.7 Dual entitlement

On registration of the *Plan of Subdivision* and the *Plan of Consolidation*, it is likely that the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* will issue in the joint names of the *Council* and the *Developer* and will remain in the dual entitlement press of the Department of Lands.

40.8 No title deeds at completion

If the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* remain in the dual entitlement press of the Department of Lands, the *Council* and the *Developer* acknowledge that the title deed for Lot 1 in the *Plan of Consolidation* will not be available at completion of this contract.

40.9 Letter of authority

On completion of this contract, the *Developer* and the party which produced the title deeds in accordance with **clause 40.3** will provide to the *Council* a letter addressed to the Department of Lands authorising and directing delivery to the *Council* of the title deed for Lot 1 in the *Plan of Consolidation* so that the transfer contemplated by this contract can be lodged for registration.

40.10 Essential term

Compliance with **clause 40.9** is an essential term of this contract and the *Council* need not complete this contract unless the letters in the terms set out in **clause 40.9** are handed to the *Council*.

40.11 Sunset date

If registration of the *Plan of Subdivision* and registration of the *Plan of Consolidation* have not taken place by the *Sunset Date* then either party may rescind this contract by notice in writing to the other party.

40.12 Rescission

In the event this contract and the *Interdependent Contract* are validly rescinded after registration of the *Plan of Subdivision* and/or the *Plan of Consolidation*:

- (a) the *Council* and the *Developer* agree that title to the following lands will revert to the *Developer*.
 - (i) Lot 39 in Deposited Plan 5688;
 - (ii) Lot A in Deposited Plan 356808; and
 - (iii) Lot 422 in Deposited Plan 785216.
- (b) neither party will be entitled to make any claim against the other arising out of rescission of this contract or the *Interdependent Contract*; and
- (c) both parties must, at their own cost, diligently do all things necessary including executing instruments, producing and delivering titles, obtaining all necessary consents and approvals as may be required to give effect to **clause 40.12(a)**.

40.13 Notification

The *Developer's* (vendor's) solicitor shall notify the *Council's* (purchaser's) solicitor in writing of the registration of the *Plan of Subdivision* and of the registration of the *Plan of Consolidation* as soon as it or the *Developer* is advised of such by the Department of Lands.

41 Price

41.1 Calculation of Price

The Price for the purchase of the Land to be paid by the *Council* comprises:

- (a) the transfer by the *Council* to the *Developer* of the *Council's Exchange Land* pursuant to the *Council's Contract*; and
- (b) the grant to the *Developer* of the Easement referred to in the *Planning Agreement*.

WARNING

SMOKE ALARMS

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the *Environmental Planning and Assessment Act 1979*. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

EXECUTIONS

Executed by FABCOT PTY LIMITED)
pursuant to Section 127 *Corporations*)
Act 2001

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

THE COMMON SEAL of COUNCIL OF)
THE CITY OF LAKE MACQUARIE)
was hereunto affixed pursuant to a
resolution made on
 day of
in accordance with a resolution of the
Council on

.....

.....

.....
General Manager

.....
Mayor

**SCHEDULE 1
ATTACHMENTS**

(Some documents are required by *legislation*)

Documents	Attachment
Property certificates for the land – Folio Identifiers 39/5688, A/356808 and 422/785216	A
Deposited Plans 5688, 356808 and 785216	B
Dealings A116619, A225193, A185047, A318987 and AE976873	C
Section 149(2) & (5) certificates (x 3)	D
Sewer reference sheets (x 3)	E
<i>Plan of Subdivision</i>	F
<i>Plan of Consolidation and draft Section 88B Instrument</i>	G

Attachment A

Property Certificates

○

○

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 39/5688

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	4	31/3/2008

LAND

LOT 39 IN DEPOSITED PLAN 5688
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP5688

FIRST SCHEDULE

FABCOT PTY LTD

(T AD853426)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 A116619 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
Warning: The information appearing under notations has not been formally recorded in the register.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: A/356808

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	1	9/10/2003

LAND

LOT A IN DEPOSITED PLAN 356808
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP356808

FIRST SCHEDULE

FABCOT PTY LIMITED

(T AA50457)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 A225193 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.

Warning: The information appearing under notations has not been formally recorded in the register.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 422/785216

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	6	7/12/2004

LAND

LOT 422 IN DEPOSITED PLAN 785216
AT SWANSEA
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP785216

FIRST SCHEDULE

FABCOT PTY LIMITED (T AB139746)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 RIGHT TO MINE-SEE A185047 AND A318987 AFFECTING THE PART OF THE LAND SHOWN IN TITLE DIAGRAM
- * 3 AE976873 EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4 WIDE AFFECTING THE PART DESIGNATED (E) IN PLAN WITH AE976873

NOTATIONS

UNREGISTERED DEALINGS: DP1142583.

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.

Warning: The information appearing under notations has not been formally recorded in the register.

Attachment B

Deposited Plans

C

O

S. LAKE MACQUARIE

PLAN

DP5 688

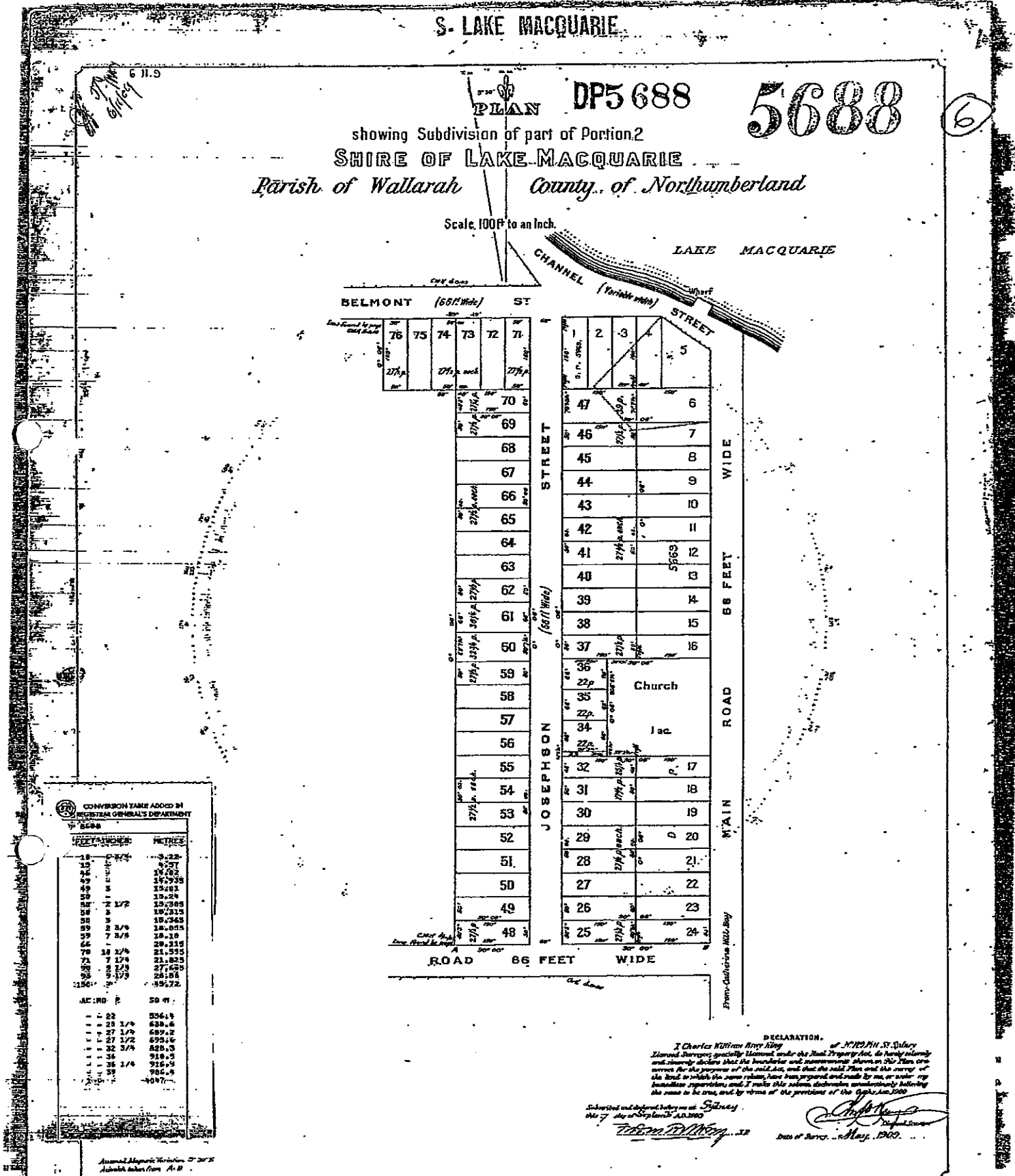
5688

6

showing Subdivision of part of Portion 2
SHIRE OF LAKE MACQUARIE

Parish of Wallarah County of Northumberland

Scale, 100 Ft to an Inch.



CONVERSION TABLE ADDED BY REGISTER GENERAL'S DEPARTMENT

FEET	METRES
10	3.048
20	6.096
30	9.144
40	12.192
50	15.240
60	18.288
70	21.336
80	24.384
90	27.432
100	30.480
110	33.528
120	36.576
130	39.624
140	42.672
150	45.720
160	48.768
170	51.816
180	54.864
190	57.912
200	60.960
210	64.008
220	67.056
230	70.104
240	73.152
250	76.200
260	79.248
270	82.296
280	85.344
290	88.392
300	91.440
310	94.488
320	97.536
330	100.584
340	103.632
350	106.680
360	109.728
370	112.776
380	115.824
390	118.872
400	121.920
410	124.968
420	128.016
430	131.064
440	134.112
450	137.160
460	140.208
470	143.256
480	146.304
490	149.352
500	152.400
510	155.448
520	158.496
530	161.544
540	164.592
550	167.640
560	170.688
570	173.736
580	176.784
590	179.832
600	182.880
610	185.928
620	188.976
630	192.024
640	195.072
650	198.120
660	201.168
670	204.216
680	207.264
690	210.312
700	213.360
710	216.408
720	219.456
730	222.504
740	225.552
750	228.600
760	231.648

DECLARATION.
I Charles William Gray Alder of No. 110, Pitt St Sydney
Licensed Surveyor, specially Licensed under the Real Property Act, do hereby solemnly
and sincerely declare that the boundaries and measurements shown on this Plan are
correct for the purposes of the said Act, and that the said Plan and the survey of
the land to which the same relate, have been prepared and made by me, or under my
immediate supervision; and I make this solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions of the said Act 1900.

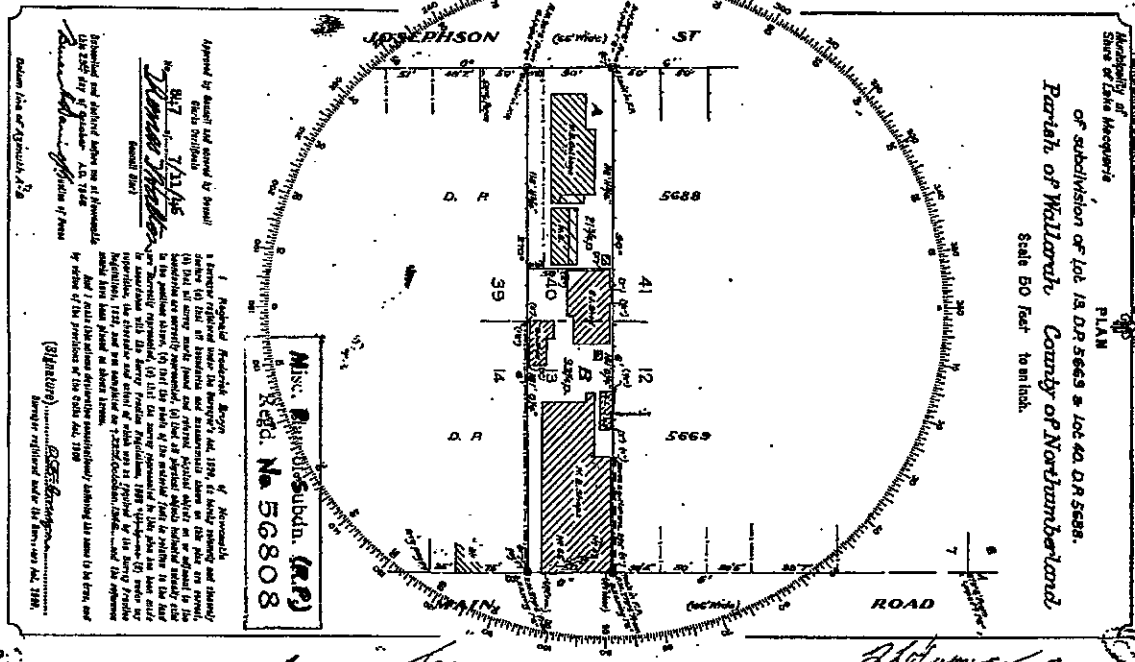
Subscribed and declared before me at Sydney
this 7th day of September A.D. 1900

Charles W. Gray
Deputy Surveyor

Date of Survey: May, 1900.

I, Bruce Richard Davies, Registrar General for New South Wales, certify
that this negative is a photograph made as a permanent record of a
document in my custody, this 11th day of September, 1979

Bruce R. Davies



D615998

FP356808

Plan of subdivision of lot 19, DP 5668 & lot 40, DP 5688, Parish of Wallaroo, County of Northumberland, State of South Australia

Approved by Council and signed by me, the Surveyor General, on the 11th day of November 1992, in accordance with the provisions of the Land Act, 1950, and the provisions of the Survey Act, 1958.

Richard Hill
 Surveyor General

MRS. RICHARDSON
 S.D. No. 56808

4/18/92 at 04:01 PM 1/18/92

This is the plan marked 18-P referred to in SA 356808
 Dated 18-Nov-1992 at Haven

J. Gillon *J. Gillon* *J. R. Packer* *J. R. Packer*

CONVERSION TABLE ADDED IN DEPARTMENT OF SURVEYS

FEET	INCHES	METRES
0	0	0.012
1	1	0.030
2	2	0.061
3	3	0.091
4	4	0.122
5	5	0.152
6	6	0.183
7	7	0.213
8	8	0.244
9	9	0.274
10	10	0.305
11	11	0.335
12	12	0.366
13	13	0.396
14	14	0.427
15	15	0.457
16	16	0.488
17	17	0.518
18	18	0.549
19	19	0.579
20	20	0.610
25	25	0.762
30	30	0.914
35	35	1.067
40	40	1.219
45	45	1.372
50	50	1.524
55	55	1.677
60	60	1.829
65	65	1.982
70	70	2.135
75	75	2.287
80	80	2.440
85	85	2.593
90	90	2.745
95	95	2.898
100	100	3.051

AC RD P 181 13 34 9 17 8

390 M 181

I, Bruce Richard Dunlop, Registrar General for New South Wales, certify that this negative is a photostatic reproduction of the original document as it exists in my custody this 15th day of November 1979

PLAN FORM 2

SIGNATURE AND SEAL ONLY.

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF LAKE MACQUARIE WAS HERETO AFFIXED IN PURSUANCE OF A RESOLUTION PASSED BY THE COUNCIL ON THE THIRTY-NINTH DAY OF AUGUST, 1988.

(SIGNATURE) *[Signature]*
MAYOR.
(SIGNATURE) *[Signature]*
COUNCIL CLERK.



[Signature]

- RESERVATION OF MINERALS
- (A) 419161
 - (B) TRANSFER NE 81171
 - (C) TRANSFER NE 81180
 - (D) 419171 (RIGHTS TO MINE)
 - (E) 419897 (RIGHTS TO MINE)
 - (F) 419091 (RIGHTS TO MINE)
 - (G) TRANSFER NE 81080

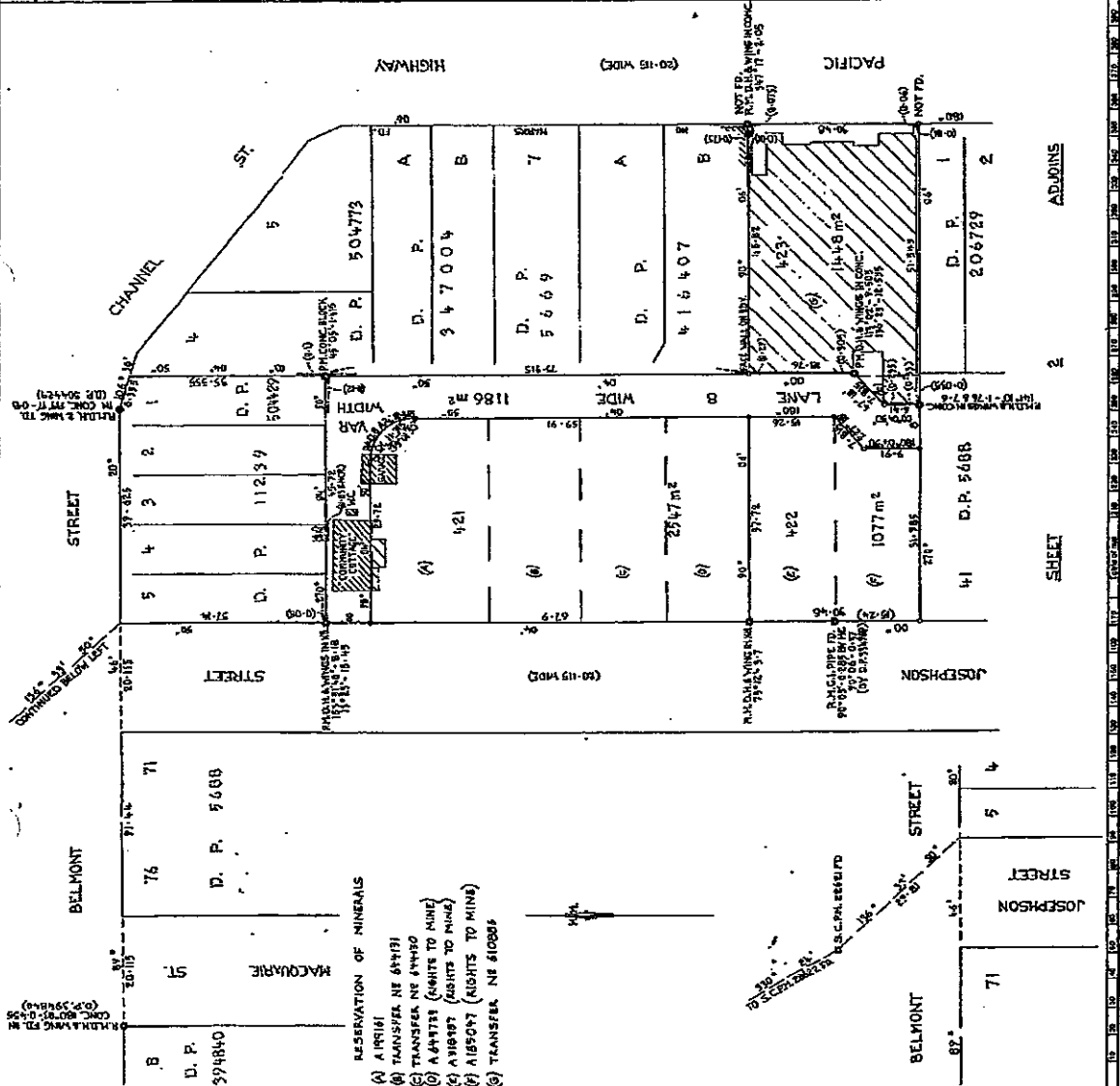
Council City of (Title)

Approved: *[Signature]*
Date: *[Date]*

Council City of (Title)

Approved: *[Signature]*
Date: *[Date]*

FOR INFORMATION ONLY. THIS PLAN IS SUBJECT TO THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1995 (NSW) AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1988 (NSW). THIS PLAN IS NOT VALID UNLESS IT IS REGISTERED IN THE LAND REGISTRY ACT 1924 (NSW).



DP 785216

Registered: *[Date]*
City No: *[Number]*
The System: TORRENS
Purpose: SUBDIVISION
Lot Map: *[Number]*
Lot Plan: *[Number]*
PLAN
OF SUBDIVISION OF LOTS 6, 7 & 8, D.P. 11239, LOTS 48-49 INC., D.P. 5688, LOT 10 & PT. LOT 11, D.P. 5687 AND THE LAND CONTAINED IN D.P. 331641
Landscape Architect: *[Name]*
Municipality: CITY OF LAKE MACQUARIE
Locality: SWANSEA
Precinct: WALLARAH
County: NORTHUMBERLAND
This is sheet 1 of 2 sheets.
1. PETER WILLIAM THOMPSON
2. JOHN DOUGLAS ZEBRA
IT IS INTENDED TO DEDICATE THE LAKE & WIDE AND YAK MIRTHY CONTAINING 118.6 METRES HEREON AS PUBLIC ROAD.

OFFICE USE ONLY

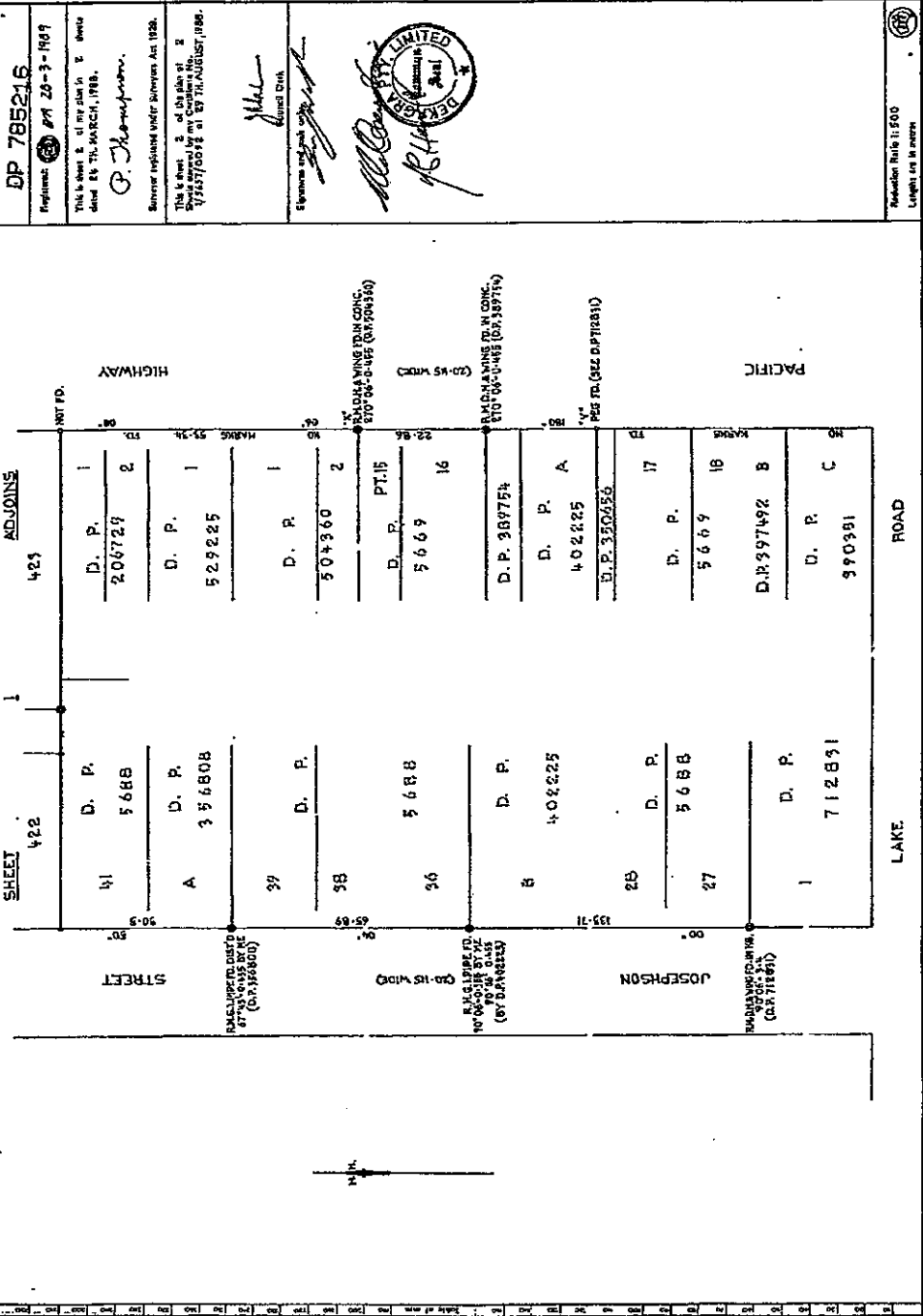
This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th March, 1988

10 20 30 40 50 60 70 80 90 100 110 120 130 140



WARNING: CHEASING OR FOLLOING WILL LEAD TO REJECTION



DP 785216

Register: **PA 20-3-189**

This is sheet 2 of my plan in 2 sheets dated 24 MARCH, 1988.

P. Thompson

Surveyor registered under Surveyors Act 1988.

This is sheet 2 of 2 sheets in 2 sheets for my Certificate No. 1728370018 of 27 AUGUST, 1986.

Y. H. H.
Surveyor

W. C. Campbell
Surveyor

R. H. H.

Reduction Ratio 1:500
Lengths are in metres

DEKOR
REGISTERED
1981

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

24th March, 1989

110 120 130 140 150 160 170 180 190 200 210 220 230 240

2

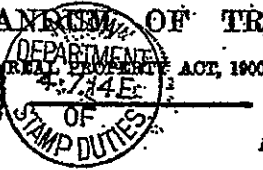
Attachment C

Dealings

C

C

Transfer
Endorsement
Certificate
30/1/14



A
116619 D

A116619



SEE SIMILE

- a Name, residence, occupation, or other designation, in full, of Transferor.
- b If a lease estate, strike out "in fee simple" and indicate the required alteration.
- c All subsisting encumbrances must be noted hereon. (See page 2.)
- d If the consideration be not pecuniary, state its nature concisely.

I, ARTHUR WIGRAM ALLEN of Sydney in the state of New South Wales solicitor hereinafter referred to as the Transferrer

being registered as the proprietor of an Estate in *fee simple* in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of Twenty one pounds ten shillings (\$ 21 10/-)

- Name, residence, occupation, or other designation, in full, of transferee.
- If a minor, state of what age, and forward certificate or declaration as to date of birth.
- If a married woman, state name, residence, and occupation of husband.

paid to me by Frances Hill of Cardiff in the said state spinster

the receipt whereof I hereby acknowledge.

- f If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Frances Hill

- g Area, in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

- h Parish or town and county.

situate in the Parish of Wallarah county of Northumberland

- i "The whole" or "part" as the case may be.

being part of the land comprised in certificate of title

- j "Crown Grant" or "Certificate of Title." Strike out if not appropriate.

dated 25th January 1912 registered volume No. 2222 folio 84 and being Lot 39 section on plan deposited in the Land Titles

- k And also in the pieces of land as follows:

Office Sydney numbered 5000

- These references will suffice; if the whole land in the grant or certificate be transferred.
- But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix "or delineated in the plan hereon (or annexed hereto)" or "as described as follows, etc."
- Any manures must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any, such not fully disclosed either in the principal description or memorandum of encumbrances.

Reserving nevertheless to the Transferrer and his heirs and assigns all mines and minerals not included in the reservation in the original grant (including coal) in or under the lands hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferrer or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the transferrer his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) And also reserving to the Transferrer his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the lands hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands [Rule up all blanks before signing.]

- Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

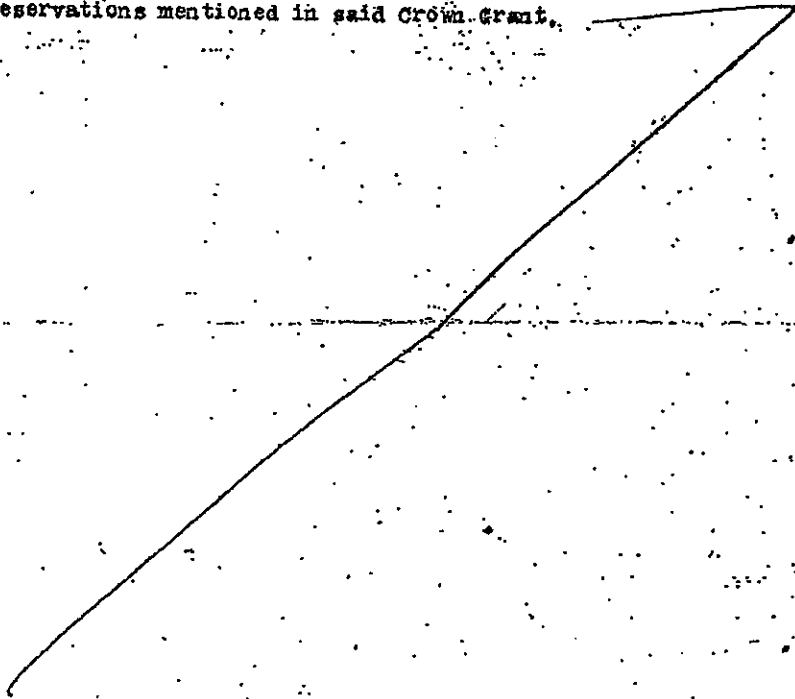
This form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the litigation.

P

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

P For note "a" page 1.
A very short note of
the particulars will
suffice.

Reservations mentioned in said Crown Grant.



[Rule up all blanks before signing.]

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consul or Officer at such place. If the Transferor or Transferee sign by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.

20 2122

In witness whereof, I have hereunto subscribed my name, at *Agway*
the *Eighteenth* day of *May* in the year
of our Lord one thousand nine hundred and four teen.

Signed in my presence by the said

ARTHUR WIGRAM ALLEN

WHO IS PERSONALLY KNOWN TO ME

Fred R. Powell

Signed

Arthur Wigram Allen & Henry
Arthur Wigram Allen

[Signature]
Transferor.*

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

has no ordinary attestation is sufficient. Unless the Instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

FRANCIS HILL
WHO IS PERSONALLY KNOWN TO ME
[Signature]

Francis Hill
Transferee.

(* The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)
N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

*Clerk of the Court
Solicitor Newcastle*

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me, at _____, the _____

day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew

the person signing the same, and whose signature thereto he has attested; and that the

name purporting to be such signature of the said

is his own handwriting, and that he was of

sound mind, and freely and voluntarily signed the same.

May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
Not required if the instrument itself be made or acknowledged before one of these parties.
Name of witness and residence.
Name of Transferee.
Name of Transferee.

Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

Lodged by

Lot 39 Dep plan 5648
 Stone Lake Magazine
 Pot. Wallarah
 Co. Northumberland
 Rising sun mineral

Cl. Mr. Allen

Frances Hill

Transferred

Particulars entered in the Register Book, Vol. 222

Folio 84

the 13th day of July 1914
 at minutes 4 o'clock
 in the afternoon



JUL 15 P.M.

	DATE
SENT TO SURVEY BRANCH	16.7.14 W.P.
RECEIVED FROM RECORDS	JUL 16 AM
DRAFT WRITTEN	16.7.14
DRAFT EXAMINED	
RET'D. TO RECORDS	
REQUISITION REGISTR.	
DRAFT FORWARDED	
RECEIVED FROM RECORDS	
CERTIFICATE ENGROSSED	18 JUL 1914
WORK COMPLETE	16.6.14
CERTIFICATE EXAMINED	16.6.14
AUGMENTED	
DEP. REGISTRAR GENERAL	JUL 20 1914

2493 63

JUL 15 AM

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
 No Transfer can be registered until the fees are paid.
 If a part only of the land is transferred, and it is desired to have a separate title for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee, but to save this expense, it is to be intended to make several Transfers in succession, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate in respect of the remaining portion.
 Transfers in excess of ten ready separate Certificates, 20s. will be required for each additional Certificate.
 The fees on transfers are 10s. and 20s. for every new Certificate, whether issued to a Transferee or required for the vendor. By the Amendment Act of 1913, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his Transfer endorsed thereon, at a cost of 10s. only.
 The Transfer is to be made from the original Title if it is recorded.
 Certificates will only be delivered on personal application of Purchaser or their Solicitor, or upon an order attached before a Magistrate.

New South Wales.

6259 6611 2.6 2 34 PR

A225193

MEMORANDUM OF TRANSFER.

PROPERTY ACT, 1900.



Transfer
Endowment
Certificate

FEES SIMPLER.

A225193

28.1.16
I, Arthur Ingram Allen of Sydney Solicitor

a Name, residence, occupation, or other designation of transferor.

b If a less estate, strike out "in fee simple," and insert the proper limitation.
c All out-going encumbrances must be noted hereon. (See page 2.)
d If the consideration be not pecuniary, state its nature exactly.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of a *Twenty one pound ten shillings* (£21 10 0)

e Name, residence, occupation, or other designation, of transferee.
If a widow, state of what age, and former husband's name, as declared to be date of death. If a married woman, state name, residence, and occupation of husband.

paid to me by *George Thompson of Randell in the State of New South Wales. Station Master*

the receipt whereof I hereby acknowledge,

f If two or more persons, state their names and the share of each.

do hereby transfer to the said *George Thompson*

g As to the area, roof, or garden.

All my Estate and Interest, as such registered proprietor, in All that piece of land containing

h Part or parts and extent.

situate in *Burwood Parish, Murrumbidgee County, Northumberland*

i "The whole" or "part" as the case may be.

being *part* of the land comprised in *Certificate of Title*

j "Deeds grant," or "Certificate of Title," as the case may be.

dated *25 January 1912*, registered volume No. *2222*, folio *84*.

k This reference will refer, if the whole land is the subject of the transfer.

And being lot Forty (44) on a plan deposited in Registrar General's Office No 5688. Reserving nevertheless to the transferor and his heirs and assigns (all mines and minerals not included in the acquisition in the original grant (including coal), in or under the lands hereby transferred, and also in and under all streets roads lanes or ways laid out by the transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the transferor his heirs and assigns from the adjoining lands or otherwise to work for mines and carry away all such minerals (including coal) and also reserving to the transferor his heirs and assigns the right to work any other lands, through the land hereby transferred, and to carry under the said lands hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.
[Rule up all blanks before signing.]

l If a part only (unless a plan has been deposited) in which case the reference to the No. of all parts and No. of plan will be sufficient, a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory note.

m Any area here must be shown by the plan and there shall be written thereon the right of any person, or persons, if there be any, to which the land is to be transferred or to which the right of any person or persons is to be reserved.

n Any provision in relation to or in connection with the execution of the provisions of the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made to it. The words referred to should be printed through with the pen, and those not printed written over them, the intention being to show the signature or initials in the margin, or written in the attestation.
[Printed 6/11]

4/12

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p For note "a," page 1.
A very short note of
the particulars will
suffice.

Revisions as in the said original brass plans mentioned.



[Rule up all blanks before signing.]

In witness whereof, I have hereunto subscribed my name, at *Sydney*
the *eighth* day of *January* in the year
of our Lord one thousand nine hundred and *nineteen*

Signed in my presence by the said

Arthur Ingram Allen

WHO IS PERSONALLY KNOWN TO ME

Jack Howell

Signed^a

Arthur Ingram Allen & Son
Solicitors Sydney

[Signature]

Transferor.*

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Australia, to whom the Transferor is known, no further authentication is required. Otherwise the ATTORNEY GENERAL must appear before one of the above functionaries to make a declaration in the annexed form.
This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Magistrate, Public, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.
If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he expressed fully to understand the same."

n Repeat attestation for additional parties if required.

*If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

o For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

George Thompson
 WHO IS PERSONALLY KNOWN TO ME

W. B. Warburton
W. B. Warburton

George Thompson
 Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "14" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew

the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said*

is his own handwriting, and that he was of

sound mind, and freely and voluntarily signed the same.

- * May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferee.
- t Name of Transferee.

Registrar-General,
 Deputy Notary Public,
 J.P., or Commissioner
 for Affidavits.

A225193 Memorandum of Transfer of

Lot No 5688
Pah Wallarah
As a. p. 6-land
Five hole drainage
Reasoning minutes.

Lodged by

(Name) Anthony Castro

(Address) _____

A. W. Allen Transferor.

George Thompson Transferee.

Particulars entered in the Register Book, Vol. 2222
Folio 84.

the 3rd day of February, 1916
at minutes 12 o'clock
in the noon.



RECORDED
FEB 4 - 1916

	DATE	INITIALS
SENT TO SURVEY BUREAU	FEB 3 1916	AMC
COPIED FROM RECORDS	FEB 7 1916	AMC
COPIES	FEB 7 - 1916	AMC
DWG. COMPLETED	FEB 7 - 1916	AMC
DIAGRAM COMPLETE	7-2-16	AMC
DIAGRAM ENDED	7-2-16	AMC
STAFF FORWARDED		
SENT TO REGD.		
RETURNED FROM REGD.		
CERTIFICATE ENROLLED	FEB 9 1916	AMC
N ^o . OF ENCLOSURES	11 FEB 1916	AMC
REGD. REGISTRAR GENERAL		
2644	50	

FOI SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
This Transfer may be referred to as a Transfer of Land. It is a certificate for the retention of this should be stated, and a new Certificate will then be prepared and sent to the Registrar General. It is to be included in the Land Titles Office, after which the whole of the original application should be sent to the Registrar General. It is to be included in the Land Titles Office, after which the whole of the original application should be sent to the Registrar General. It is to be included in the Land Titles Office, after which the whole of the original application should be sent to the Registrar General. It is to be included in the Land Titles Office, after which the whole of the original application should be sent to the Registrar General.

REC'D 30 JUL 1915 12 15 PM

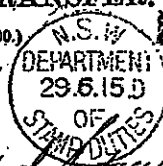
27 IV. 18 JUL 1915

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900.)

RE-1 185047

19 JUL 1915 4 P.M.



Fee: Transfer
Emolument
Certificate

PER SIMPLE

Name, residence, occupation, or other designation, in full, of transferor.

I, Arthur Nigam, Alton of Sydney
Solicitor

- If a lease estate, strike out "in fee simple," and interline the required alteration.
- All subsisting encumbrances must be noted hereon. (See page 2.)
- If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of Twenty six pounds
(£26.0.0)

Name, residence, occupation, or other designation, in full, of transferee.
If a minor, state of what age, and forward certificate or declaration as to date of birth.
If a married woman, state name, residence, and occupation of husband.

paid to me by Lionel Hancock of Wallabad in the State of New South Wales Miner

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Lionel Hancock

Area in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

Parish or town and county.

situate at Swansea in the Parish of Wallabad County of New South Wales

"The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

"Crown grant," or "Certificate of Title."

dated 25 January 1912 registered volume No. 2222 folio 84

These references will suffice, if the whole land in the grant or certificate be transferred.

And also in the pieces of land as follows:— And being lot 42 of plan deposited in the Registrar General's Office and 100.56.88 Reserving nevertheless to the transferor and his heirs and assigns all mines and minerals not included in the reservation in the original grant (including coal) in or under the land hereby transferred and also in and under all streets, roads, lanes or ways, laid out by the transferor or his predecessors, in or in the vicinity of the said land hereby transferred with liberty for the transferor his heirs and assigns from the adjoining lands, or otherwise to come to, go to, mine and carry away all such minerals (including coal) and also reserving to the transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the land hereby transferred and in and under the said streets, roads, ways or lanes all minerals (including coal) from such other lands.

But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient) a plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix— "as delineated in the plan hereon (or annexed hereto)" or "as described as follows, viz:—"
Any annexure must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

[Rule up all blanks before signing.]

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noted in the attestation.

[Price, 6d.]

Handwritten initials/signature

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p See note "c," page 1. A very short note of the particulars will suffice.

Reservations and conditions contained in and endorsed upon the said Certificate of title, and in the Crown Grant referred to herein

(Rule up all blanks before signing.)

If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferrer is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State.

If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.

If the Transferrer or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at *Sydney* the *Second* day of *June* in the year of our Lord one thousand nine hundred and *fifty*

Signed in my presence by the said

Arthur Morgan Allen

WHO IS PERSONALLY KNOWN TO ME

Fred Howell

Signed^a

*Clerk to Allen Allen & Mansley
Solicitors Sydney*

[Signature]
Transferrer.

^a If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Henry Hancock
Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "a" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £20; also, to damages recoverable by parties injured.

For the signature of the Transferee there is an ordinary provision in the instrument contains some special provision by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a time for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

Henry Hancock

WHO IS PERSONALLY KNOWN TO ME

W. S. H. [unclear]

Solicitor
M. [unclear]

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said _____

is his own handwriting, and that he was of

sound mind, and freely and voluntarily signed the same.

- 1. May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- 2. Not required if the instrument itself be made or acknowledged before one of these parties.
- 3. Name of witness and residence.
- 4. Name of Transferee.
- 5. Name of Transferee.

Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

No. **1185047** Memorandum of Transfer of

31331

Lodged by

*Lot 42. 275688.
Share Lake Macquarie
at Murrumbidgee
Co. N.S.W.*

(Name) **MACKENZIE & MACKENZIE,
SOLICITORS,
(Address) 111 CITY BANK CHAMBERS,
164 PITT STREET,
SYDNEY.**

Reserving mines & minerals

at. M. Allen

Transferor.

Henry Hancock

Transferee.

Particulars entered in the Register Book, Vol. **2222**

Folio **84**

the **19th** day of **July**, 19**15**
at **11** minutes **11** o'clock
in the **After** noon.



	DATE	INITIALS
SENT TO SURVEY BRANCH	JUL 20 1915	W.P.
REMOVED FROM RECORDS	JUL 20 1915	W.P.
WRITTEN	21 7 15	W.P.
INDEXED	21 7 15	W.P.
COMPLETE	23 7 15	W.P.
FOR EXAMINATION	23 7 15	W.P.
SENT FORWARD		
APPROVED BY		
REGISTERED	28 JUL 1915	W.P.
RECEIVED BY GENERAL	JUL 28 1915	W.P.
Vol. 2592		
153		

SPECIAL ATTENTION IS DRAWN TO THE FOLLOWING INFORMATION:-

No Transfer can be registered until the fees are paid.
If a part only of the land is transferred, and it is desired to have a certificate for the remainder, the fee should be stated, and a new Certificate will then be prepared on payment of an additional fee, but to save this expense, if it is intended to make several transfers of portions, the Certificate should remain in the Land Titles Office, either until the whole is sold, or formal application be made for a Certificate of the remaining residue.
Transfers in common must receive separate Certificates. No fee will be required for each additional Certificate.
The fee on transfers are 10s. and 5s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1913, the purchaser is not exempted to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his Transfer endorsed thereon, at a cost of 10s. only.
The Transfer is complete from the moment it is recorded.
Certificates will only be delivered on personal application of Purchasers or their Attorneys, or upon an order received before a Magistrate.

N.B. - ALL LANDS GRANTED FROM THE CROWN SINCE 1st JANUARY, 1882, AND 1/20th Parts, UNDER THE PROVISIONS OF THE REAL PROPERTY ACT AND MUST BE DEALT WITH IN THE FORMS PRESCRIBED BY THAT ACT.

JUL 20 1915

RECORDED 20 JUL 1915 12:15 PM

Form:

s. s. d.

New South Wales, 10/1

Transfer
Endowment
Certificate

MEMORANDUM OF TRANSFER
REAL PROPERTY ACT, 1900.

4318987



SEE SIMPLE.

a Name, residence, occupation, or other designation, in full, of transferor.

Arthur Wigram Allen
of Sydney Solicitor

b If a less estate, strike out "in fee simple," and interline the required alteration.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of a

c All subsisting encumbrances must be noted hereon. (See page 2.)

(£ 26 0 0)

d If the consideration be not pecuniary, state its nature concisely.

e Name, residence, occupation, or other designation, in full, of transferee.

paid to me by Henry Reid of West Wallaseid Colliery and of the sum of eighty pounds paid to me by Henry Reid by Ord Groundlock of Wallaseid Colliery, Builder

f If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

g If to two or more state whether tenants or joint tenants.

by the direction of me and Henry Reid of West Wallaseid Colliery do hereby transfer to the said Ord Groundlock

h Area in acres, rods, or perch.

All my Estate and Interest, as such registered proprietor, in All that piece of land containing

i Parish or town and county.

situate in the Parish of Wallaseid County of Northumberland

j "The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

k "Crown grant," or "Certificate of Title."

dated 25 January 1912 registered volume No. 2222 folio 84 and being lot 43 in deposited plan 79 5688

l Be it shewn that these references are sufficient, if the land in the certificate be transferred.

m If a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient; a description of plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix:— "as delineated in the plan hereon for annexed hereto" or "as described as follows, viz:—"

land also in the pieces of land as follows:—
Reserving nevertheless to the transferor and his heirs and assigns all mines and minerals not included in the reservation in the original grant (including coal) and under the land and lands to be reserved and also in and under all lands ways or lanes laid out by the transferor or his predecessors in title in the vicinity of the land hereon transferred with liberty for the transferor and his heirs and assigns from time to time to work the same and carry away all such minerals (including coal) and also, reserving to the transferor and his heirs and assigns the right to work any lands ways or lanes laid out by the transferor and his predecessors in title in and under the land hereby transferred and in and under the said streets ways or lanes all minerals (including coal) gotten from such other lands

[Rule up all blanks before signing.]

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or both in the attestation.

[Price, 6d.]

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "c." page 1. A very short note of the particulars will suffice.

Reservation as in the Crown Grant mentioned

[Rule up all blanks before signing.]

11. If this instrument is signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.E., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Receiver of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer of such place. If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

12. Repeat attestation for additional parties if required.

51311

In witness whereof, I have hereunto subscribed my name, at *Agincourt* the *twenty third* day of *February*, 18*70* in the year of our Lord one thousand nine hundred and *seventeen*.

Signed in my presence by the said

Andrew William Allen
WHO IS PERSONALLY KNOWN TO ME
John Howell

[Signature]
Transferor.*

Signed*

John to Allen Allen & Henrichy
at Agincourt

I the within named Henry David do hereby
for the consideration therein expressed direct this
transfer

Signed by the said Henry David
Henry David
present to me - in my presence

J. M. Munkley
John Newcastle

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferor, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or perjury, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

Ord Powell

WHO IS PERSONALLY KNOWN TO ME

W. M. Moulden

Ord Powell
Transferree.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "a" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said

is his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of those parties.
- r Name of witness and residence.
- s Name of Transferrer.
- t Name of Transferee.

Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits. 61322

No. **A318987** Memorandum of Transfer of

Lot 43 of 5688

Shire Lake Macquarie

Poh Wallerah

Reserving Minerals

Lodged by

REGINALD HARRIS,

(Name) Solicitor,

ROBE CHAMBERS,

(Address) 80 CASTLEREACH ST
SYDNEY.

A. W. Allen Transferor.

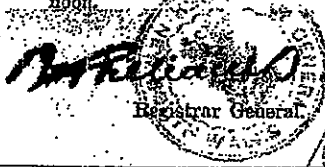
Wm. Broadlock Transferee.

Particulars entered in the Register Book, Vol. **2222**

Folio **84**

the **27th** day of **June**, 1917,
at **12** minutes of **noon** o'clock

in the **noon**



29 JUN 1917

	DATE.	INITIALS
SENT TO SURVEY BRANCH	27 JUN 1917	[initials]
RECEIVED FROM RECORDS	27 JUN 1917	[initials]
DRAFT WRITTEN	27 JUN 1917	[initials]
DRAFT EXAMINED	27 JUN 1917	[initials]
DIAGRAM COMPLETE	27 JUN 1917	[initials]
DIAGRAM EXAMINED	27 JUN 1917	[initials]
DRAFT FORWARDED		
RETD. TO RECORDS		
REQUISITE		
RECEIVED FROM RECORDS		
RECEIVED FROM RECORDS	18 JUL 1917	[initials]
RECEIVED FROM RECORDS	18 JUL 1917	[initials]
2777	246	

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-

No Transfer can be registered until the fees are paid.

If a part only of the land be transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional 2s.; but to save this expense, it is, by intention, to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or until application be made for a Certificate of the whole land.

Transfers in respect of land which is not a separate Certificate, 2s. will be required for each additional Certificate.

The person transfering land, and the transferee, whether land to a transferee or required for the residue. By the amendment Act of 1912, the transferee is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a instalment of the Transfer enclosed thereto, at a cost of 10s. only.

The Transfer is complete from the moment it is recorded.

Certificates will only be delivered on personal application of the Purchaser or the Solicitor, or upon an order directed to the Registrar.

NEW SOUTH WALES GOVERNMENT PRINTING OFFICE: 1917.



Form: OITG
Release: 2.1
www.lands.nsw.gov.au

**TRANSFER
GRANTING EASEMENT**
New South Wales
Real Property Act 1900

AE976873N

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	Servient Tenement 422/785216	Dominant Tenement An easement in gross pursuant to S88A of the Conveyancing Act 1919
-------------------	---------------------------------	---

(B) LODGED BY	Document Collection Box 898S	Name, Address or DX, Telephone, and LLPN LLPN: 123648F Reference: AV SCHULZ 9041641	CORRIGAN CHAMBERS WESTGARTH 1 FARRER PLACE SYDNEY NSW 2000 Tel (02) 9210 6500	CODE TG
---------------	--	---	--	-------------------

(C) TRANSFEROR	FABCOT PTY LIMITED ACN 002 960 983
----------------	---------------------------------------

(D) The transferor acknowledges receipt of the consideration of \$ 1.00 and transfers and grants—

(E) DESCRIPTION OF EASEMENT	AN EASEMENT FOR ELECTRICITY AND OTHER PURPOSES MORE PARTICULARLY DESCRIBED IN ANNEXURE "A"
-----------------------------	--

out of the servient tenement and appurtenant to the dominant tenement.

(F) Encumbrances (if applicable):

(G) TRANSFEREE	ENERGYAUSTRALIA ABN 67 505 337 385
----------------	---------------------------------------

DATE

(H) Certified correct for the purposes of the Real Property Act 1900 by the corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.
Corporation: FABCOT PTY LIMITED ACN 002 960 983
Authority:

SEE ANNEXURE C

Signature of authorised person:

Signature of authorised person:

Name of authorised person:
Office held:

Name of authorised person:
Office held:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the person(s) named below who signed this instrument pursuant to the power of attorney specified.

Signature of witness:

Signature of attorney:

Name of witness:
Address of witness:

BRIDGET ANNE THOMSON
570 George Street
SYDNEY NSW 2000

Attorney's name:
Signing on behalf of:
Power of attorney-Book:
-No.:

Katherine Margaret Crunton
EnergyAustralia
4528
401

OFF X AE177480


PLAN FEE \$95.


**THIS IS ANNEXURE "A" REFERRED TO IN THE TRANSFER GRANTING
EASEMENT BETWEEN FABCOT PTY LIMITED AS TRANSFEROR AND
ENERGYAUSTRALIA AS TRANSFEREE
DATED:**

An EASEMENT FOR ELECTRICITY AND OTHER PURPOSES affecting that part of the servient tenement shown as "PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE" on the plan annexed and marked "B" on the terms and conditions set out in memorandum registered number AC289041. In this easement, "easement for electricity and other purposes" is taken to have the same meaning as "easement for electricity works" in the memorandum.

MS
X


SIGNED FOR AND ON BEHALF OF
FABCOT PTY LIMITED

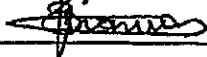




EnergyAustraliaAnnexure A - TGE(lfp)

SIGNED FOR AND ON BEHALF OF
ENERGYAUSTRALIA





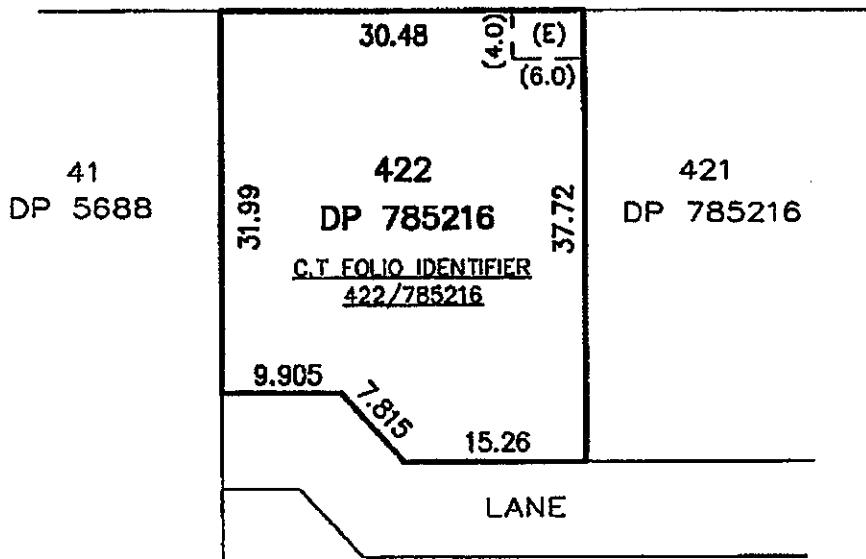
LOCALITY : SWANSEA
LGA : LAKE MACQUARIE

ANNEXURE "B"
PLAN
OF PROPOSED EASEMENT WITHIN
LOT 422 D.P.785216

PARISH OF WALLAHRA COUNTY OF NORTHUMBERLAND
REDUCTION RATIO 1:500

M.G.A


JOSEPHSON STREET

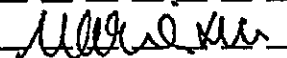


(E) PROPOSED EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE


SIGNATURES AND SEALS OF PARTIES
THIS IS THE PLAN MARKED "B" REFERRED TO IN TRANSFER GRANTING EASEMENT

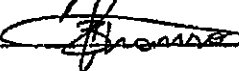
SIGNED FOR AND ON BEHALF OF
FABCOT PTY LIMITED

MS
x 



SIGNED FOR AND ON BEHALF OF
ENERGY AUSTRALIA



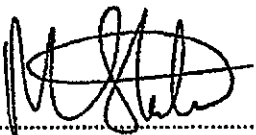



ANNEXURE "C"

**Referred to in Transfer Granting Easement between Fabcot Pty Limited
and Energy Australia**

Date:

Executed by **FABCOT PTY LIMITED**
by its Attorney
MARK HADRIAN STUDD
pursuant to Power of Attorney
registered Book 4506 No 749 who has
no notice of revocation of the said
Power of Attorney in the presence of:

)
) MS
) X
) 
)
)
)
) Signature of Attorney

.....


Signature of Witness

.....
Name of Witness (block letters)

MARIA LIU
1 Woolworths Way
Bella Vista NSW 2153

Solicitor

Bartier Perry Pty Ltd
18/133 Castlereagh Street
Sydney NSW 2000
www.bartier.com.au

DX 109 Sydney
PO Box 2631
Sydney NSW 2001

Tel +61 2 8281 7800
Fax +61 2 8281 7838
ABN 30 124 690 053

**Bartier
Perry**

The Registrar General
Land & Property Information NSW
Queen's Square
SYDNEY NSW 2000

14 August 2009

Our ref CSL:092828

Dear Registrar General

**EnergyAustralia's acquisition of easement from Fabcot Pty Limited for kiosk
substation at Josephson Street, Swansea**

We act for EnergyAustralia and on its behalf lodged Caveat AE777480 to protect
EnergyAustralia's interest under a Deed of Agreement for Easement.

We are instructed to consent to registration of the Transfer Granting Easement between
Fabcot Pty Limited as Transferor and EnergyAustralia as Transferee.

Caveat AE777480 should be removed from title on registration of the Transfer Granting
Easement.

If you require any further information, please let us know.

Yours faithfully
Bartier Perry



Celina Lee | Solicitor
D +612 8281 7941 F +612 8281 7805
clee@bartier.com.au

copy to Renee Feeney - EnergyAustralia (2009/12086)

Attachment D

Section 149(2) & (5) Certificates



6 November 2009

LMCC
C/- LMCC

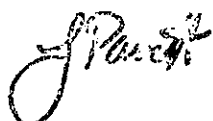
Our Ref:52699
Your Ref:
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 20 Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 39 DP 5688
Parish: Wallarah
County: Northumberland

 For: BRIAN BELL
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is a flood control lot.

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

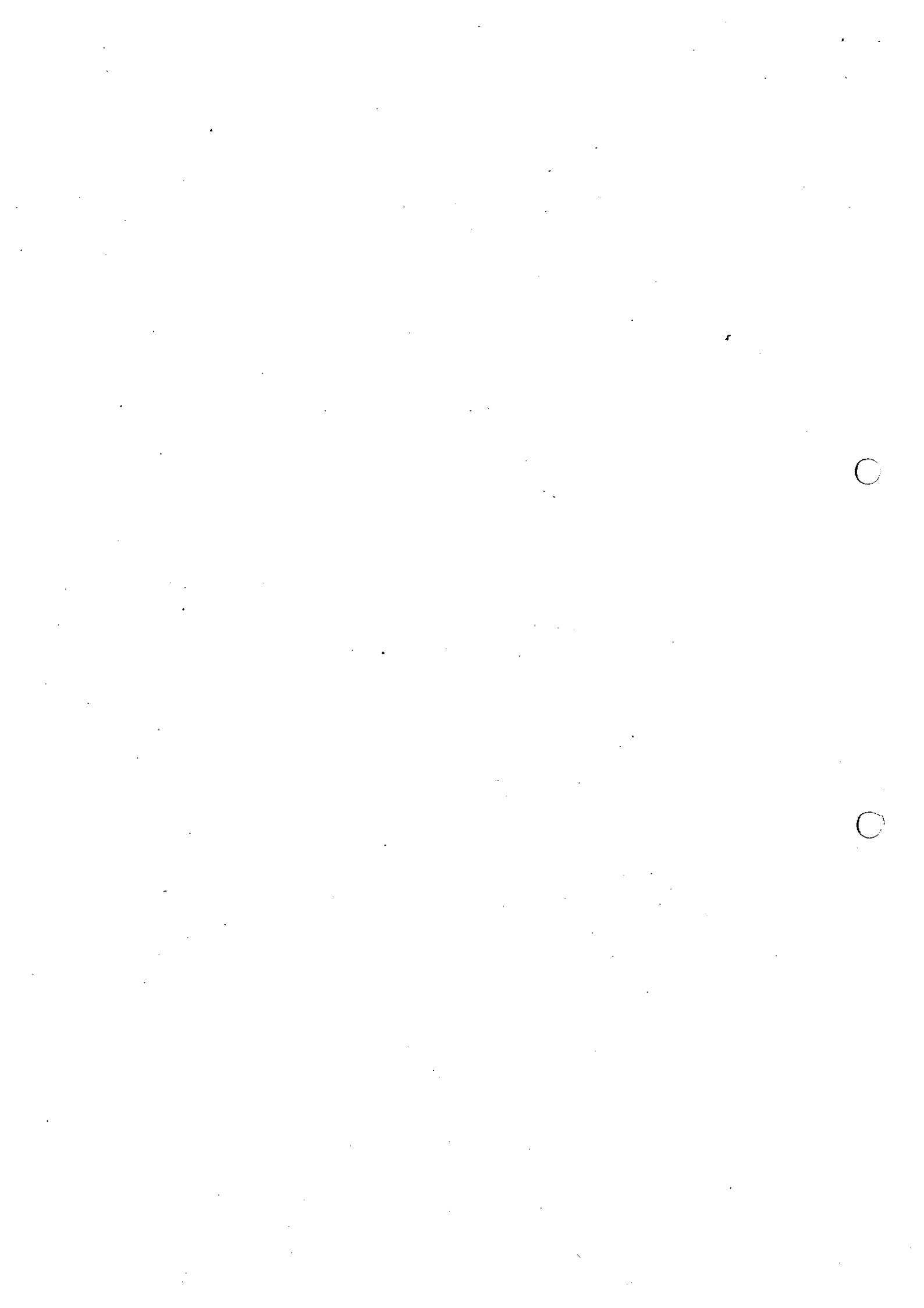
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- hellpads
- 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.



Attachment B

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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- ### **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.

Advertising structures (see below for additional requirements for particular kinds of advertising structures) All zones

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and one sign per premises, and signs must not cover mechanical ventilation inlet or outlet vents, and advertising structures over public road to be at least 600mm from kerb/roadway edge, and signs must not be illuminated or use flashing lights or similar devices for illumination, and must meet all applicable performance criteria in Part 2.7.7 (Signs) of *Lake Macquarie Development Control Plan No 1—Principles of Development*, and 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:
Business identification signs in residential areas
Zones 2 (1) and 2 (2)
Satisfy general criteria above.
Maximum area 1 square metre.

- (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 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 carparking 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.

Business identification signs	Zones 3 (1) and 3 (2)	Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.
Business identification signs in industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	Flush wall signs: satisfy general criteria above, and securely fixed. Top hamper signs: satisfy general criteria above, and securely fixed.
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)	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: 1.2 square metres for a "For Sale" sign, or 2.5 square metres for an auction sign.
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	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.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	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 54dB(A) 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.
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 1—Principles of Development.</p> <p>Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)</p>	<p>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.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p>	<p>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 <i>Building Code of Australia</i>, relevant Australian Standards and any requirements of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p>
<p>Bus shelters</p>	<p>All zones</p>	<p>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.</p>

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc)</p>	<p>Zones 3 (1), 3 (2) and 6 (2)</p>	<p>Located wholly within the subject premises. A total of no more than 5 devices are installed.</p>
<p>Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)</p>	<p>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: be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>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.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p>	<p>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 setback. Complies with front building setbacks for the zone.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.</p>

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

All zones

Riparian and littoral foreshore stabilisation works must:
 be undertaken by the Council or public authorities or by others on their behalf, and
 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
 involve only minor earthworks and site improvements, and
 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.

Carports

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), 7 (5), 9 and 10

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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)

Must not result in more than three bins in any one location.
 Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Maximum height 2.4 metres.
 Maximum area 20 square metres.
 Minimum setback of 900mm to side and rear boundaries.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
Fences—boundary (side, front and rear fences and on corner lots)	All zones	Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)
Fences—electric	All zones	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9
Fences—masonry or brick	All zones	Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)
Fences—security	All zones	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . 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, <i>Demolition of structures</i> . 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 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 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).
Different use resulting from change of use of an office to an office	Zones 3 (1) and 3 (2)	Different use does not include food premises where food is stored or prepared or a bottle shop.
Different use resulting from change of use of a shop to a shop	Zones 3 (1) and 3 (2)	Different use does not include food premises where food is stored or prepared or a bottle shop.
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	Different use does not include food premises where food is stored or prepared or a bottle shop.

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
 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.

Footway dining Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)
 Only if in accordance with a current footway dining licence issued by the Council under section 125 of the Roads Act 1993.

Fowl house (for the keeping of chickens) Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)
 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 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).
 Maximum size of 5,000 litres.
 Located wholly within the boundaries of the property.
 Bundled 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.
 Constructed 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.

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) Zone 6 (1)

Hail protection Zones 1 (1) and 1 (2)

Home occupation All zones

Internal alterations comprising office or shop fit-out	Zones 3 (1) and 3 (2)	<p>Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.</p> <p>Alterations must not cause the existing building in which they are carried out to contravene the <i>Building Code of Australia</i>.</p> <p>No alterations to bottle shop or to food premises where food is stored or prepared. May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.</p> <p>Maximum height of 1 metre above ground level.</p> <p>Only 1 letterbox per occupancy.</p> <p>Appropriate numbering for each letterbox.</p> <p>Structurally stable with adequate footings located wholly within the site.</p>
Landscaping	All zones	<p>Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.</p> <p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.</p> <p>Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p> <p>Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.</p> <p>Located on land under control of Council, or on neighbourhood property under a neighbourhood scheme.</p>
Letter box (freestanding or in "banks")	All zones	<p>Maximum height of 1 metre above ground level.</p> <p>Only 1 letterbox per occupancy.</p> <p>Appropriate numbering for each letterbox.</p> <p>Structurally stable with adequate footings located wholly within the site.</p>
Minor internal alterations to domestic single dwellings	All zones in which a dwelling is permissible	<p>Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.</p> <p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.</p> <p>Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p> <p>Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.</p> <p>Located on land under control of Council, or on neighbourhood property under a neighbourhood scheme.</p>
Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting	All zones	<p>Construction by or for the Council and designed, fabricated and installed in accordance with any relevant SAA standards.</p> <p>Located on land under control of Council, or on neighbourhood property under a neighbourhood scheme.</p>

Horse stables and animal shelters Zone 1 (1) keeping up to 4 horses	<p>Maximum area of 20 square metres.</p> <p>Maximum height of 3 metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.</p> <p>Constructed of timber (cut or round) or metal.</p> <p>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.</p> <p>Adequate drainage to be provided.</p> <p>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.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>
Horse stables and animal shelters Zones 1 (2), 7 (3) and 7 (5) keeping up to 2 horses	<p>Maximum area of 10 square metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.</p> <p>Constructed of timber (cut or round) or metal.</p> <p>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.</p> <p>Adequate drainage to be provided.</p> <p>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.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>

<p>Patio—at existing ground level and abutting a dwelling</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
<p>Pergola</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
<p>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</p>	<p>Land classified as community land or zone</p> <p>Land classified as community land or school on which a school has been consented to</p> <p>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.</p>
<p>Playground equipment on land not controlled by the Council and not on school land</p>	<p>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</p> <p>If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. Provision of soft landing surfaces. All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Installed in accordance with manufacturer's specifications.</p>
<p>Ponds/pools</p>	<p>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)</p> <p>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.</p>
<p>Privacy screens or trellises</p>	<p>All zones</p> <p>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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>. The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i>, where refreshments are served.</p>
<p>Public meetings—use of Class 9b buildings for this purpose</p>	<p>All zones</p>

<p>Playground equipment on land not controlled by the Council and not on school land</p>	<p>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</p> <p>If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. Provision of soft landing surfaces. All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Installed in accordance with manufacturer's specifications.</p>
<p>Ponds/pools</p>	<p>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)</p> <p>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.</p>
<p>Privacy screens or trellises</p>	<p>All zones</p> <p>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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>. The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i>, where refreshments are served.</p>
<p>Public meetings—use of Class 9b buildings for this purpose</p>	<p>All zones</p>

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being: maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements, installation of traffic lights, traffic calming devices and pedestrian facilities, installation of kerb and gutter and associated drainage works, minor drainage works, making driveway crossings, linemarking, signposting, sealing of gravel roads and areas, footpaving and associated works, minor intersection improvements or minor road widening.

All zones

Satellite dishes

Residential, rural and conservation/environmental protection zones:
Maximum diameter of 900mm.

Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
Erected by or on behalf of the Council or the Roads and Traffic Authority.

All zones

Public signs (directional traffic advisory/warning and information signs)

Existing materials replaced with similar materials.

All zones

Re-cladding of roofs or walls including repair/maintenance of damaged materials

Re-cladding not to involve structural alterations.

Non-reflective materials used.

Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.

Additional requirements for roof replacement: 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,

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.

All zones

Retaining walls

Masonry walls to comply with:
AS 3700—Masonry Code,

AS 3600—Concrete Structures,

AS 1170—Loading Code.

Timber walls to comply with:

AS 1720—Timber Structures,

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.

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 Gabies" 87 Redhead Rd Lot 4, DP 737493
RH-07	L Mine Manager's House 21 Eilsdon 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 556308
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 "Shanghila" 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 Minenwerfer (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 "Moria" 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 20 Pitt St Lot 31, DP 858667
TA-16	L Gartlee Mine 159 Railway St Lot 1, DP 780614

MS-26	S	Morisset Hospital 69a Fishing Point Cottage Row Rd, Bonnells Bay Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S	Morisset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	127 Marine Pde Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	43c Nords Wharf Rd PO 1970/126
Pelican			
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, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Styx 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	Rhonda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassfern to Toronto Branch Railway Line	Fassfern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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	

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	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock State Recreation Area Lot 1, DP 523208 and Lot 21, DP 575387
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 Lot 132, DP 243393 (also see RT-06)

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, Lot 1, DP 880557
MS-13	S	Wards 5 and 6 Morisset Hospital	84 Bridge Street, Lot 1, DP 880557
MS-14	S	Ward 9, Clinical Dept	Morisset Lot 1, DP 880557
MS-15	S	Morisset Hospital	84 Bridge Street, Lot 1, DP 880557
MS-16	S	The Chapel Morisset Hospital	84 Bridge Street, Lot 1, DP 880557
MS-17	S	Recreation Hall Morisset Hospital	69a Fishing Point, Lot 1 DP 880557
MS-19	S	The Main Store Morisset Hospital	69a Fishing Point, Lot 1 DP 880557
MS-20	S	Residence No 1 Morisset Hospital	69a Fishing Point, Lot 1 DP 880557
MS-23	S	Residence No 3 Morisset Hospital	69a Fishing Point, Lot 1 DP 880557
MS-24	S	Residence No 3 Morisset Hospital	69a Fishing Point, Lot 1 DP 880557
MS-25	S	Maximum Security Division	69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557

CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	50 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 18, DP 129134
CB-29	L	Cottage	661 Freemans Dr	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	16 Dora St	Lot A, DP 416525
				Lot 2, DP 204207
				Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 Mimmi Rd	Lot 106, DP 755262
Erating				
ER-01	L	Erating Power Station	4 Cross St	Lot 10, DP 1050120
			22B MR 217, Myuna Bay	Lot 20, DP 840668
			22C MR 217, Myuna Bay	Lot 211, DP 840670
			20A MR 217, Myuna Bay	Lot 50, DP 840671
			20 MR 17, Myuna Bay	Lot 51, DP 840671
			22A MR 217, Myuna Bay	Lot 11, DP 1050120
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	

Booragul			
BU-01	L	Colliery Relics	155 Old Main Rd Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marmong St 2b First St Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde Pt Lot 468, DP 774186
Cams Wharf			
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd Lot 2, DP 616354
Cardiff			
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd Lot 4, DP 10789
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 8186 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 Ct 180 Macquarie Rd 235 Macquarie Rd Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546 (also see RT-15)
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	Wallerah Hotel	24 Clarke St Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St Lot 71, DP 222717 Lot 72, DP 222717

CH-06	L	Cottages	21 Clarke St 19 Clarke St Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St Lot 58, DP 222717
CH-13	L	House "Wallerah House"	1a Keene St Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)
CH-32	L	Cemetary	8 Northwood Rd Lot 7079, DP 1029250
Charlestown			
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470

Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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 533 Lake Rd Rescue Station	Lot 2, DP 599235
AG-02	L	Former Cockle Creek Railway Bridge (also see RT-09)	2 (over) Cockle Creek 3 (over) Cockle Creek (also see RT-03)
AG-03	L	Cockle Creek Railway Bridge (also see RT-03)	Lot 1, DP 125686
AG-05	L	Church Hall and Anglican Church 477 Lake Rd 475 Lake Rd	Lot 2, DP 125686
AG-06	L	Speers Point Tram Route (also see RT-02)	Frederick St
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 Bannais" 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 Ct 7 Maranatha Ct 9 Maranatha Ct 21 Maranatha Ct	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)	26 South Pde (also see RT-11)
BK-03	L	Railway Station		
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 11, 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 "Ailda"	Lakeview Rd	Lot 4, Section M, DP 3494

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8 National Park Resources	No numeric standards.		
9 Natural Resources	No numeric standards.		
10 Investigation of entries in Table	Prohibited.		
	<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p>	<p>Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum access way width. All lots created are to have frontage to a public road.</p>	<p>Minimum area. To include a rectangular area, r building site of the specified size. The figure shown in brackets is the minimum lot frontage at the building setback. All lots created are to have frontage to a public road.</p> <p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p>

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,500m ² (8 metres), 900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres), 1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.		
3 (2) Urban Centre (Support)	No numeric standards.		
4 (1) Industrial (Core)	4,000m ² (40 metres), 4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres), 1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres), 1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.		
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 2,500m ² . 4 lots/40 hectares eg 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 <u>Community Land Development Act 1989</u>), 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 x 40 metres with a less than 1 in 5 slope.	10 hectares and 2,500m ² . 10 lots/10 hectares eg 15 on 15 ha etc. 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 <u>Community Land Development</u>

Attachment C

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		Subdivisions for the purpose of a strata, community, precinct or neighbourhood scheme
	Standard (rectangular) lot size	Battle axe (Other irregular shaped lot	
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 1,600m 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.	8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.
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, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 metres for one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² (12 metres for (14 metres), battle axe lots).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited, ≥250m ² and <450m ² (frontage not specified).	<450m ² .	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).	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). 500m ² parent lot (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 ≥250m ² and <450m ² .	Prohibited, 1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .	



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.

Interallotment drainage	Zones 2 (1) and 2 (2)	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.
Temporary site sheds—less than 6 months	All zones	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. Maximum area 20 square metres. Maximum height 2.7 metres. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Where a formal development consent or complying development certificate is not in force for the site.
Temporary structures: portaloos, marquees, mini stages.	All zones	Located wholly within property boundary. Marquees and mini stages not in place longer than 1 week. Maximum gross floor area is 20 square metres.
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.

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	Generally: The tank and any stand to be installed in accordance with manufacturers' specifications. If within residential zones: Maximum diameter or width 3 metres. (Repeated)
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)	Maximum height 2.4 metres. 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. Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.) 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. Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property. Replacement in residential premises with materials that comply with: AS 1288, Glass in buildings—Selection and installation, and 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.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p>	<p>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.</p>
<p>Shade structures (bird nets and the like)</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Silos</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Sky/light roof windows (including solar tube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs</p>	<p>All zones</p>	<p>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.</p>
<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>	<p>All zones</p>	<p>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.</p>
<p>Subdivision works:</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>
<p>Battleaxe driveways</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>

TA-17	L	Rhondda 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	Frith's Store Building	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587

Whitebridge

WH-01	L	Whitebridge Cemetery	132a Dudley Rd	Lots 1697, 1698 and 1731, DP 755233
WH-02	L	House	105 Bunwood Rd	Lot 7, DP 800730
WH-08	L	Railway Cutting and Bridge	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye	
			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 Flowers Dr Pit	Wallarah East Flowers Dr, Catherine Hill Bay	

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 6, Section J, DP 2252, Lot 7, 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 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636

3	Newstan Colliery	Fassifern Rd, Fassifern
4	Lambton Colliery Redhead	Crown Land Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba
6	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance Item	Address	Property description
Blackalls Park			
BK- 01	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK- 04	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads			
NI L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

TH- 01	Nature Reserve and being permian fossil insect horizon	Burton Rd	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	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

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

Attachment E

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

Draft Lake Macquarie Local Environmental Plan (L.MLEP) 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
Changes to the land use table	
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.
Administrative and policy changes	
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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	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.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

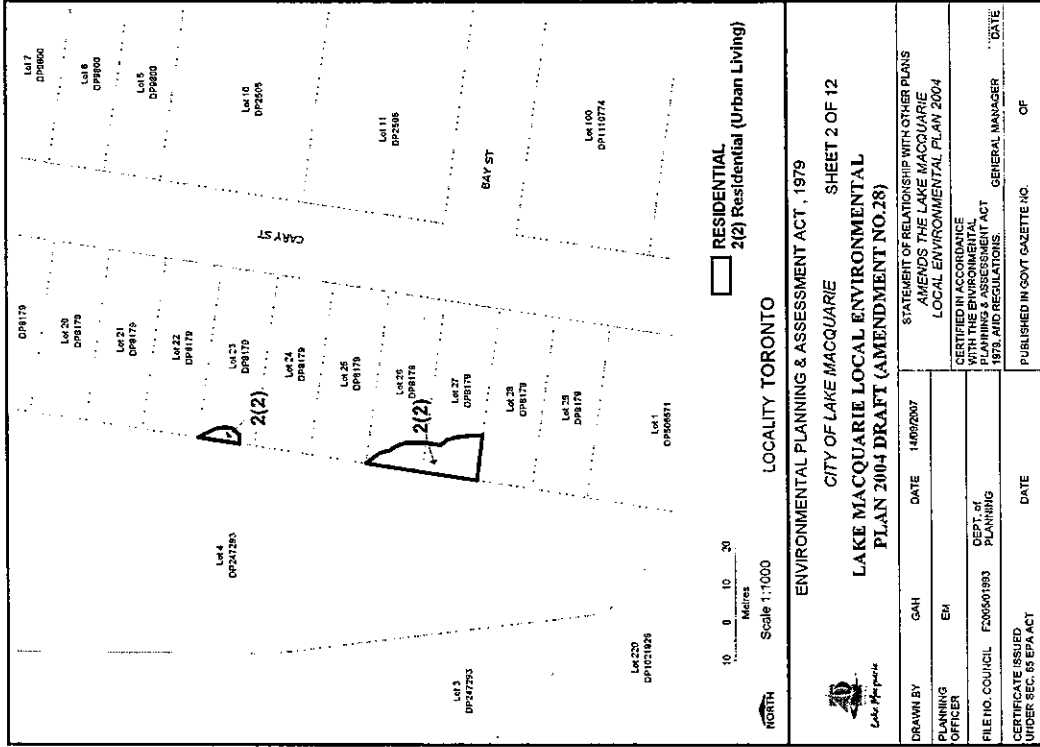
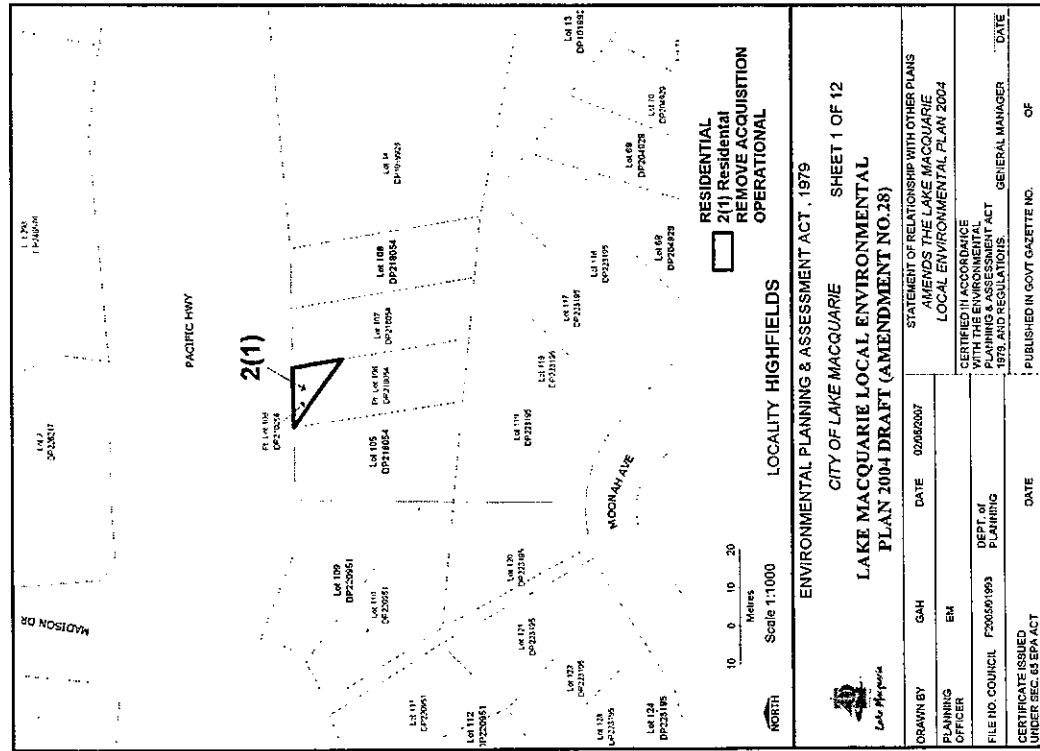
Amendment affects:	Proposed change
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
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, Terriba from 5 Infrastructure Zone to 2(1) Residential Zone. Refer to Sheet 3 of 12.
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.

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

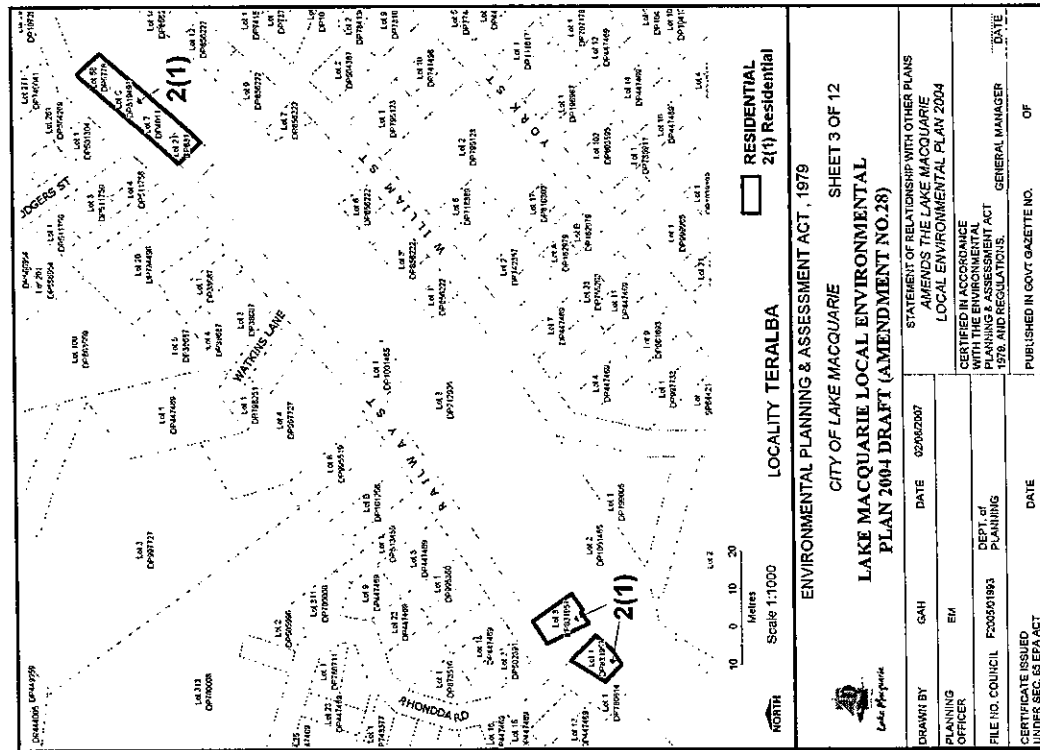
Amendment affects:	Proposed change
Rezoning and reclassification	Rezone part of Lots 6 and 7 DP 1068868 Leo Lewis Close, Toronto from 6(1) Open Space Zone to 4(2) Industrial (General) Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 5 of 12.
Rezoning and reclassification	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 Hunty Close, Edgeworth from Community Land to Operational Land. Refer to Sheet 7 of 12.
Reclassification	Reclassify Lot 29 DP 745667 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

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



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



RESIDENTIAL
2(1) Residential

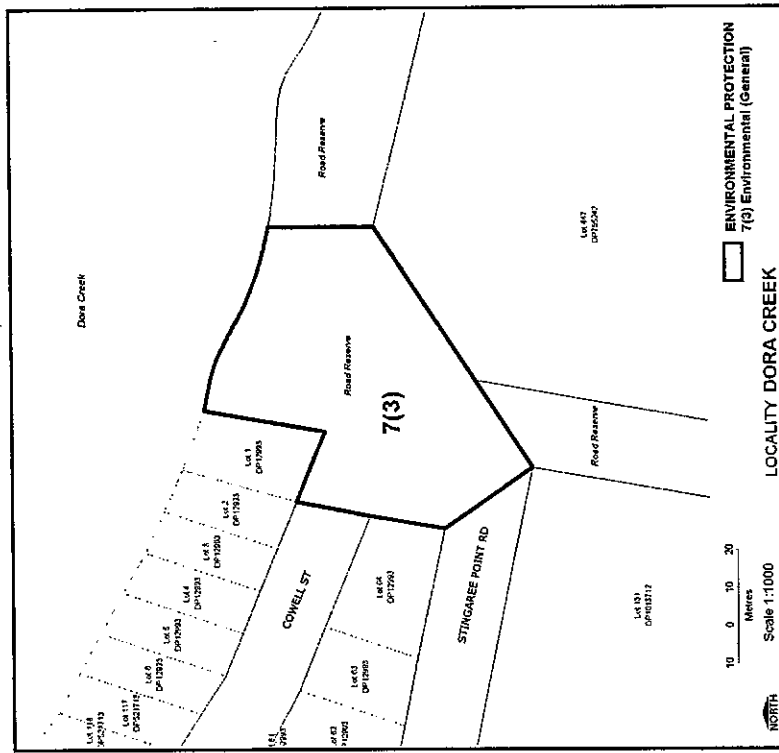
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LOCALITY TERALBA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
FILE NO. COUNCIL	F2005/1893	DEPT. of PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 15 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



ENVIRONMENTAL PROTECTION
7(3) Environmental (General)

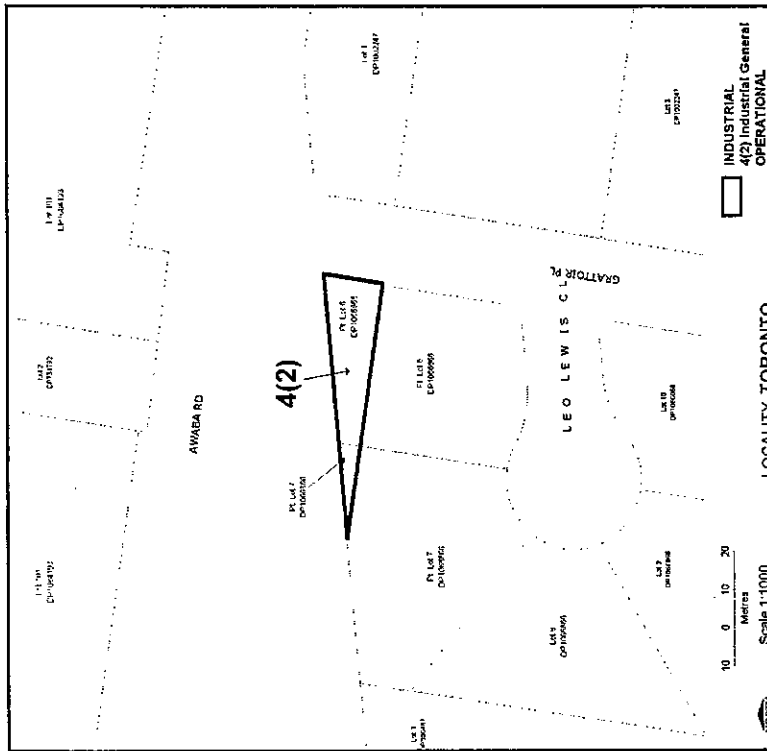
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LOCALITY DORA CREEK

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
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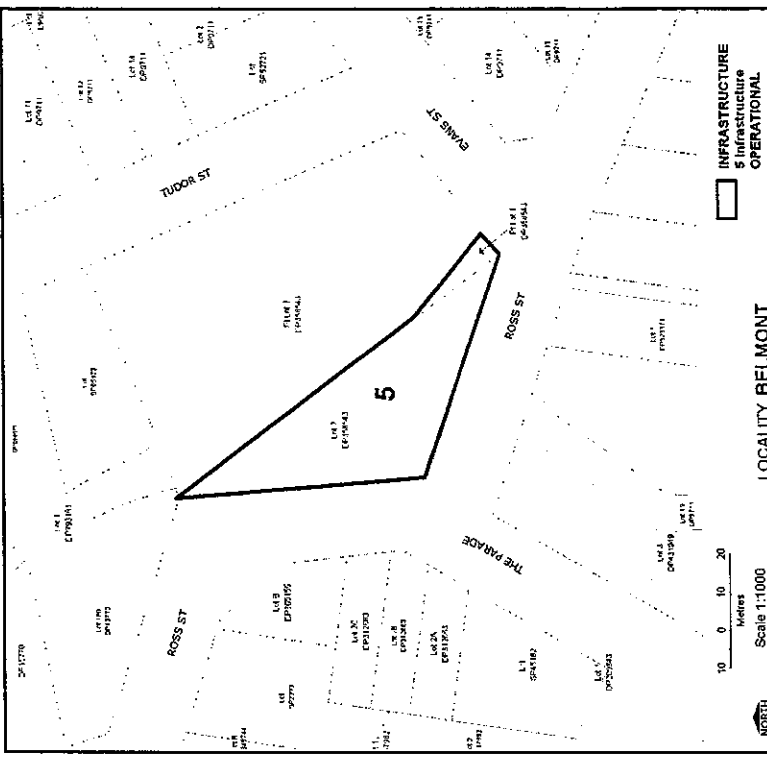
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



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ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 5 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY	GAH DATE 02/05/2007
PLANNING OFFICER	EM
FILE NO. COUNCIL	F300501193 DEPT. OF PLANNING
CERTIFICATE ISSUED UNDER SEC. 85 EPA ACT	DATE DATE OF PUBLISHED IN GOVT GAZETTE NO. OF
	GENERAL MANAGER
	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
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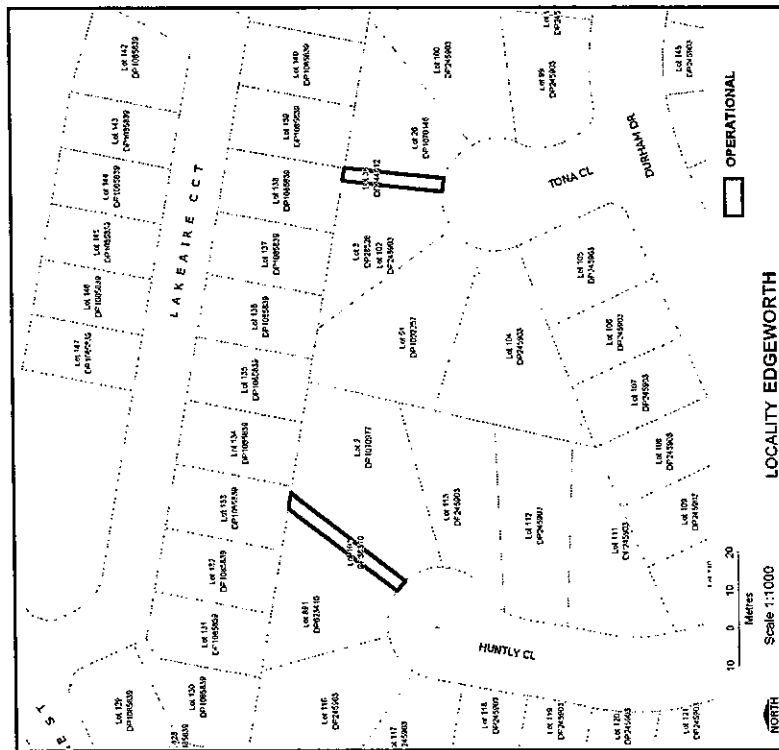
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



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ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
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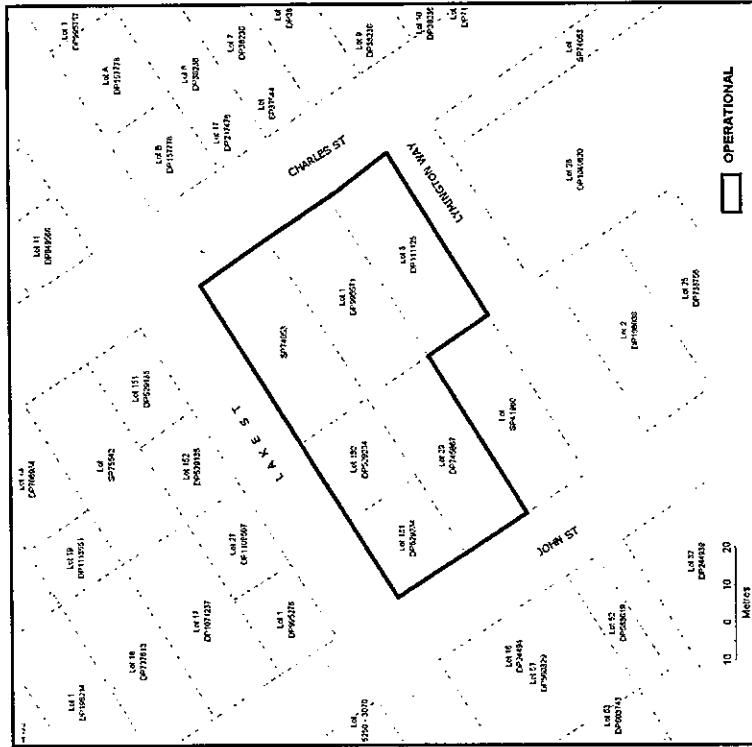
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



LOCALITY EDGEWORTH
 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	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/01893	DEPT. of	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	DATE	DATE	GENERAL MANAGER OF

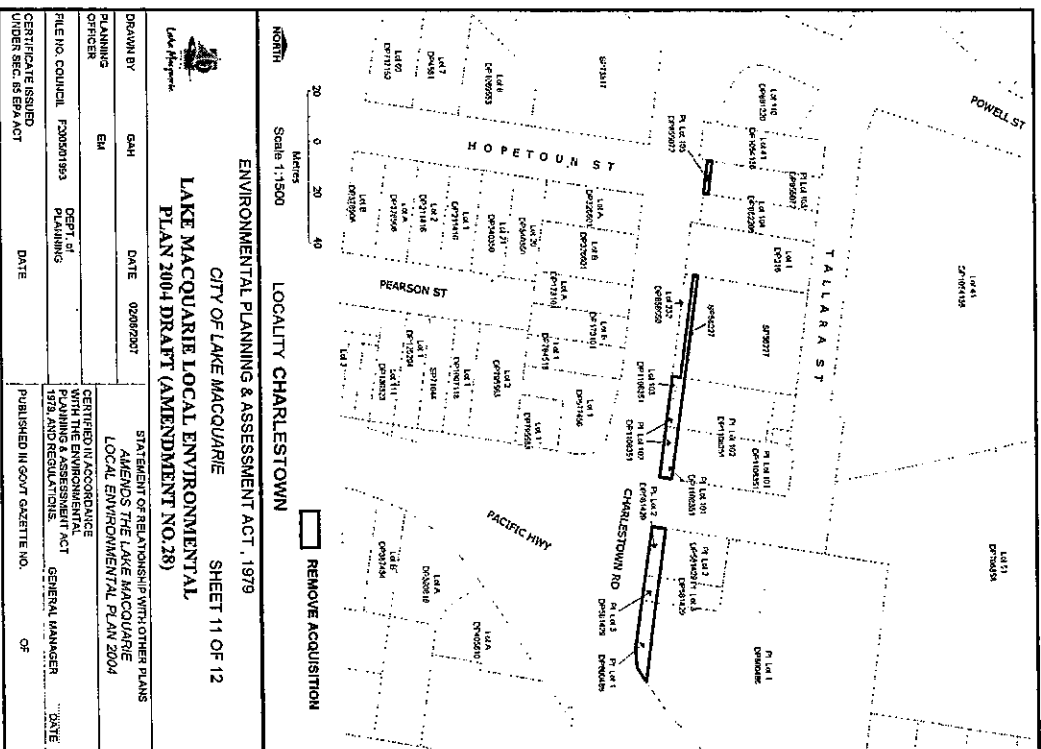
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



LOCALITY WARNERS BAY
 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 CITY OF LAKE MACQUARIE SHEET 8 OF 12
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

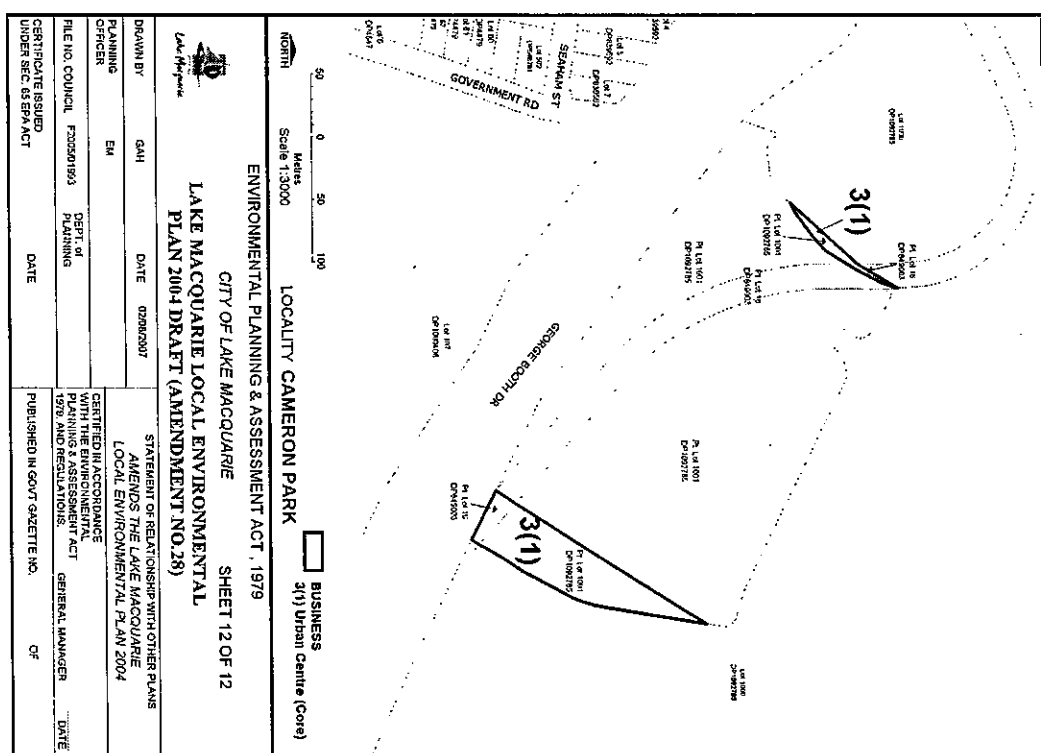
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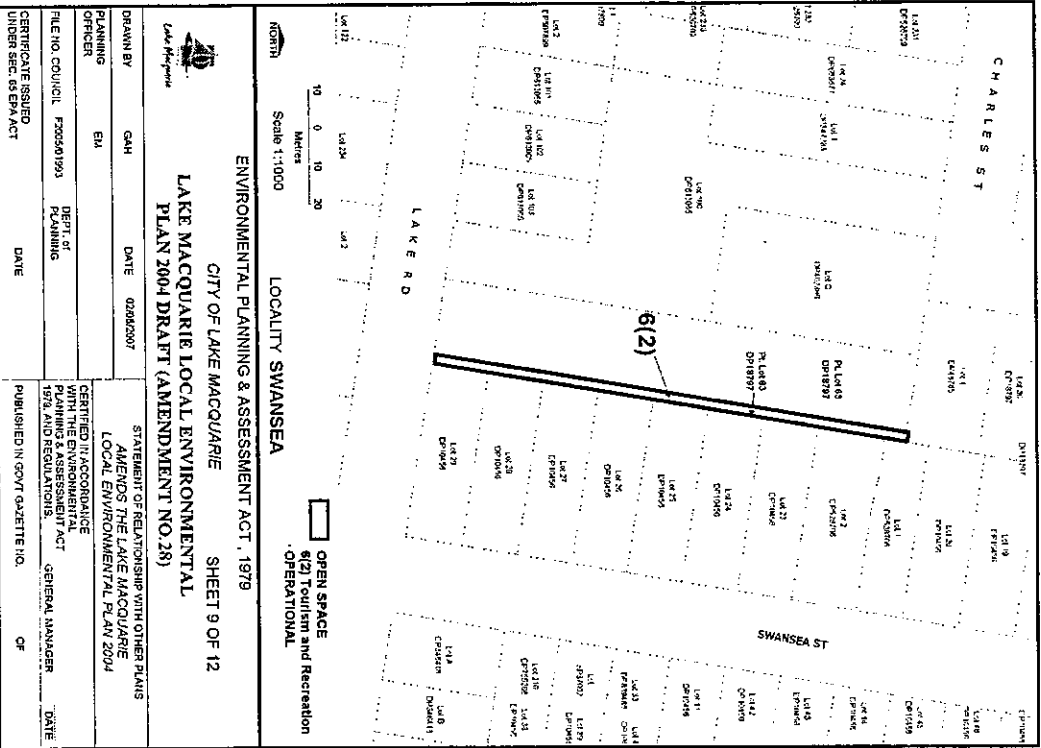
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DRAWN BY: GAH PLANNING OFFICER: EM FILE NO. COUNCIL: F200401993 CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE: 02/26/2007 DEPT. of PLANNING DATE STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS. GENERAL MANAGER DATE PUBLISHED IN GOVT GAZETTE NO. OF

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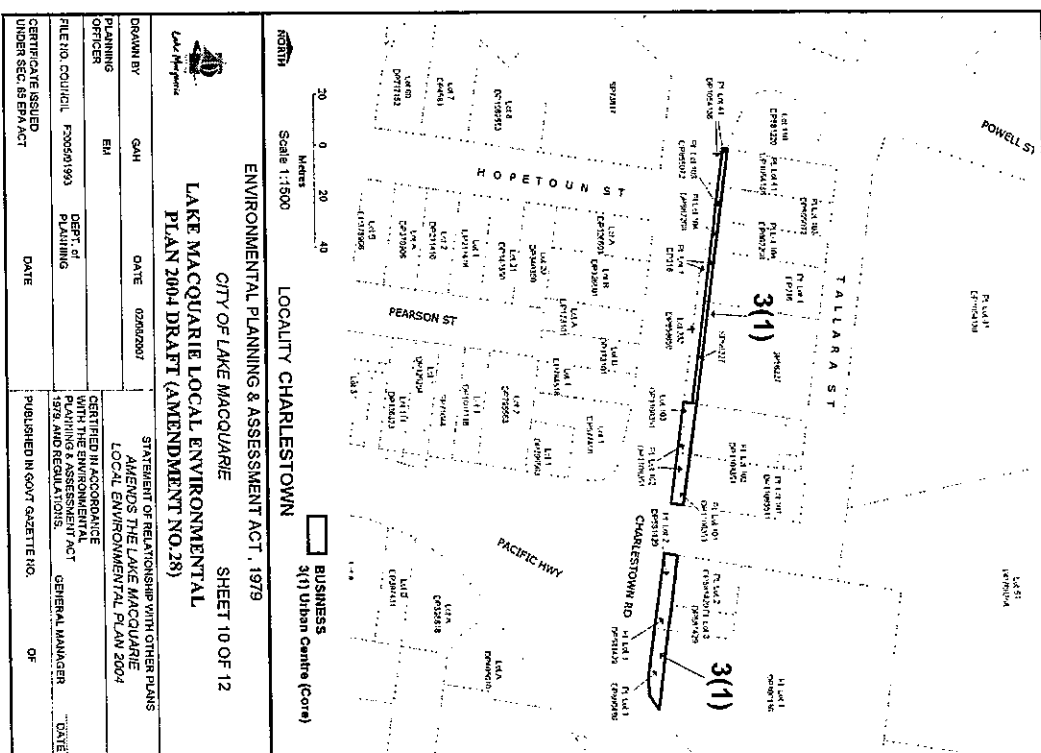
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCAL ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCAL ENVIRONMENTAL PLAN 2004 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28) SHEET 12 OF 12	
DRAWN BY: GAH PLANNING OFFICER: EM FILE NO. COUNCIL: F200401993 CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE: 02/26/2007 DEPT. of PLANNING DATE STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS. GENERAL MANAGER DATE PUBLISHED IN GOVT GAZETTE NO. OF

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<p>ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCAL ENVIRONMENTAL PLAN 2004 SHEET 9 OF 12</p>	
<p>CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)</p>	
<p>DRAWN BY: GAH PLANNING OFFICER: EA FILE NO. COUNCIL: F200501933 CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT</p>	<p>DATE: 02/06/2007 DEPT. of PLANNING DATE PUBLISHED IN GOVT GAZETTE NO. OF</p>
<p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS. GENERAL MANAGER DATE</p>	

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



<p>ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCAL ENVIRONMENTAL PLAN 2004 SHEET 10 OF 12</p>	
<p>CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)</p>	
<p>DRAWN BY: GAH PLANNING OFFICER: EA FILE NO. COUNCIL: F200501933 CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT</p>	<p>DATE: 02/06/2007 DEPT. of PLANNING DATE PUBLISHED IN GOVT GAZETTE NO. OF</p>
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6 November 2009

LMCC
C/- LMCC


Our Ref:52700
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 18 Josephson Street, SWANSEA NSW 2281
Lot Details: Lot A DP 356808
Parish: Wallarah
County: Northumberland

 For: BRIAN BELL
GENERAL MANAGER



ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is a flood control lot.

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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):

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

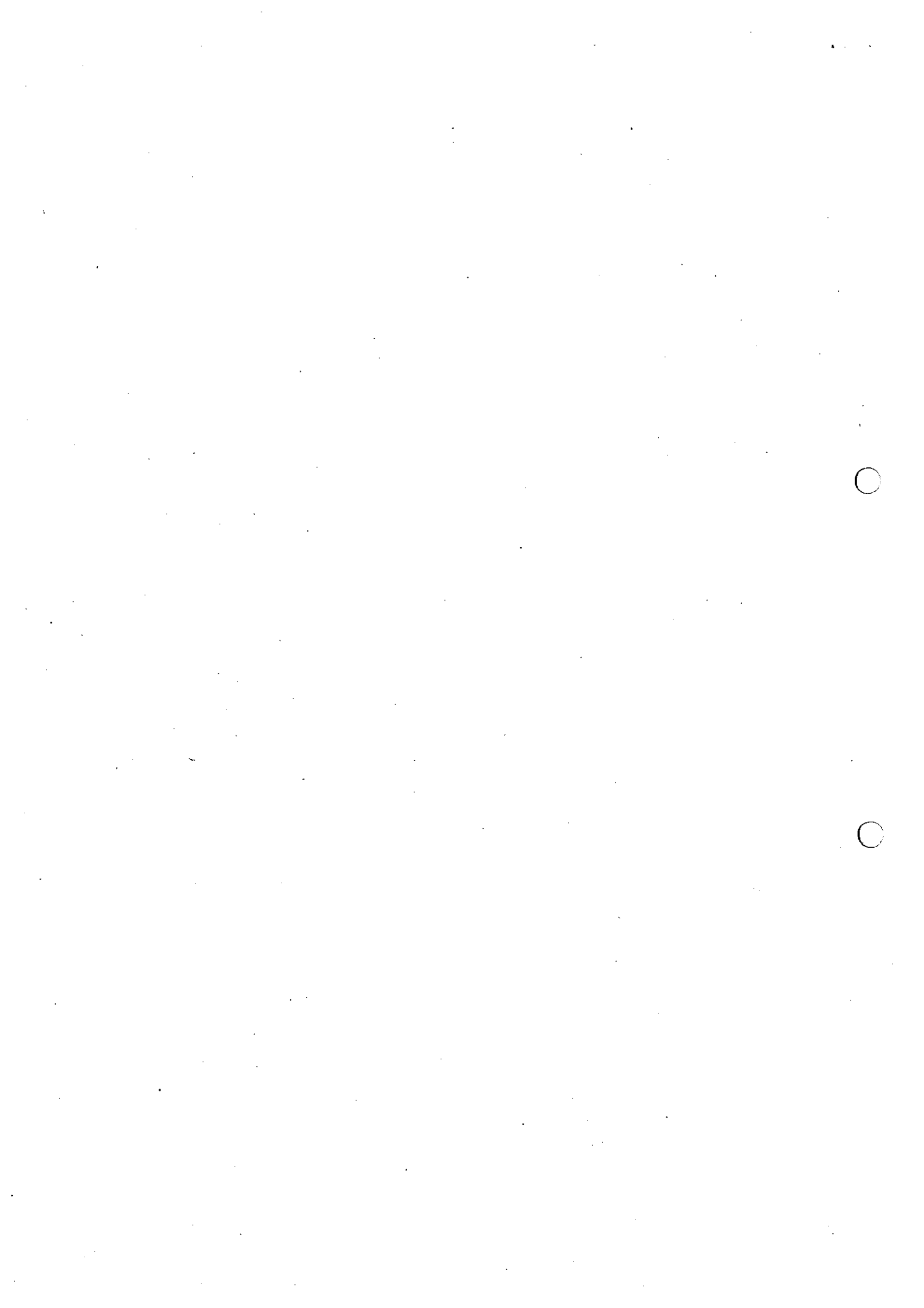
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- helpads
- 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.



Attachment B

Schedule 1 Exempt development

(Clause 8)

1 What is exempt development?

- 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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- ### **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.

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and one sign per premises, and signs must not cover mechanical ventilation inlet or outlet vents, and advertising structures over public road to be at least 600mm from kerb/roadway edge, and signs must not be illuminated or use flashing lights or similar devices for illumination, and must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.

Satisfy general criteria above.
Maximum area 1 square metre.

- (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 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 carparking 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 kinds of advertising structures)
All zones

Advertising structures used for display of the following:
Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Business identification signs	Zones 3 (1) and 3 (2)	Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.
Business identification signs in industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	Flush wall signs: satisfy general criteria above, and securely fixed. Top hamper signs: satisfy general criteria above, and securely fixed.
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)	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: 1.2 square metres for a "For Sale" sign, or 2.5 square metres for an auction sign.
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	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.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	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 5dba 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.
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 1—Principles of Development. Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)</p>	<p>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.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p>	<p>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 <i>Building Code of Australia</i>, relevant Australian Standards and any requirements of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p>
<p>Bus shelters</p>	<p>All zones</p>	<p>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.</p>

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc)</p>	<p>Zones 3 (1), 3 (2) and 6 (2)</p>	<p>Located wholly within the subject premises. A total of no more than 5 devices are installed.</p>
<p>Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)</p>	<p>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 be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>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.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p>	<p>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 setback. Complies with front building setbacks for the zone.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.</p>

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

All zones

Riparian and littoral foreshore stabilisation works must:
 be undertaken by the Council or public authorities or by others on their behalf, and
 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
 involve only minor earthworks and site improvements, and
 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.

Carparks

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), 7 (5), 9 and 10
 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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)
 Must not result in more than three bins in any one location.
 Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i> . 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.
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	All zones	
Fences—security	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . 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, <i>Demolition of structures</i> . 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 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 an office	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of a shop to a shop	Zones 3 (1) and 3 (2)	
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	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).

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
 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.

Footway dining Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)
 Only if in accordance with a current footway dining licence issued by the Council under section 125 of the *Roads Act 1993*.

Fowl house (for the keeping of chickens) Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)
 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 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).
 Maximum size of 5,000 litres.
 Located wholly within the boundaries of the property.
 Bundled 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.

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) Zone 6 (1)
 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.

Hail protection Zones 1 (1) and 1 (2)
 Only if ancillary to agricultural use and consisting of tight construction (eg poles, wire and mesh).

Home occupation All zones
 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.

Internal alterations comprising office or shop fit-out	Zones 3 (1) and 3 (2)	Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> . Alterations must not cause the existing building in which they are carried out to contravene the <i>Building Code of Australia</i> . No alterations to bottle shop or to food premises where food is stored or prepared. May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.
Landscaping	All zones	Maximum height of 1 metre above ground level. Only 1 letterbox per occupancy. Appropriate numbering for each letterbox. Structurally stable with adequate footings located wholly within the site.
Letter box (freestanding or in "banks")	All zones	Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.
Minor internal alterations to domestic single dwellings	All zones in which a dwelling is permissible	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.
Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting	All zones	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.

Horse stables and animal shelters Zone 1 (1) keeping up to 4 horses	Zones 1 (1), 7 (2), 7 (3) and 7 (5)	Maximum area of 20 square metres. Maximum height of 3 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 <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).
Horse stables and animal shelters Zones 1 (2), 7 (3) and 7 (5) 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 <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).

Patio—at existing ground level and abutting a dwelling	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
Pergola	<p>Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
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
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	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.

Playground equipment on land not controlled by the Council and not on school land	<p>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</p> <p>If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. Provision of soft landing surfaces.</p>
All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Installed in accordance with manufacturer's specifications.	
Ponds/pools	<p>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)</p> <p>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.</p>
Privacy screens or trellises	<p>All zones</p> <p>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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>.</p>
Public meetings—use of Class 9b buildings for this purpose	<p>All zones</p> <p>The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i>, where refreshments are served.</p>

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being:
 maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,
 installation of traffic lights, traffic calming devices and pedestrian facilities,
 installation of kerb and gutter and associated drainage works,
 minor drainage works,
 making driveway crossings,
 linemarking,
 signposting,
 sealing of gravel roads and areas,
 footpaving and associated works,
 minor intersection improvements or minor road widening.

All zones

Residential, rural and conservation/environmental protection zones:
 Maximum diameter of 900mm.

Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
 Erected by or on behalf of the Council or the Roads and Traffic Authority.

All zones

Public signs (directional traffic advisory/warning and information signs)

Existing materials replaced with similar materials.
 Re-cladding not to involve structural alterations.
 Non-reflective materials used.
 Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.

All zones

Re-cladding of roofs or walls including repair/maintenance of damaged materials

Additional requirements for roof replacement: 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,

if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.

All zones

Retaining walls

Maximum height 1 metre.

Masonry walls to comply with:

AS 3700—Masonry Code,

AS 3600—Concrete Structures,

AS 1170—Loading Code.

Timber walls to comply with:

AS 1720—Timber Structures,

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.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p> <p>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.</p>
<p>Shade structures (bird nets and the like)</p>	<p>Zone 1 (1)</p>
<p>Silos</p>	<p>Zone 1 (1)</p> <p>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.</p>
<p>Skylight roof windows (including solar tube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs</p>	<p>All zones</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>	<p>All zones</p>	<p>Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision works:</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>
<p>Battleaxe driveways</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>

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

Generally:
The tank and any stand to be installed in accordance with manufacturers' specifications.

If within residential zones:
Maximum diameter or width 3 metres.
(Repealed)

- 1 Maximum height 2.4 metres.
- 1 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.

Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.

If within rural zones:
Maximum diameter or width 4.5 metres.
Minimum setback 5 metres to side and rear boundaries.

- 1 Maximum height 2.4 metres.
- 1 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.

Noise from pumps not to exceed 5dba 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:
AS 1288, *Glass in Buildings—Selection and Installation*, and
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.

Interallotment drainage

Zones 2 (1) and 2 (2)

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.

Maximum area 20 square metres.
Maximum height 2.7 metres.
Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
Where a formal development consent or complying development certificate is not in force for the site.

Temporary site sheds—less than 6 months

All zones

Located wholly within property boundary.
Marquees and mini stages not in place longer than 1 week.
Maximum gross floor area is 20 square metres.

Temporary structures: portals, marquees, mini stages.

All zones

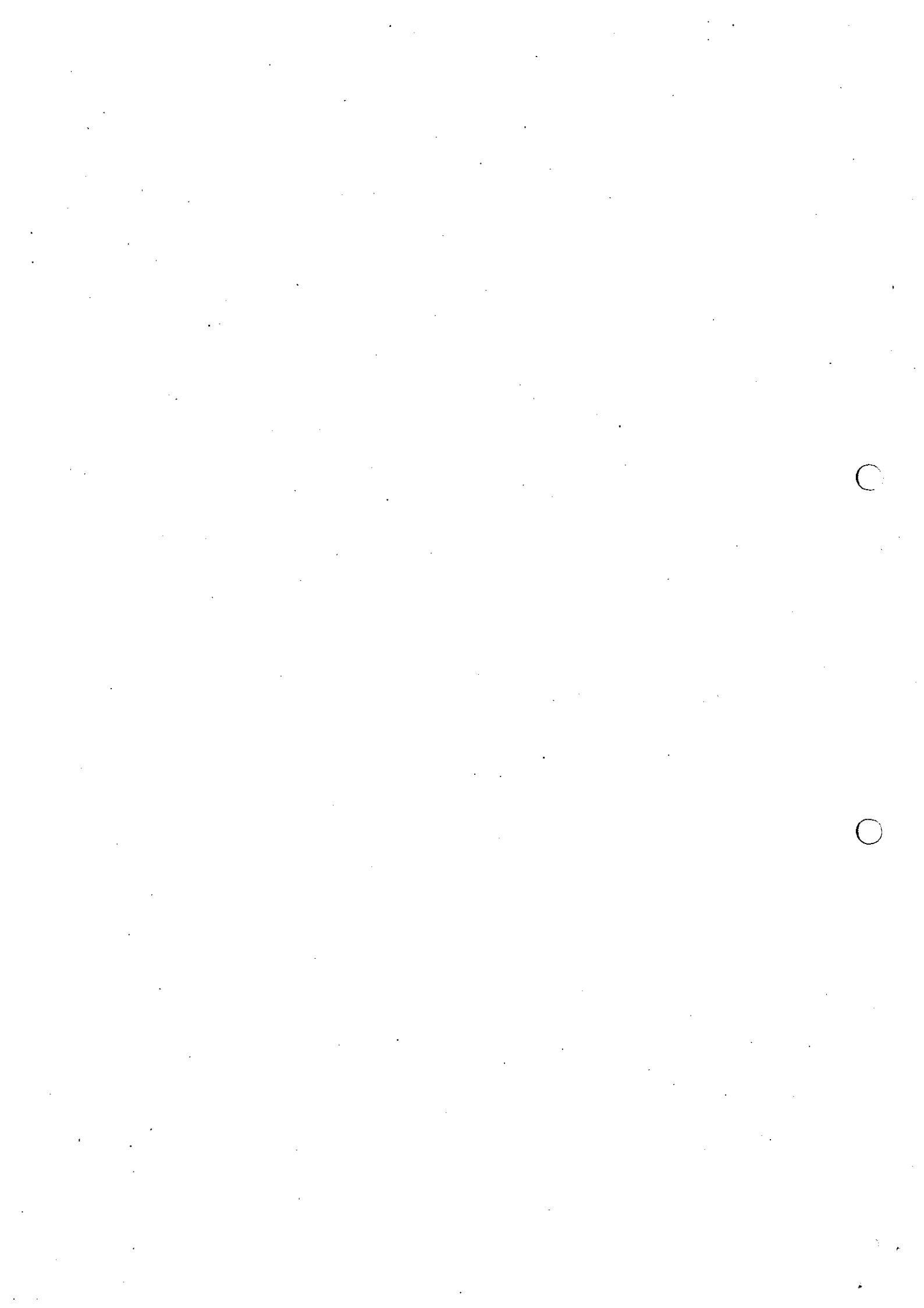
Located in rear or side yard.
Screened, if visible from the street.
Must not reduce the structural integrity of the building or involve structural alterations.
Installation to be carried out by a licensed person.

Water heaters (excluding solar system)—new and replacement installations

All zones

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)	Battle axe lot size	Other irregular shaped lot	Site area and lot size	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 1,600m 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.	8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.
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	600m ² (14 corner lot frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	450m ² (4 metres for one, 5 metres for two, battle axe lots). No more than two battle axe lots to share a single access way).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).	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 ≥250m ² and <450m ² .	Prohibited. 1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

		<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>
8 National Park	No numeric standards.	
9 Natural Resources	No numeric standards.	
10 Investigation	Prohibited.	
Explanation of entries in Table		
	<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p> <p>Minimum area as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way width. All lots created are to have frontage to a public road.</p> <p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p> <p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p>	<p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>



Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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	Newcastle Mines Rescue Station	533 Lake Rd	Lot 2, DP 599235
AG-02	Former Cockle Creek Railway Bridge	2 (over) Cockle Creek (also see RT-09)	
AG-03	Cockle Creek Railway Bridge	3 (over) Cockle Creek (also see RT-03)	
AG-05	Church Hall and Anglican Church	477 Lake Rd 475 Lake Rd	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	Speers Point Tram Route	Frederick St (also see RT-02)	
Awaba			
AW-05	Gatekeeper's Cottage	1 Wilton Rd	Lot 1, DP 817297
Barnsley			
BY-02	Johnston Family Cemetery	14A Taylor Ave	Lot 100, DP 630296
BY-03	Former Barnsley Public School	91 Appletree Rd	Lot 2, DP 1001812
Belmont			
BM-01	House "Yarragee"	23 Bellevue Rd	Lot 1, DP 881605
BM-04	Captain Bain's House	15 George St	Lot 2, DP 13715
BM-05	House "The Bennalls"	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	Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551 Lot 4, DP 814551
BN-04	L	Former Staff Houses, Colliery Row	John Darling Avenue 3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl	Lot 11, DP 1027724 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 11, 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

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470

Booragul				
BU-01	L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marrong St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf				
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354
Cardiff				
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789
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
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	Wallah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 799409
CB-08	L	North Corrumbong Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	50 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	50 Central Rd	Lot 18, DP 129134
CB-29	L	Cottage	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	597 Freemans Dr	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	661 Freemans Dr	Lot A, DP 416825
			27 Avondale Rd	Lot 2, DP 204207
			16 Dora St	Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 Mimmi 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 211, DP 840670
			20A MR 217, Myuna Bay	Lot 50, DP 840671
			20 MR 17, Myuna Bay	Lot 51, DP 840671
			22A MR 217, Myuna Bay	Lot 11, DP 1050120
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	

Code	Category	Description	Address	DP/DP
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	Pl 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 Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	S	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S	Morisset Hospital The Main Store	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S	Morisset Hospital Residence No 1	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	S	Morisset Hospital Ward 17, General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

Code	Category	Description	Address	DP/DP
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	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth				
KW-02	L	Eicom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 2, DP 619513
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 13, Section E, DP 4339
Kotara South				
KS-01	L	South Waratah Colliery	31 Kirkdale Dr (also see RT-06)	Lot 1, Section D, DP 4339
				Lot 132, DP 243393

MS-26	S L	Morisset Hospital 69a Fishing Point Cottage Row Rd, Bonnells Bay Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S L	Morisset Hospital 69a Fishing Point Water Supply Rd, Bonnells Bay Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	PO 1970/126
Pelican			
PF-01	L	Cabbage Trees	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, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Styx 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 Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wye Coal Conveyor Railway Loop	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 "Shangri-la"	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	Minenwerfer (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 "Moria"	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	20 Pitt St	Lot 31, DP 858667
TA-16	L	Billygoat Hill Gartlee Mine	159 Railway St	Lot 1, DP 780614

TA-17	L	Rhondda 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	Frith's Store Building	66 The Boulevard	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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 "Alli'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	Lot 1, DP 421411
West Wallsend				
WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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 6, Section J, DP 2252, Lot 7, 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 565278
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	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Vaive House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye	
			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 Flowers Dr, Catherine Hill Bay	

3	Newstan Colliery	Fassifern Rd, Fassifern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
AW-08	Railway Station cottage	34 Brisbane St, Awaba	

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237

Swansea Heads

NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
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Tingira Heights

TH-01	S L	Nature Reserve and being permiian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permiian Fossil Horizon Belmont—Warners Bay</i> 1949 (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		Puibah 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 Lake Macquarie Aboriginal Heritage Study Report 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

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

Attachment E

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

Draft Lake Macquarie Local Environmental Plan (LMEP) 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
Changes to the land use table	
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.
Administrative and policy changes	
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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	Introduce Part 8 and subsequent clauses to LMEP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

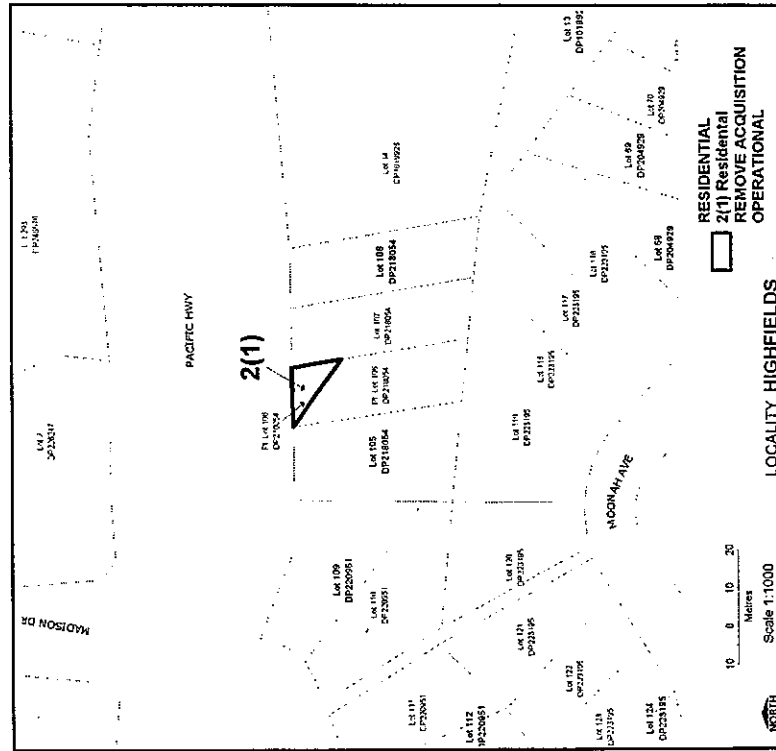
Amendment affects:	Proposed change
Schedule 4. Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
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	Rezoning 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	Rezoning 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	Rezoning 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.
Rezoning	Rezoning 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.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezoning part of Lots 6 and 7 DP 1068866 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	Rezoning part of Lot 1 DP 368543 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	Rezoning 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	Rezoning 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	Rezoning 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

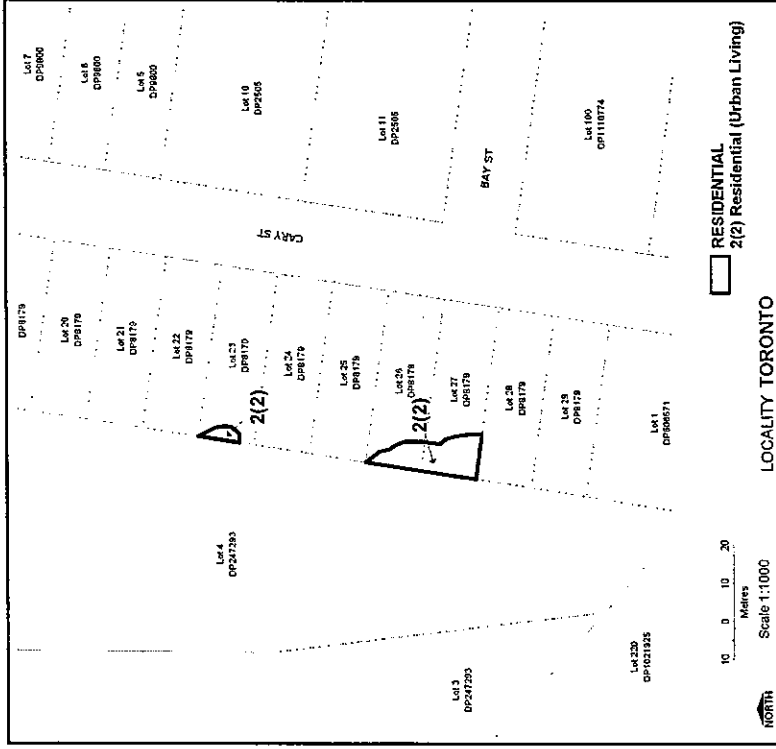
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCALITY HIGHFIELDS

CITY OF LAKE MACQUARIE SHEET 1 OF 12
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
FILE NO. COUNCIL	F2006/01993	DEPT. of PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF

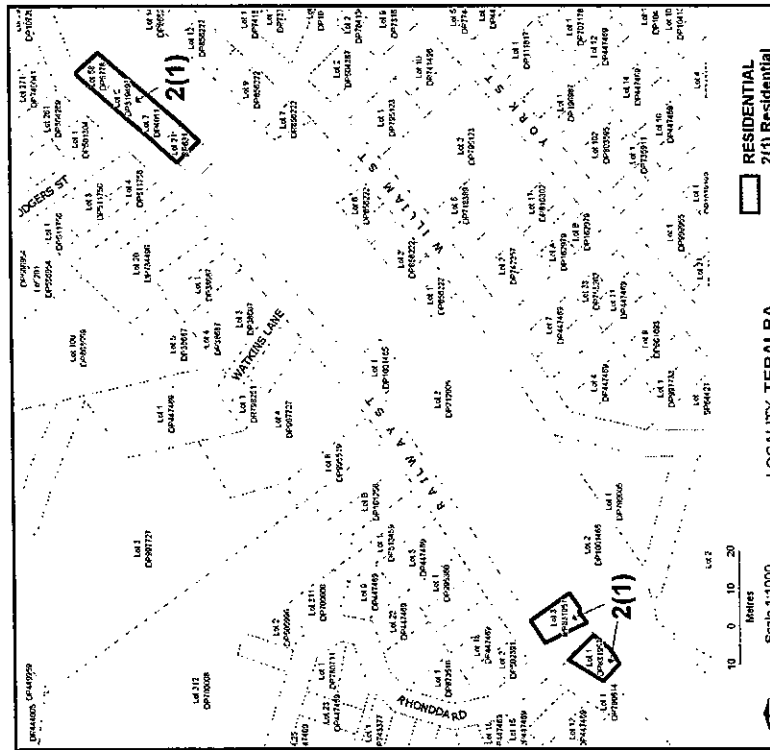


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCALITY TORONTO

CITY OF LAKE MACQUARIE SHEET 2 OF 12
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

DRAWN BY	GAH	DATE	14/05/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
FILE NO. COUNCIL	F2006/01993	DEPT. of PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



RESIDENTIAL
2(1) Residential

LOCALITY TERALBA

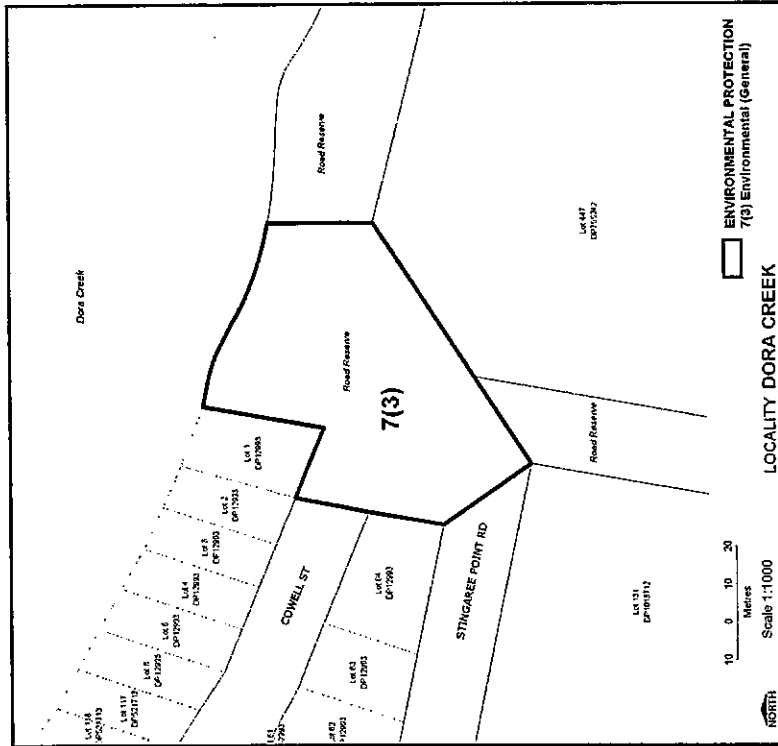
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE SHEET 3 OF 12
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)



DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/01993	DEPT. OF PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF
				GENERAL MANAGER

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



ENVIRONMENTAL PROTECTION
7(3) Environmental (General)

LOCALITY DORA CREEK

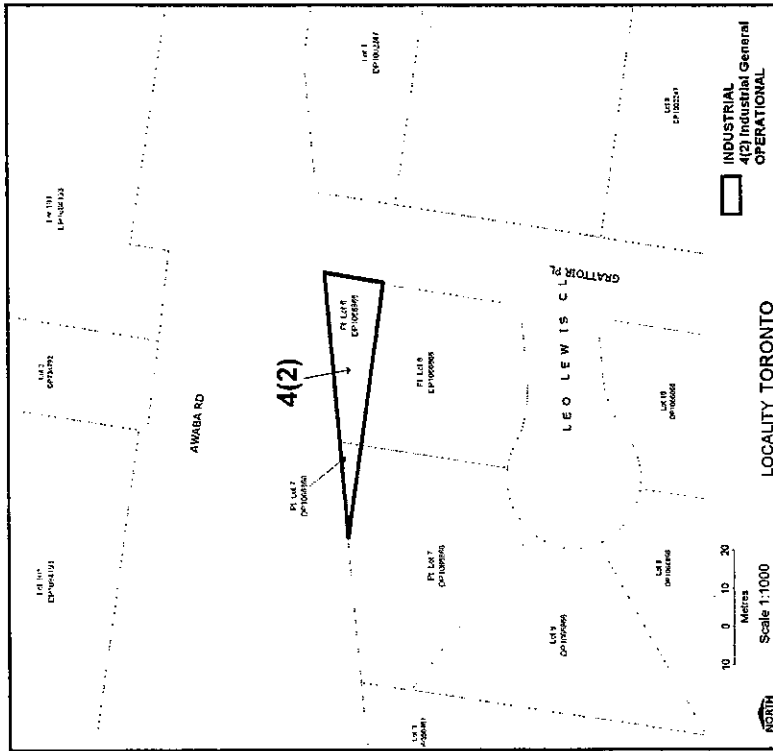
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE SHEET 4 OF 12
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)



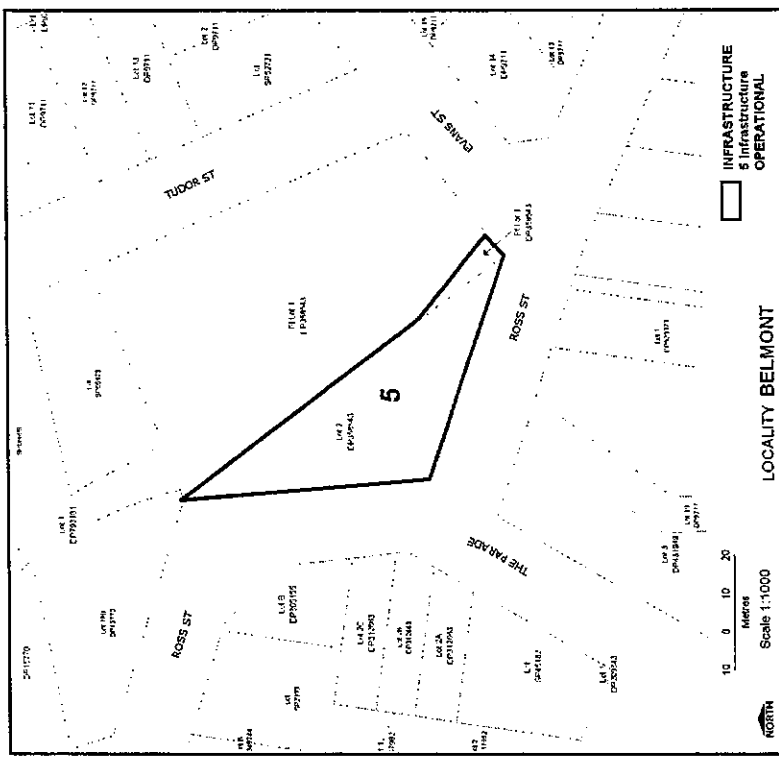
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PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/01993	DEPT. OF PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF
				GENERAL MANAGER

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



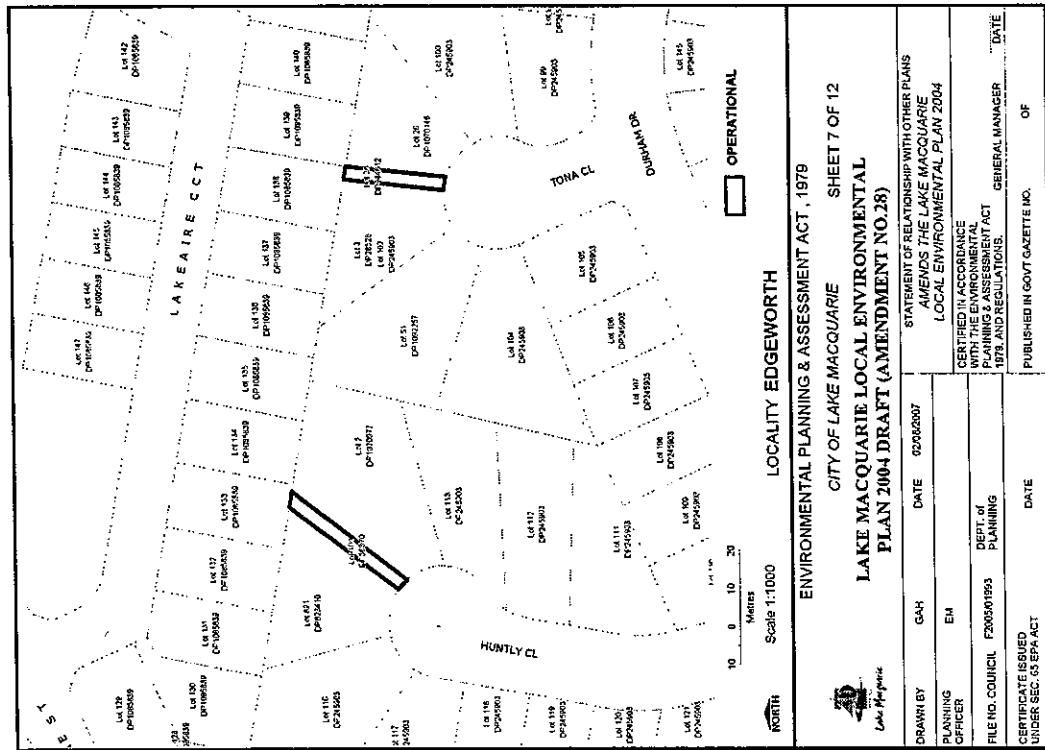
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DRAWN BY PLANNING OFFICER FILE NO. COUNCIL CERTIFICATE ISSUED UNDER SEC. 68 EPA ACT	DATE 02/06/2007 EIA F200501893 DEPT. OF PLANNING	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS. GENERAL MANAGER DATE
CERTIFICATE ISSUED UNDER SEC. 68 EPA ACT	DATE	PUBLISHED IN GOVT GAZETTE NO. OF

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

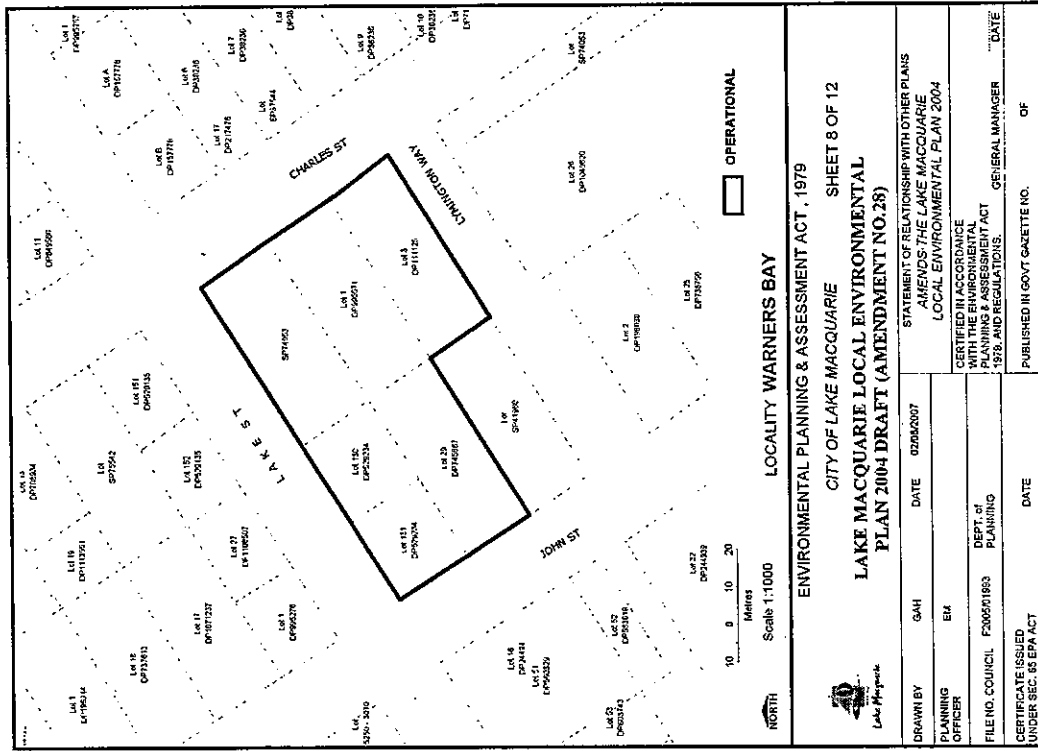


NORTH Scale 1:1000 LOCALITY BELMONT ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE SHEET 6 OF 12 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		INFRASTRUCTURE 5 Infrastructure OPERATIONAL
DRAWN BY PLANNING OFFICER FILE NO. COUNCIL CERTIFICATE ISSUED UNDER SEC. 68 EPA ACT	DATE 02/06/2007 EIA F200501893 DEPT. OF PLANNING	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS. GENERAL MANAGER DATE
CERTIFICATE ISSUED UNDER SEC. 68 EPA ACT	DATE	PUBLISHED IN GOVT GAZETTE NO. OF

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



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

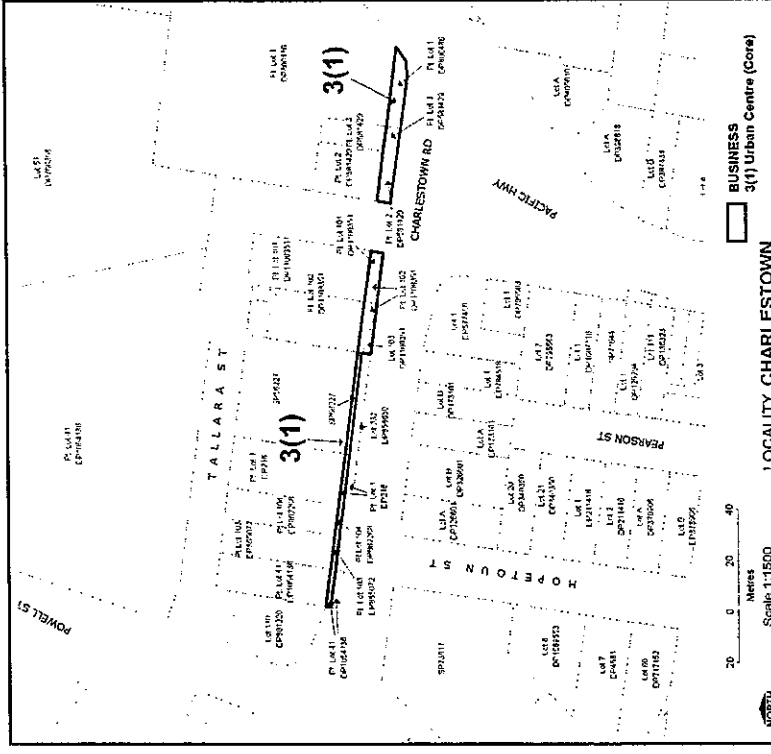


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ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 9 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY G44	DATE 02/02/2007
PLANNING OFFICER EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL F2005/01993	DEPT. OF PLANNING
CERTIFICATE ISSUED UNDER SEC. 68 EPA ACT	DATE DATE
	GENERAL MANAGER OF

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



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 10 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY G44	DATE 02/02/2007
PLANNING OFFICER EM	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL F2005/01993	DEPT. OF PLANNING
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NORTH Scale 1:1500 REMOVE ACQUISITION

LOCALITY CHARLESTOWN

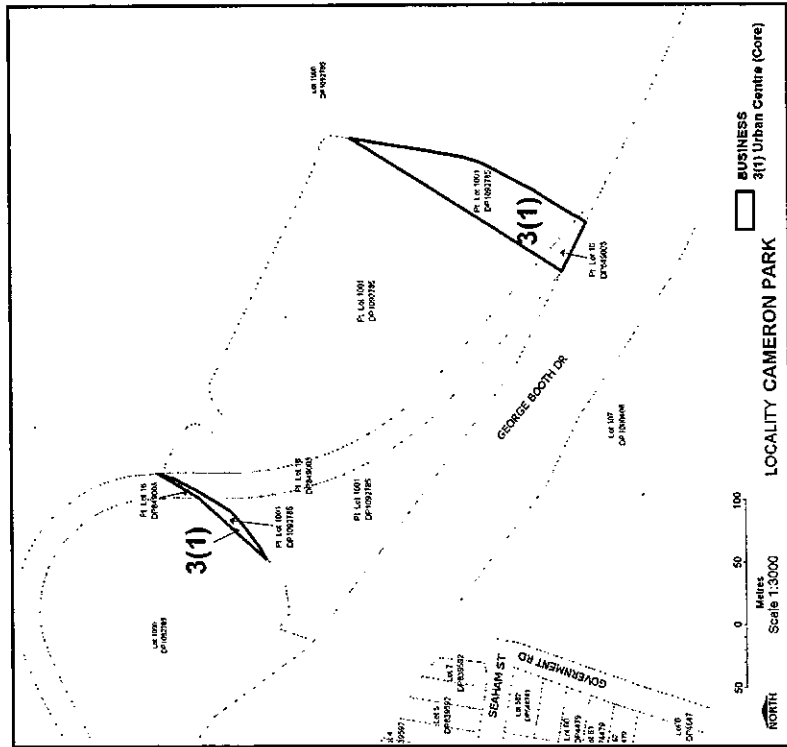
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE SHEET 11 OF 12

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

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EIA			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/0190	DEPT. of	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE	PUBLISHED IN GOVT GAZETTE NO. OF

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



NORTH Scale 1:3000 BUSINESS 3(1) Urban Centre (Core)

LOCALITY CAMERON PARK

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	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
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CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE	PUBLISHED IN GOVT GAZETTE NO. OF

6 November 2009

LMCC
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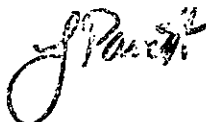
Our Ref:52701
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 10 Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 422 DP 785216
Parish: Wallarah
County: Northumberland

 For: BRIAN BELL
GENERAL MANAGER



ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is a flood control lot.

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and no notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

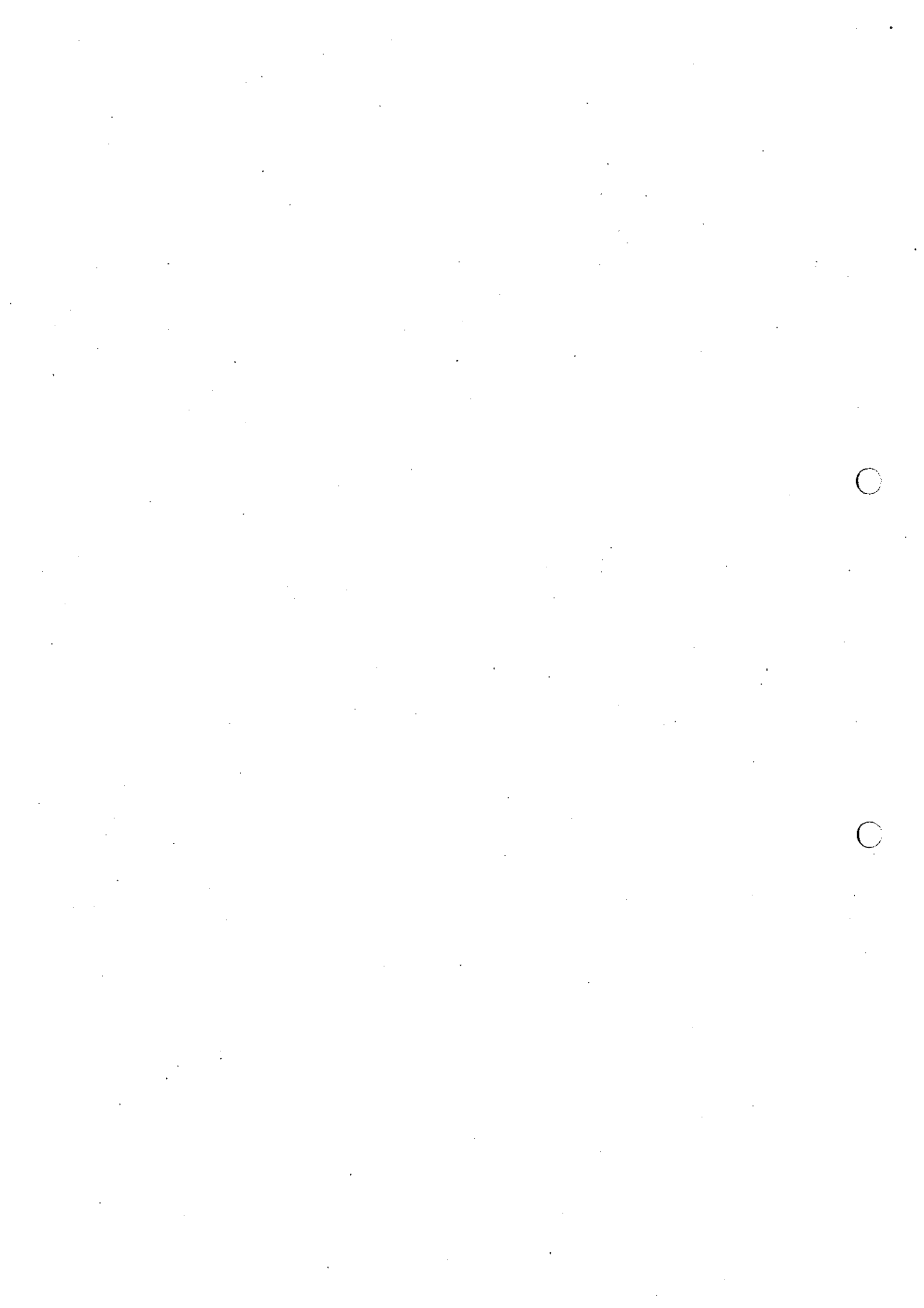
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- helpads
- 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.



Attachment B

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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- 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,

Advertising structures (see below for additional requirements for particular kinds of advertising structures)

All zones

General criteria—in addition to the criteria for particular kinds of structures listed below:
 maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and
 maximum area 1 square metre in all other zones, and
 one sign per premises, and
 signs must not cover mechanical ventilation inlet or outlet vents, and
 advertising structures over public road to be at least 600mm from kerb/roadway edge, and
 signs must not be illuminated or use flashing lights or similar devices for illumination, and
 must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and
 not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.

Satisfy general criteria above.
 Maximum area 1 square metre.

Advertising structures used for display of the following:
 Business identification signs in residential areas

Zones 2 (1) and 2 (2)

- (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 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 carparking 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.

Business identification signs	Zones 3 (1) and 3 (2)	<p>Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.</p> <p>Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.</p> <p>Flush wall signs: satisfy general criteria above, and securely fixed.</p> <p>Top hamper signs: satisfy general criteria above, and securely fixed.</p>
Business identification signs in industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	<p>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.</p>
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)	<p>Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 2.5 square metres for an auction sign.</p> <p>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.</p>
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	<p>Satisfy general criteria above. Have a maximum area of 4.5 square metres.</p>

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	<p>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.</p>
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	<p>Installation must not reduce the structural integrity of the building. Any opening created is to be adequately weatherproofed. Noise level not to exceed 5dba 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 <u>Occupational Health and Safety Regulation 2001</u>. 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 <u>Occupational Health and Safety Regulation 2001</u>. 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.</p>
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	<p>Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)</p>

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

Complies with Part 3.7.8 (Bed and Breakfast Establishment) of *Lake Macquarie Development Control Plan No 1—Principles of Development*.
Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.

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.

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.

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.

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

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.

Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)
It must:
be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.

All zones
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.

Zones 4 (1), 4 (2) and 9
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 setback.
Complies with front building setbacks for the zone.

All zones
Maximum area of 4 square metres.
Maximum height of 2 metres.
Minimum setback of 900mm from side and rear boundaries.
Minimum separation of 1,800mm from any adjoining dwelling.

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

All zones

Riparian and littoral foreshore stabilisation works must:
 be undertaken by the Council or public authorities or by others on their behalf, and
 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
 involve only minor earthworks and site improvements, and
 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.

Carpports

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), 7 (5), 9 and 10

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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)

Must not result in more than three bins in any one location.
 Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
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)	Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i> . Maximum height of 1.8 metres.
Fences—masonry or brick	All zones	Maximum height of 1 metre.
Fences—security	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	Chain wire fences around industrial zoned land, construction/demolition sites or Council owned or operated compounds or depots. Maximum height of 3 metres.

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . 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, <i>Demolition of structures</i> .
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)	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 resulting from change of use of an office to an office	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of a shop to a shop	Zones 3 (1) and 3 (2)	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).
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	

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
 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.

Footway dining
 Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)
 Only if in accordance with a current footway dining licence issued by the Council under section 125 of the Roads Act 1993.

Fowl house (for the keeping of chickens)
 Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)
 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 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).
 Maximum size of 5,000 litres.
 Located wholly within the boundaries of the property.
 Bundled 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.

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)
 Zone 6 (1)

Hail protection
 Zones 1 (1) and 1 (2)

Home occupation
 All zones

Internal alterations comprising office or shop fit-out	Zones 3 (1) and 3 (2)	<p>Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>.</p> <p>Alterations must not cause the existing building in which they are carried out to contravene the <i>Building Code of Australia</i>.</p> <p>No alterations to bottle shop or to food premises where food is stored or prepared. May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.</p> <p>Maximum height of 1 metre above ground level.</p> <p>Only 1 letterbox per occupancy.</p> <p>Appropriate numbering for each letterbox.</p> <p>Structurally stable with adequate footings located wholly within the site.</p>
Landscaping	All zones	<p>Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.</p> <p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.</p> <p>Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p>
Letter box (freestanding or in "banks")	All zones	<p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.</p> <p>Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p>
Minor internal alterations to domestic single dwellings	All zones in which a dwelling is permissible	<p>Alterations or renovations must be to completed buildings for which consent or a building approval has been granted.</p> <p>Work not to include changes to the configuration of rooms, whether by removal of existing walls, partitions or by other means.</p> <p>Work not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p>
Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting	All zones	<p>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.</p>

Horse stables and animal shelters Zone 1 (1) keeping up to 4 horses	Zones 1 (1), 2 (1), 3 (1), 4 (1), 5 (1), 6 (1) and 7 (1)	<p>Maximum area of 20 square metres.</p> <p>Maximum height of 3 metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.</p> <p>Constructed of timber (cut or round) or metal.</p> <p>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.</p> <p>Adequate drainage to be provided.</p> <p>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.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>
Horse stables and animal shelters Zones 1 (2), 7 (3) and 7 (5) keeping up to 2 horses	Zones 1 (2), 7 (3) and 7 (5)	<p>Maximum area of 10 square metres.</p> <p>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.</p> <p>Constructed of timber (cut or round) or metal.</p> <p>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.</p> <p>Adequate drainage to be provided.</p> <p>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.</p> <p>Design of structure to mitigate the effects of any noxious smell on the locality.</p> <p>Complies with any standards relating to the keeping of horses and cattle set out in regulations made under the <u>Local Government Act 1993</u> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>

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.
 Development is in accordance with plan of management approved by the Council.

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

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.

Playground equipment on land not controlled by the Council and not on school land

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

If for residential use:
 Maximum height of 2.1 metres.
 Maximum ground coverage of 10 square metres.
 If for non-residential use:
 Maximum height of 2.1 metres.
 Maximum ground coverage of 10 square metres.

Provision of soft landing surfaces.

All equipment:
 Designed, fabricated and installed in accordance with AS 1924 and AS 2155.

Installed in accordance with manufacturer's specifications.

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)

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.

Privacy screens or trellises

All zones

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*.

Public meetings—use of Class 9b buildings for this purpose

All zones

The Class 9b building has development consent or a building approval.
 Where the meeting is conducted for a not-for-profit or other charity fundraiser.
 Notice of event provided 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.

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being:
 maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,
 installation of traffic lights, traffic calming devices and pedestrian facilities,
 installation of kerb and gutter and associated drainage works,
 minor drainage works,
 making driveway crossings,
 linemarking,
 signposting,
 sealing of gravel roads and areas,
 footpaving and associated works,
 minor intersection improvements or minor road widening.

Satellite dishes

All zones

Residential, rural and conservation/environmental protection zones:
 Maximum diameter of 900mm.
 Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Public signs (directional traffic advisory/warning and information signs)

All zones

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
 Erected by or on behalf of the Council or the Roads and Traffic Authority.

Re-cladding of roofs or walls including repair/maintenance of damaged materials

All zones

Existing materials replaced with similar materials.
 Re-cladding not to involve structural alterations.
 Non-reflective materials used.
 Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.
 Additional requirements for roof replacement: 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,
 if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.

Retaining walls

All zones

Maximum height 1 metre.
 Masonry walls to comply with:
 AS 3700—Masonry Code,
 AS 3600—Concrete Structures,
 AS 1170—Loading Code.

Timber walls to comply with:

AS 1720—Timber Structures,

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.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p> <p>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.</p>
<p>Shade structures (bird nets and the like)</p>	<p>Zone 1 (1)</p>
<p>Silos</p>	<p>Zone 1 (1)</p> <p>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.</p>
<p>Skylight roof windows (including solartube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs</p>	<p>All zones</p>	<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>
<p>Subdivision works:</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>
<p>Battleaxe driveways</p>	<p>All zones</p>	<p>Any stormwater flows which are concentrated, as a result of the works, must be directly connected to a formed drainage system.</p>

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
 Generally:
 The tank and any stand to be installed in accordance with manufacturers' specifications.
 If within residential zones:
 Maximum diameter or width 3 metres. (Repeated)
 Maximum height 2.4 metres.
 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.
 Noise from pumps not to exceed 55dBa at the wall of a dwelling on any adjoining property.
 If within rural zones:
 Maximum diameter or width 4.5 metres.
 Minimum setback 5 metres to side and rear boundaries.
 Maximum height 2.4 metres.
 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.
 Noise from pumps not to exceed 55dBa 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:
 AS 1288, *Glass in buildings—Selection and installation*, and
 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.

Interallotment drainage
 Zones 2 (1) and 2 (2)
 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.
 Maximum area 20 square metres.
 Maximum height 2.7 metres.
 Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
 Where a formal development consent or complying development certificate is not in force for the site.
 Located wholly within property boundary.
 Marquees and mini stages not in place longer than 1 week.
 Maximum gross floor area is 20 square metres.
 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.

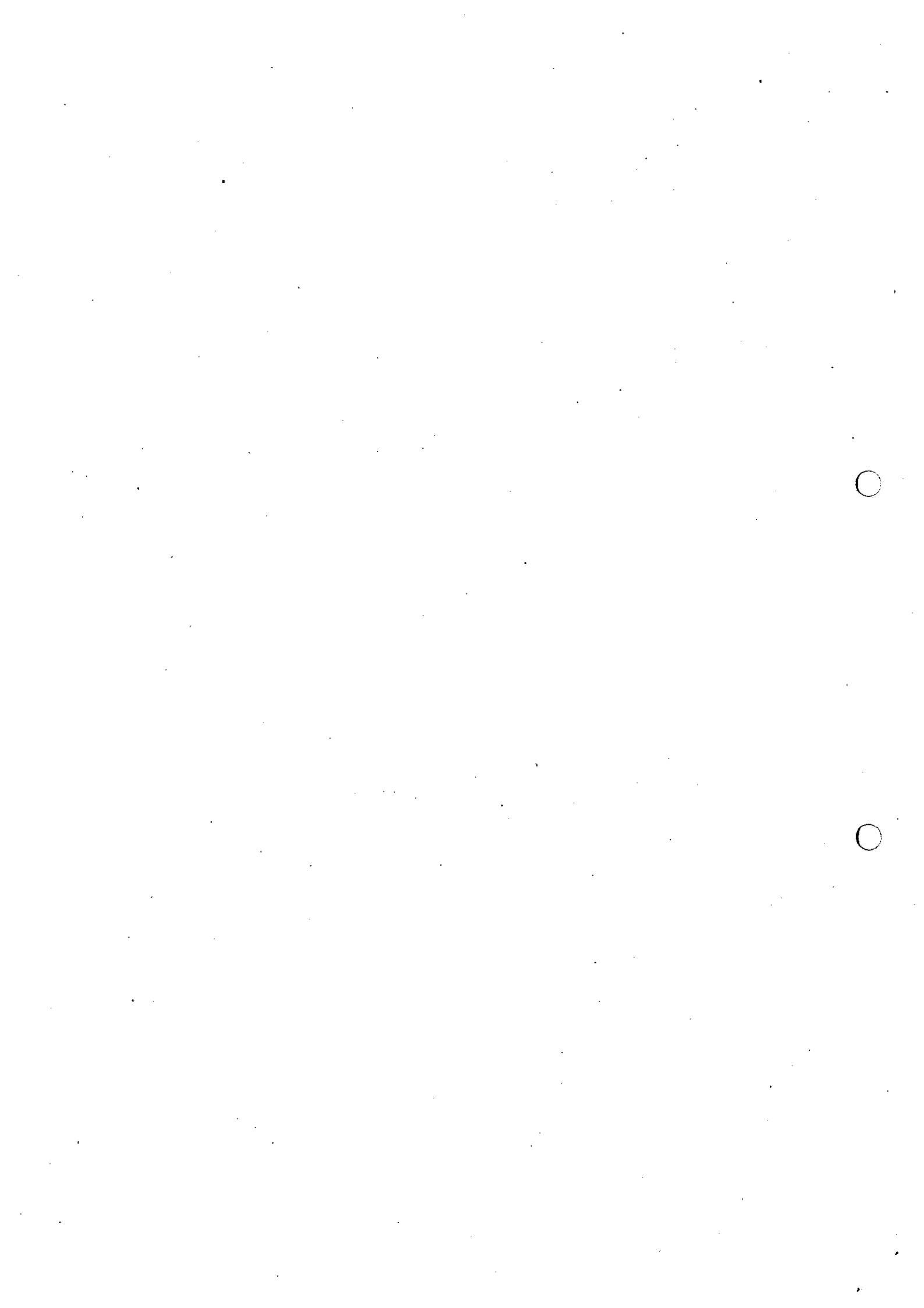
Temporary site sheds—less than 6 months
 All zones

Temporary structures: portaloos, marquees, mini stages.
 All zones

Water heaters (excluding solar system)—new and replacement installations
 All zones

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Standard (rectangular) lot size	Battle axe lot size	Other irregular shaped lot	Site area and lot size	Density
20 hectares (frontage not specified).				
1 hectare (frontage not specified).				

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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² 12 metres x 25 (14 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	$\geq 250\text{m}^2$ and $< 450\text{m}^2$ (frontage not specified).	Prohibited. $\geq 250\text{m}^2$ and $< 450\text{m}^2$ (frontage not specified).	$\geq 250\text{m}^2$ and $< 450\text{m}^2$ (frontage not specified).	Neighbourhood lot size $\geq 250\text{m}^2$ and $< 450\text{m}^2$.
Dual occupancy—detached development	600m ² (17 metres).	600m ² (17 metres).	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).	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 $\geq 250\text{m}^2$ and $< 450\text{m}^2$.	Prohibited.	1,000m ² parent lot. All lots created must be $\geq 250\text{m}^2$ and $< 450\text{m}^2$.	Neighbourhood lot size must be $\geq 250\text{m}^2$ and $< 450\text{m}^2$.

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages)	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,200m ² (30 metres—as width of the allotment).			
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages)	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,500m ² (30 metres—as width of the allotment).			
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
	No numeric standards.			
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

	<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>	
8 National Park	No numeric standards.	
9 Natural Resources	No numeric standards.	
10 Investigation	Prohibited.	
Explanation of entries in Table		
	<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p> <p>Minimum area unless stated as a maximum. To include a rectangular area of access way, where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way frontage at the front building setback. All lots created are to have frontage to a public road.</p> <p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots to site area.</p> <p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p> <p>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.</p>	



Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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 533 Lake Rd	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	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L	Speers Point Tram Route 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 Bennalls" 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
Bookaroo				
BR-01	L	Group of 4 Cottages	8 Creek Reserve Rd 10 Creek Reserve Rd 12 Creek Reserve Rd 14 Creek Reserve Rd	Lot 11, DP 616785 Lot 1, DP 301687 Lot 3, DP 8704 Lot 4, DP 8704
BR-02	L	Former Bookaroo 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

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallarah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470

Booragul				
BU-01	L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marmong St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf				
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	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	281 Main Rd	Lot 4, DP 10789
CF-05	L	House	8 Michael St	Lot 2, DP 214463
CF-08	L	Cardiff Masonic Hall	6 Michael St 4 Margaret St	Lot 1, DP 214463 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
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 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	50 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 18, DP 129134
CB-29	L	Cottage	661 Freemans Dr	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	16 Dora St	Lot A, DP 416525
				Lot 2, DP 204207
				Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 211, DP 840670
			20A MR 217, Myuna Bay	Lot 50, DP 840671
			20 MR 17, Myuna Bay	Lot 51, DP 840671
			22A MR 217, Myuna Bay	Lot 11, DP 1050120
Fassifern				
FF-01	L	Fassifern Railway Cottage	WallSEND Rd	Lot 1, DP 854050
FF-02	L	Toronto Railway Overbridge	(over) Fassifern Rd	
FF-03	L	Fassifern Railway Station	29 Fassifern Rd	(also see RT-11)

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 early coal mining sites	Glenrock State Recreation Area Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth			
KW-02	L	Eilcom 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 Lot 132, DP 243393 (also see RT-06)

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, Lot 1, DP 880557
MS-13	S	Wards 5 and 6 Morisset Hospital	84 Bridge Street, Lot 1, DP 880557
MS-14	S	Ward 9, Clinical Dept	Morisset Hospital 84 Bridge Street, Lot 1, DP 880557
MS-15	S	Morisset Hospital	84 Bridge Street, Lot 1, DP 880557
MS-16	S	The Chapel Morisset	84 Bridge Street, Lot 1, DP 880557
MS-17	S	Recreation Hall Morisset	84 Bridge Street, Lot 1 DP 880557
MS-19	S	Morisset Hospital	69a Fishing Point The Main Store Rd, Bonnells Bay Lot 1 DP 880557
MS-20	S	Morisset Hospital	69a Fishing Point Residence No 1 Rd, Bonnells Bay Lot 1 DP 880557
MS-23	S	Ward 17, General Psychiatry	Morisset Hospital 69a Fishing Point Rd, Bonnells Bay Lot 1 DP 880557
MS-24	S	Morisset Hospital	69a Fishing Point Residence No 3 Rd, Bonnells Bay Lot 1 DP 880557
MS-25	S	Morisset Hospital	69a Fishing Point Maximum Security Division Rd, Bonnells Bay Lot 1 DP 880557

MS-26	S L	Morisset Hospital Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S L	Morisset Hospital Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	127 Marine Pde Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf"	43c Nords Wharf Rd PO 1970/126
Pelican			
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 Wallisend Steam Tram Line	West Wallisend to Newcastle via Wallisend, Holmesville, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallisend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Styx Creek	
RT-09	L	Seaham, West Wallisend, 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 Wallisend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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	Minenwerfer (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 "Moria"	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	20 Pitt St Lot 31, DP 858667
TA-16	L	Billygoat Hill Gartlee 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	Frith's Store Building	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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	Lot 1, DP 421411
West Wallsend				
WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	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 Wallisend Cemetery	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallisend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	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	Pit	Wallarah East Flowers Dr, Catherine Hill Bay	

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 Wallisend Co-Op	76a Carrington St 6 Withers St 8 Withers St	Lot 7, Section E, DP 2252
WW-31	L	West Wallisend Public School	49a Wallace St	Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, 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 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636

3	Newstan Colliery	Fassifern Rd, Fassifern
4	Lambton Colliery Redhead	Crown Land Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba
6	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

TH-01	S L	Nature Reserve and being permiian fossil insect horizon	Burton Rd	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</i> 1949 (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

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

Attachment E

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

Draft Lake Macquarie Local Environmental Plan (L.MLEP) 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
Changes to the land use table	
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.
Administrative and policy changes	
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 after 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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	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.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

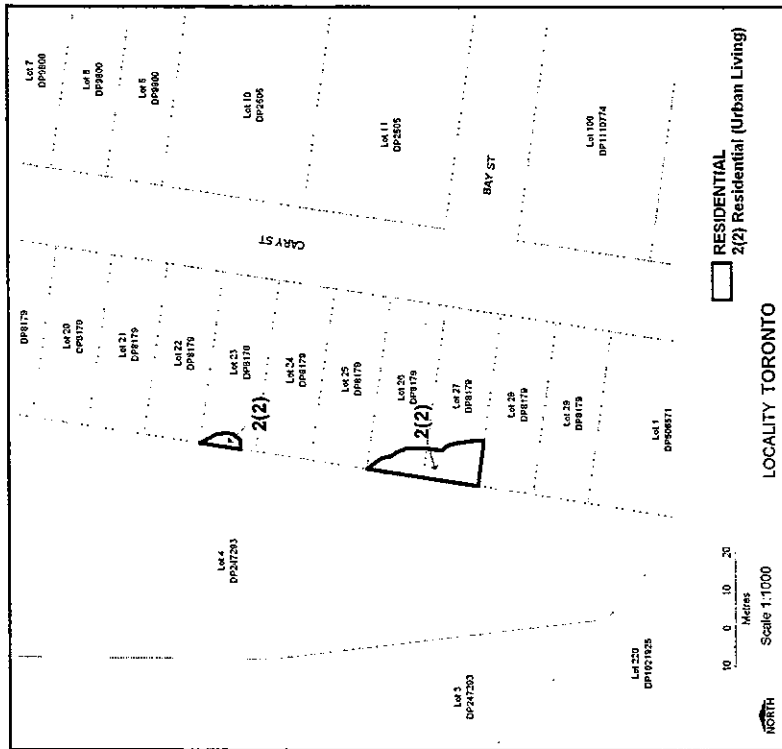
Amendment affects:	Proposed change
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
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	Rezoning 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	Rezoning 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	Rezoning 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.
Rezoning	Rezoning 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.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezoning 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	Rezoning 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 Hunty 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	Rezoning 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	Rezoning 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	Rezoning Lot 1001 DP 1092786 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

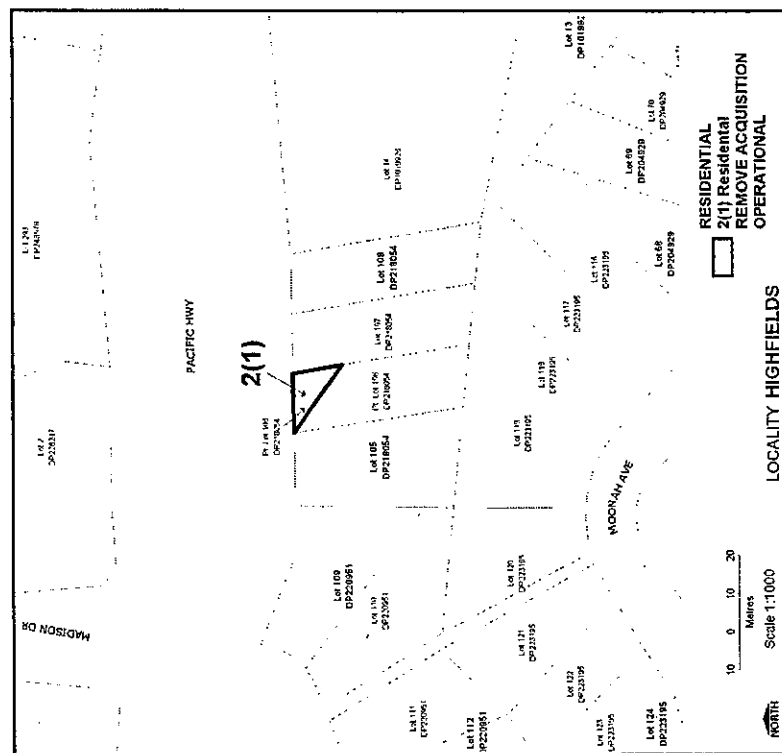
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
LOCALITY TORONTO

CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 2 OF 12

DRAWN BY	GAH	DATE	14/09/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS.
FILE NO. COUNCIL	F300501993	DEPT. OF PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE		DATE
				OF

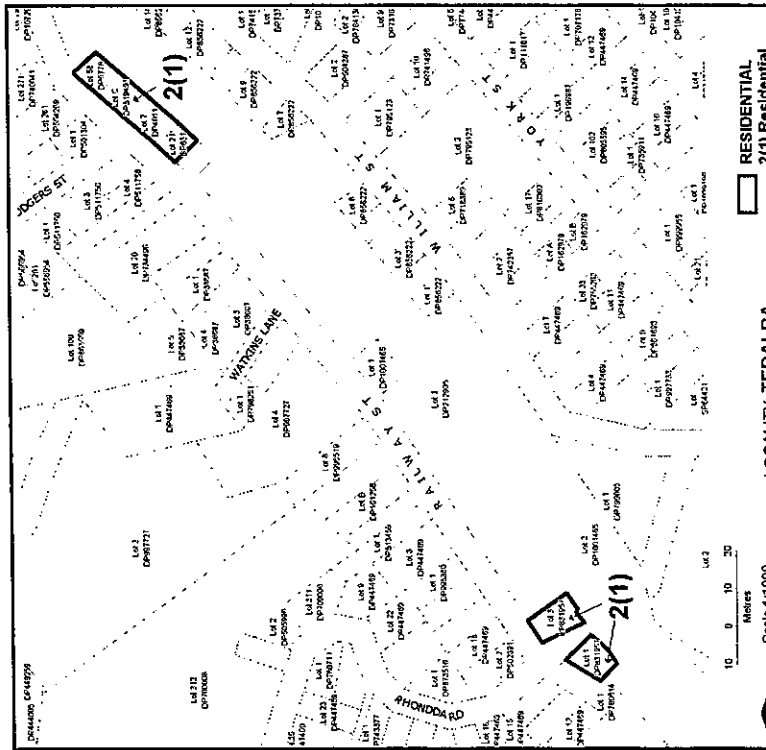


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
LOCALITY HIGHFIELDS

CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 1 OF 12

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS.
FILE NO. COUNCIL	F300501993	DEPT. OF PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE		DATE
				OF

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



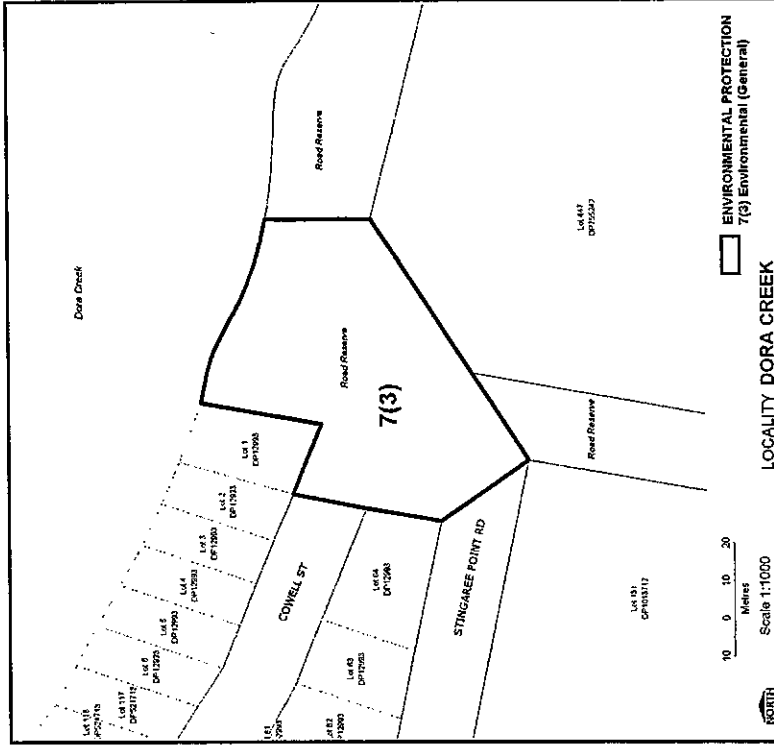
LOCALITY TERALBA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

SHEET 3 OF 12

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F306501993	DEPT. OF	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		GENERAL MANAGER
				PUBLISHED IN GOVT GAZETTE NO. OF

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



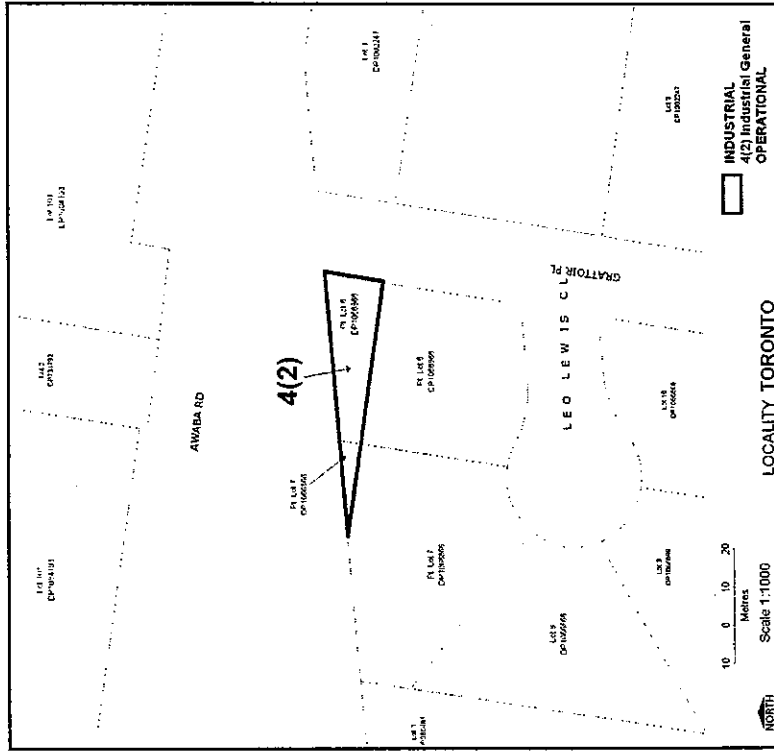
LOCALITY DORA CREEK

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

SHEET 4 OF 12

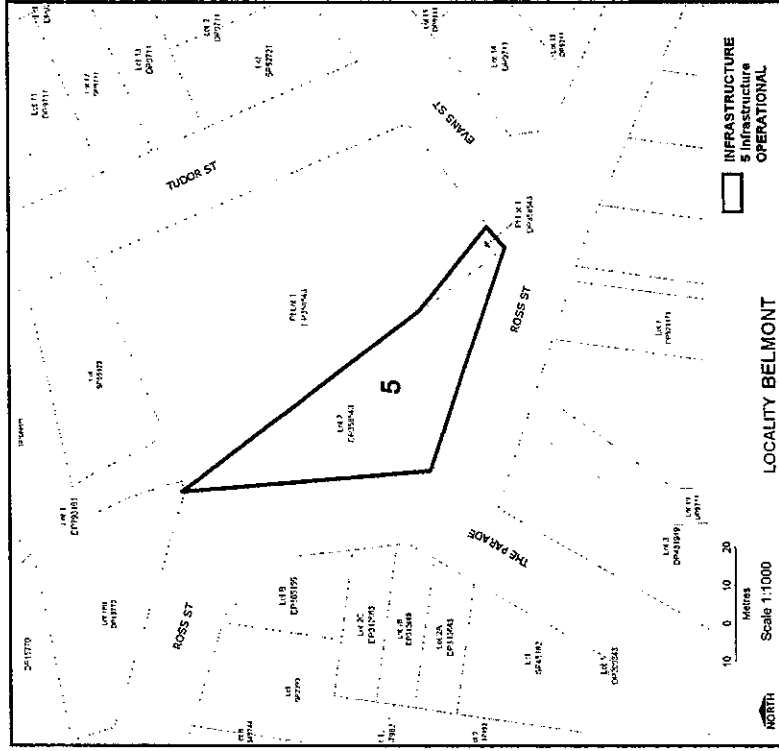
DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F306501993	DEPT. OF	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		GENERAL MANAGER
				PUBLISHED IN GOVT GAZETTE NO. OF

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



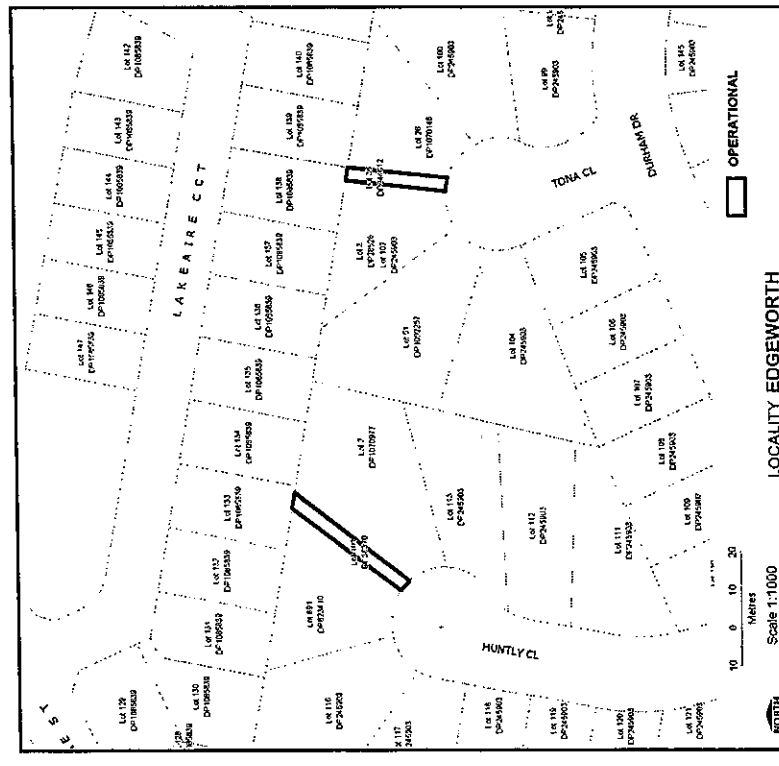
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 5 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY	DATE
PLANNING OFFICER	EM
FILE NO. COUNCIL	DEPT. of PLANNING
CERTIFICATE ISSUED UNDER SEC. 45 EPA ACT	DATE
STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.	
GENERAL MANAGER	DATE
PUBLISHED IN GOVT GAZETTE NO. OF	

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



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 6 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY	DATE
PLANNING OFFICER	EM
FILE NO. COUNCIL	DEPT. of PLANNING
CERTIFICATE ISSUED UNDER SEC. 45 EPA ACT	DATE
STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.	
GENERAL MANAGER	DATE
PUBLISHED IN GOVT GAZETTE NO. OF	

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

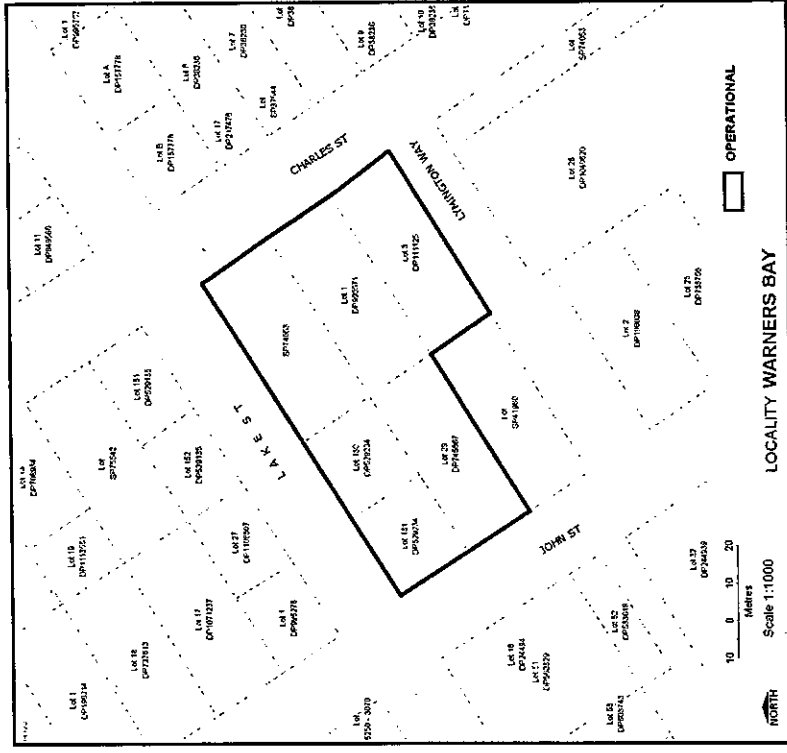


LOCALITY EDGEWORTH

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 7 OF 12

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS FILE NO. 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.
CERTIFICATE ISSUED UNDER SEC. 35 EPA ACT		DATE		GENERAL MANAGER
				PUBLISHED IN GOVT GAZETTE NO. OF

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

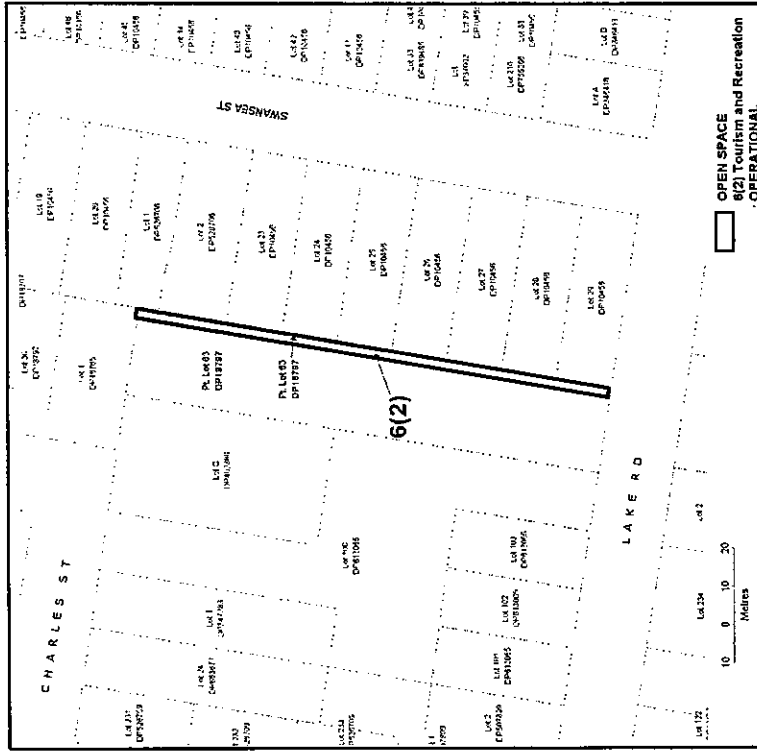


LOCALITY WARNERS BAY

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 8 OF 12

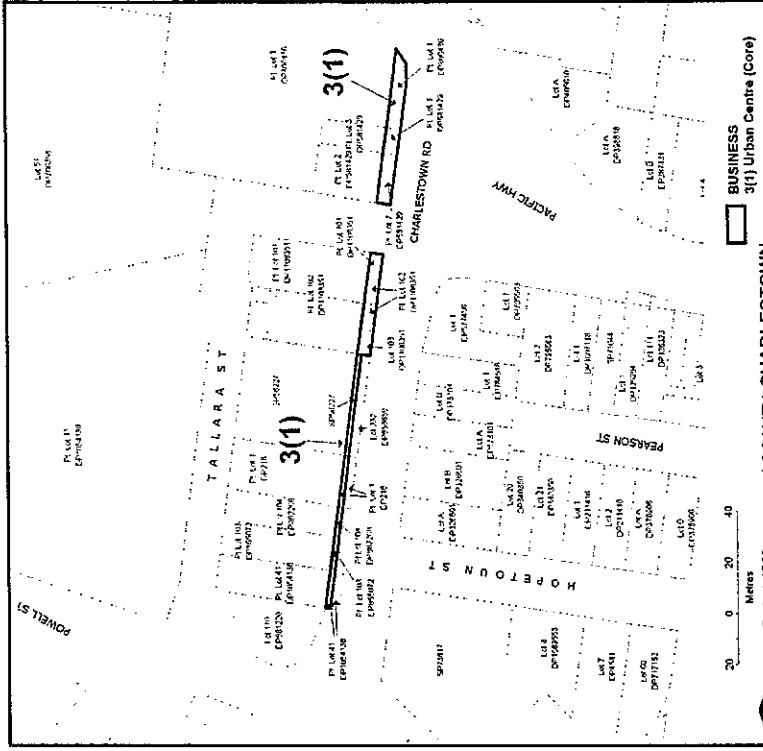
DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS FILE NO. LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			
FILE NO. COUNCIL	F2005/01993	DEPT. of	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 35 EPA ACT		DATE		GENERAL MANAGER
				PUBLISHED IN GOVT GAZETTE NO. OF

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



		ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCALITY SWANSEA	
CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		SHEET 9 OF 12 OPEN SPACE (8/2) Tourism and Recreation OPERATIONAL	
DRAWN BY PLANNING OFFICER	GAH EA	DATE 02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/1893	DEPT. OF PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT	DATE	GENERAL MANAGER	DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF

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



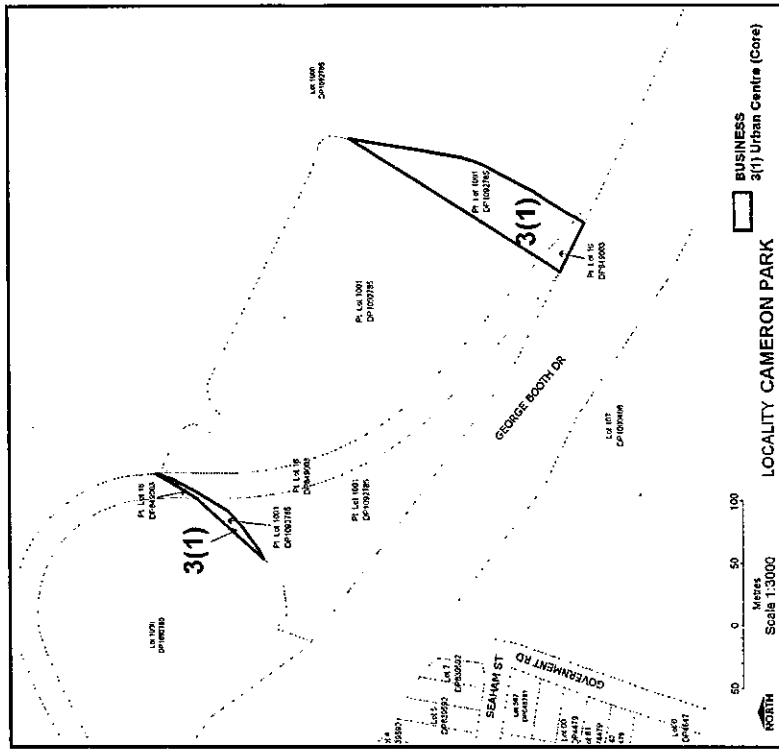
		ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 LOCALITY CHARLESTOWN	
CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		SHEET 10 OF 12 BUSINESS 3(1) Urban Centre (Core)	
DRAWN BY PLANNING OFFICER	GAH EA	DATE 02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/1893	DEPT. OF PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT	DATE	GENERAL MANAGER	DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF

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



DRAWN BY		GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER		EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL		F2005/01993	CERT. OF PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 15 EPA ACT			DATE		GENERAL MANAGER
			DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



DRAWN BY		GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER		EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL		F2005/01993	CERT. OF PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 15 EPA ACT			DATE		GENERAL MANAGER
			DATE		PUBLISHED IN GOVT GAZETTE NO. OF

Attachment E

Sewer Reference Sheets





SERVICE LOCATION PLAN



APPLICATION NUMBER: 2175264536

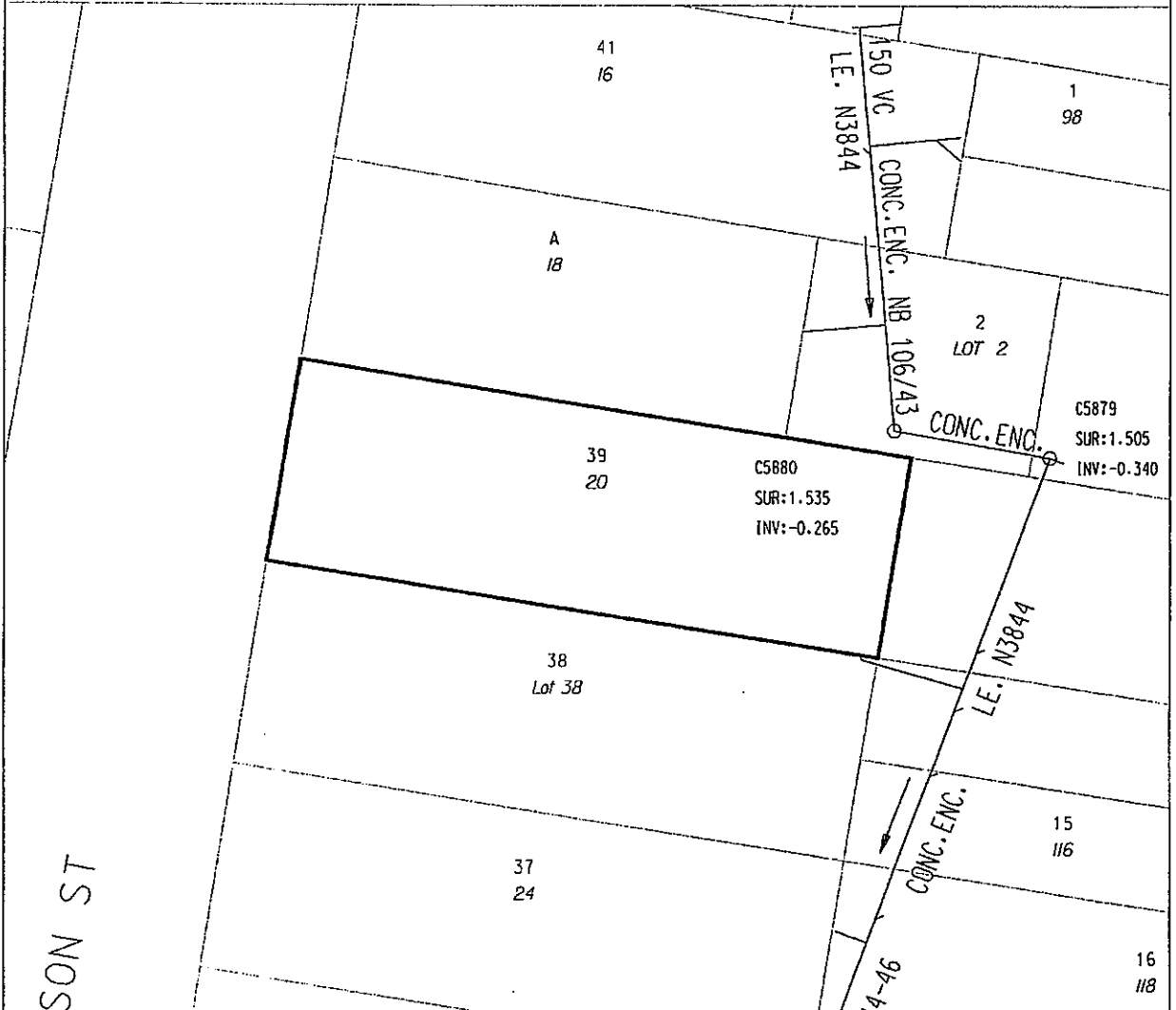
APPLICANT REF: 0001063019 ANTHONY CASTRO

APPLICANT NAME: CORRIS CHAMBERS WESTGARTH C/-ESPREON

PREMISE NO.: M02700941

PROPERTY ADDRESS: 20 JOSEPHSON ST SWAIDEA 2281

LOT/SECTION/DP: 39/25688



SEWER POSITION APPROXIMATE ONLY.
 SUBJECT PROPERTY BUILDED.
 ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAD WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A COMMERCIAL DEVELOPMENT (HOTEL, MEDIUM DENSITY RESIDENTIAL, ETC.) IS UNDERTAKEN IN THESE LOTS. IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS PRIOR TO PURCHASE. PHONE 1300 657 667

IMPORTANT:
 IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNERS RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

<p>21/01/2006 13/06/2006 18/09/2004</p>	<p>Ⓒ CADASTRAL/CONTIGUOUS DATA LAND INFORMATION CENTRE</p>	<p>Ⓒ SEWER/WATER UTILITY DATA HUNTER WATER CORPORATION</p>
---	---	---



HUNTER WATER CORPORATION PO BOX 5174 BRIMELEY NSW 2161 TEL (0011) 61 2 957 36
 36 HONEYBUCKLE DRIVE NEWCASTLE NSW 2300 512 445 HUNTERWATER.COM.AU

SERVICE LOCATION PLAN



APPLICATION NUMBER: 5840622522

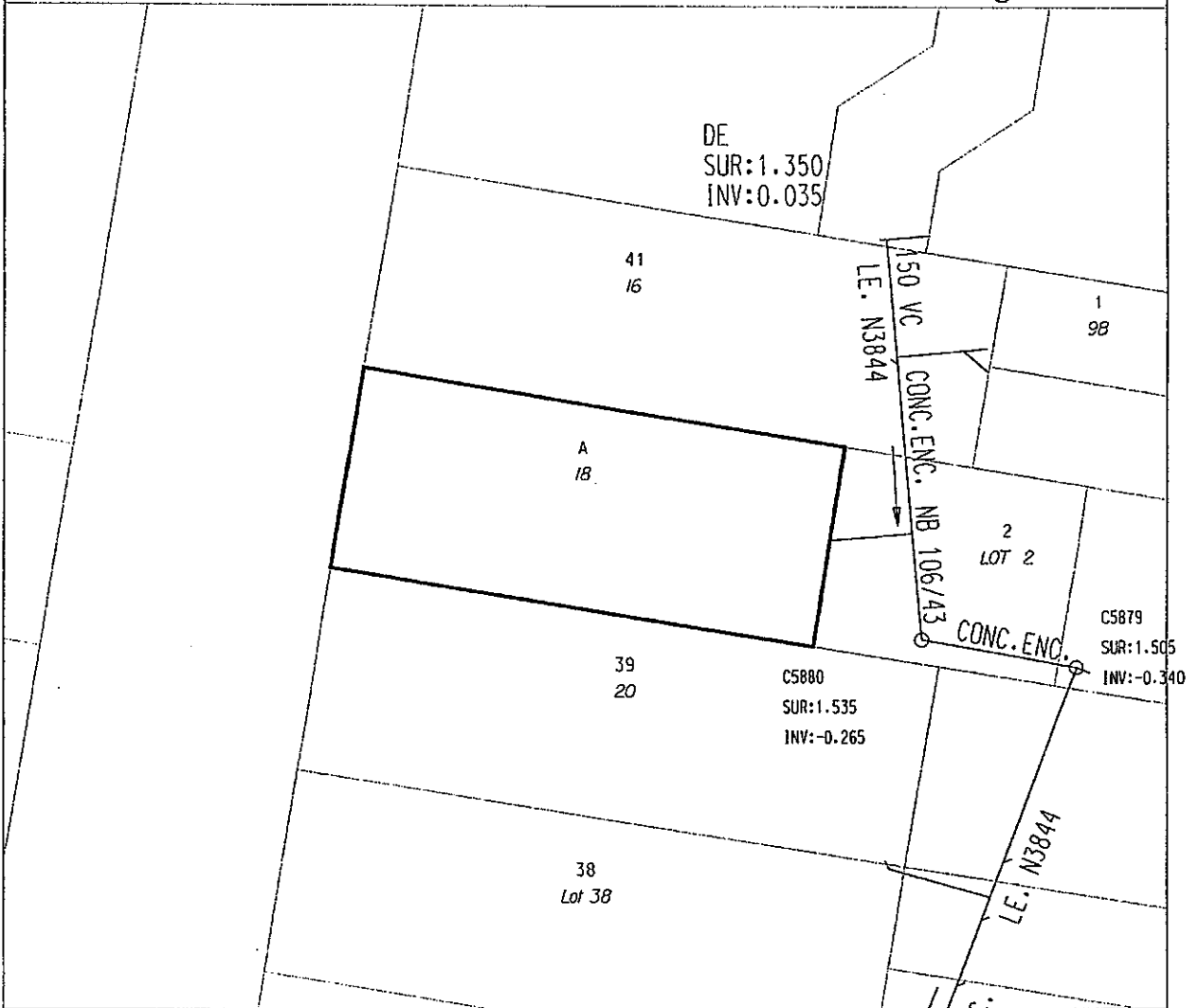
APPLICANT REF: 0001063033 ANTHONY CASTRO

APPLICANT NAME: CORRS CHAMBERS WESTGARTH C/-ESPREON

PREMISE NO.: 2492700942

PROPERTY ADDRESS: 18 JOSEPHSON ST SWANSEA 2281

LOT/SECTION/DP: A/7356808



SEWER LOCATION APPROXIMATE ONLY,
 SUBJECT PROPERTY BUILDED.
 ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAY WITHIN THE BOUNDARIES OF THE LOT, SPECIAL
 REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A
 COMMERCIAL DEVELOPMENT (RETAIL, MEDIUM DENSITY, RESIDENTIAL ETC) IS
 UNDERTAKEN. IN THIS CASE, IT IS RECOMMENDED THAT YOU SEEK ADVICE
 ON THE SPECIAL REQUIREMENTS FROM THE PURCHASER, PHONE 1800 657 657

IMPORTANT:
 IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR
 PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNERS
 RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO
 DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT
 CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE
 AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS
 ACCURACY.

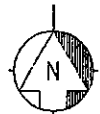
Notes:
 1. ASH 2000
 2. 100
 3. 100
 4. 100

Ⓢ CADASTRAL CONTOUR DATA
 LAND INFORMATION CENTRE

Ⓢ SEWER WATER UTILITY DATA
 HUNTER WATER CORPORATION



SERVICE LOCATION PLAN



APPLICATION NUMBER: 2349002543

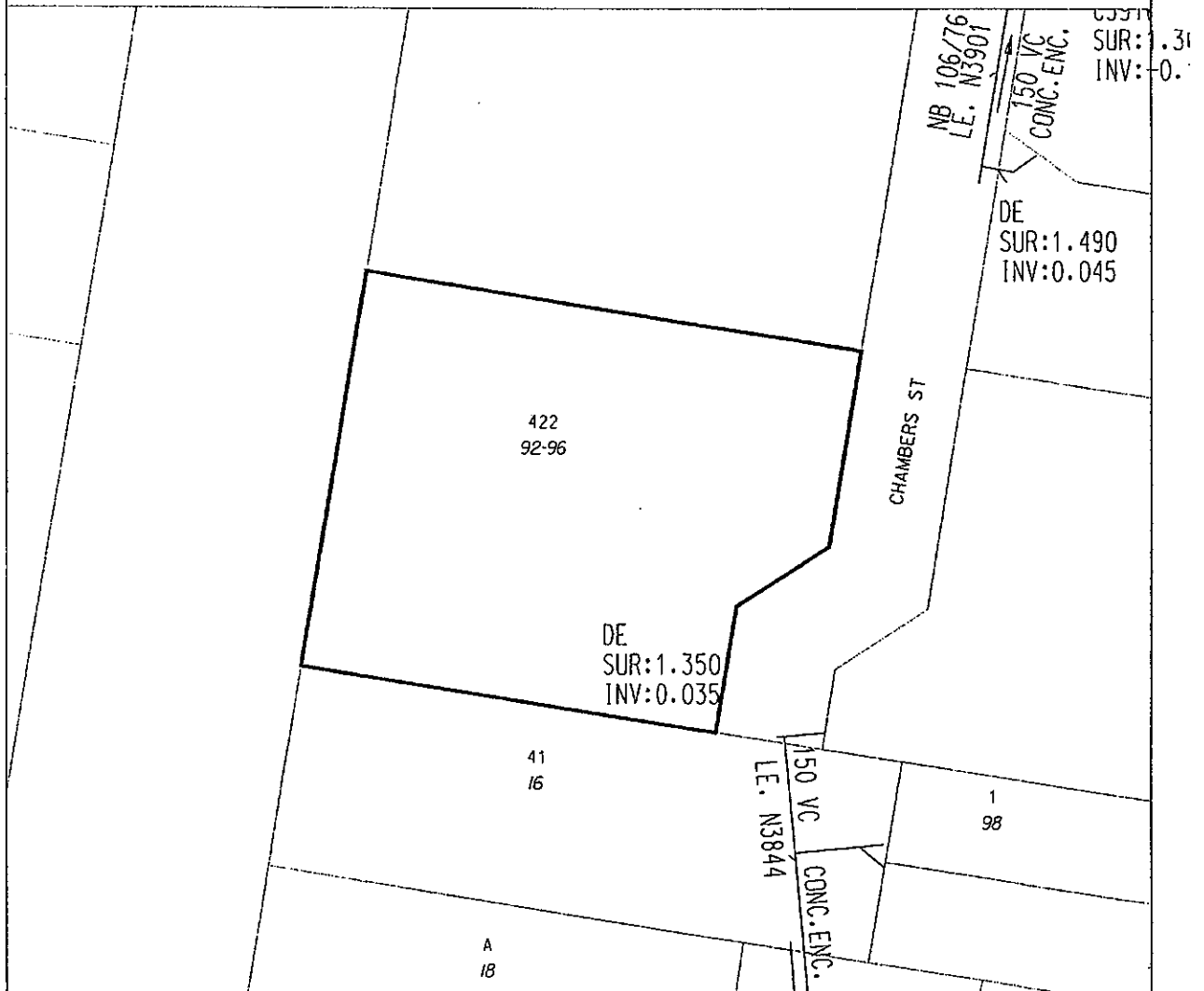
APPLICANT REF: 0001063037 ANTHONY CASTRO

APPLICANT NAME: CORRS CHAMBERS WESTGARTH D/-ESPREEN

PREMISE NO.: 4623700264

PROPERTY ADDRESS: 92-96 PACIFIC HW SWANSEA 2281

LOT/SECTION/DP: 422/7785216



SEWER POSITION APPROXIMATE ONLY.
 CURB/LOT PROPERTY BOLDED.
 ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAID WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A COMMERCIAL DEVELOPMENT (RETAIL, MEDIUM DENSITY, RESIDENTIAL, ETC.) UNDERTAKEN. IN THESE CASES, IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS FREE TO PURCHASE PHONE 1300 657 657

IMPORTANT:
 IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNER'S RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

Date:
 02/03/2009
 12:04
 2009

(6) CADASTRAL OUTLINE DATA
 LAND INFORMATION CENTRE

(7) SEWER/WATER UTILITY DATA
 HUNTER WATER CORPORATION

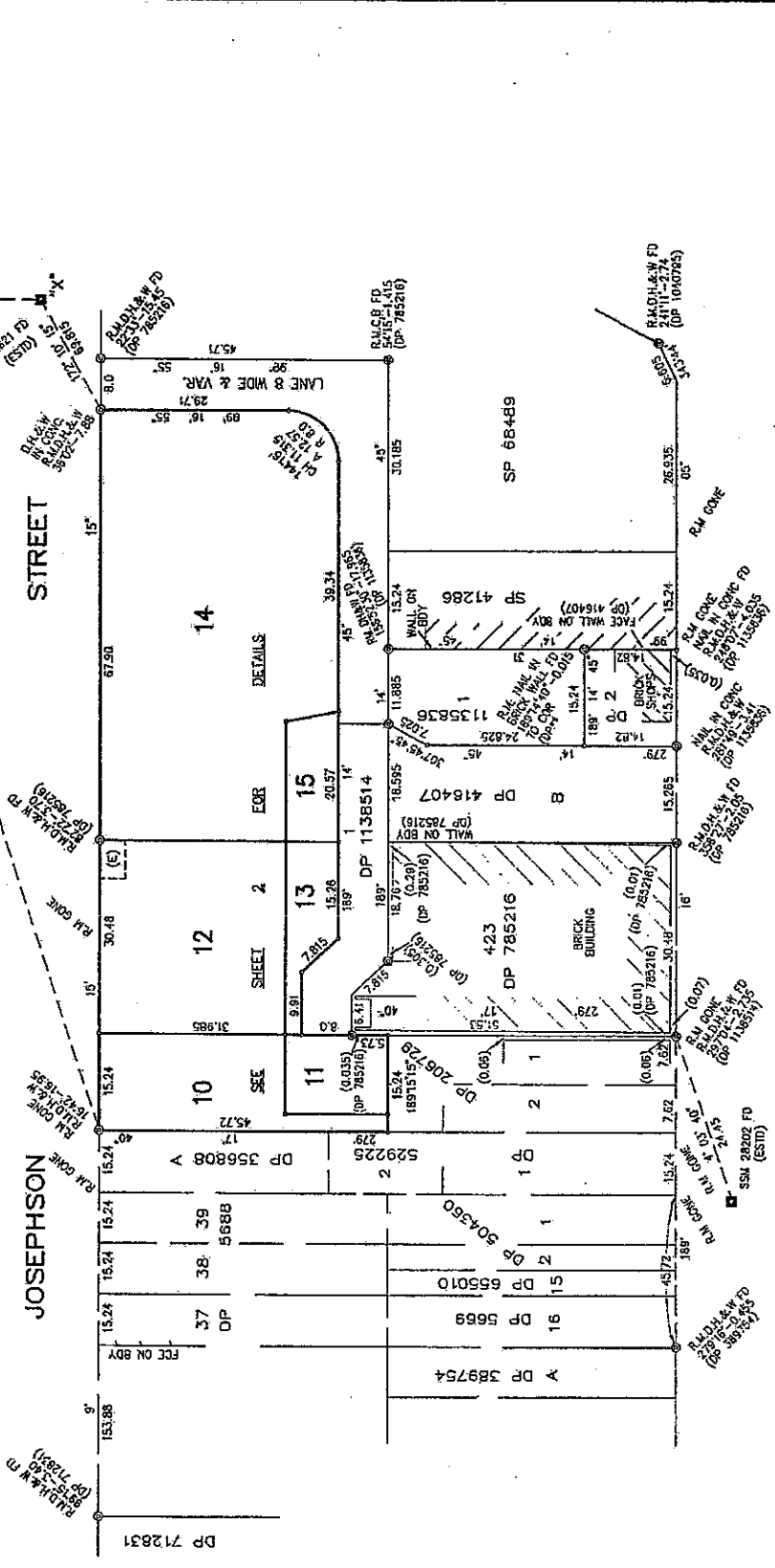
Attachment F

Plan of Subdivision

SURVEYING REGULATION 2006 CLAUSE 61(2)			
MARK	M.G.A. CO-ORDINATES		ZONE CLASS ORDER
	EASTING	NORTHING	
PN 22636	372651.337	6338435.979	56 B 2
PN 22621	372652.131	6338404.641	56 A 1
SSM 28202	372944.420	6338195.242	56 B 2

SOURCE: S.C.I.M.S., 19-03-08
C.S.F. 0.999789

SSM 28202 - PN 22621
33810'05" - 221'314 (MGA ORD)
33810'30" - 221'295 (SURVEY)



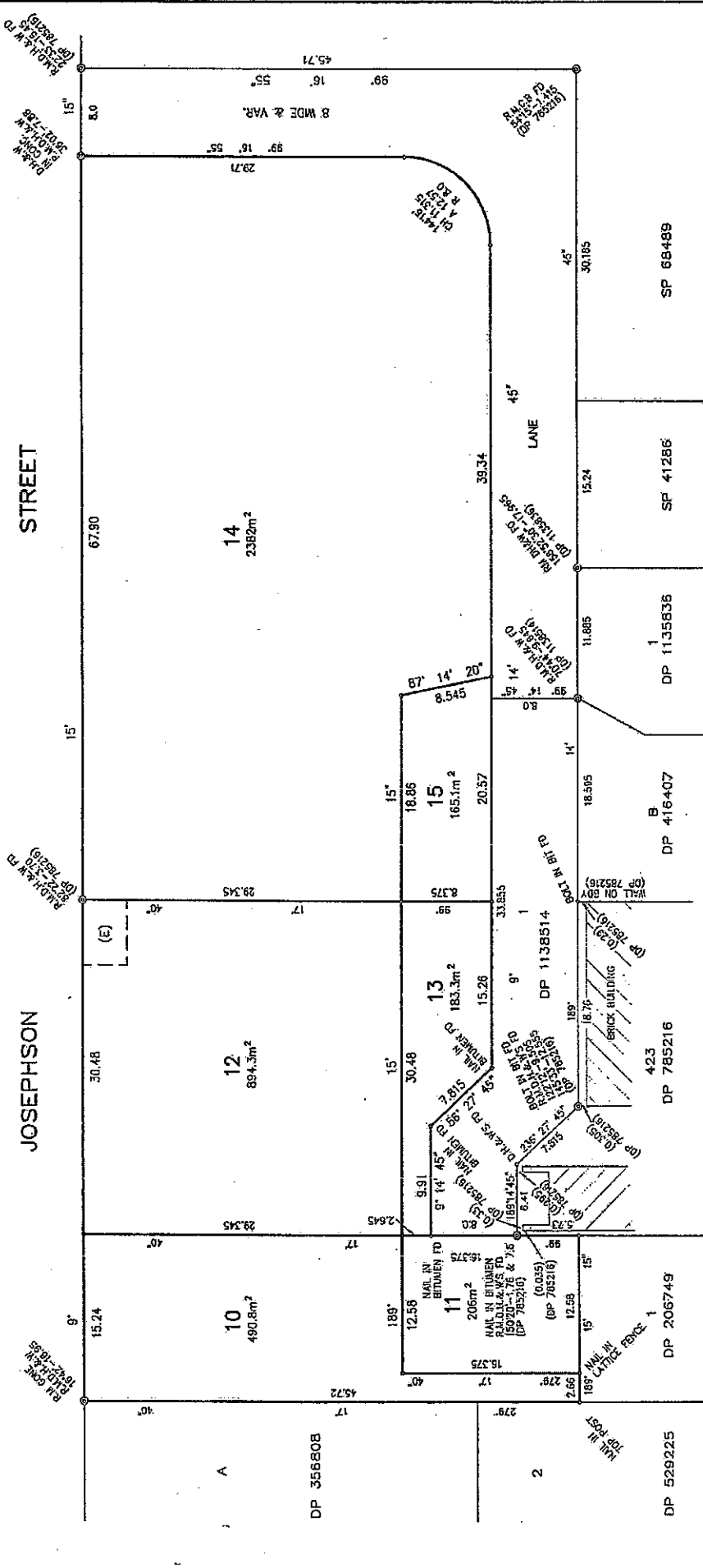
(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES
4.0 WIDE (MIE A8576873)

SURVEYOR: DAMIAN JOSEPH MAGUIRE
Date of Survey: 20-3-09
Surveyor's Ref: 30142 / 31683DP

PLAN OF SUBDIVISION OF LOT 41 DP65688
& LOTS 421 & 422 DP 785216

LGA: LAKE MACQUARIE
Locality: SWANSEA
Subdivision No: -
Lengths are in metres. Reduction Ratio: 1:500

Registered: DP1142583



<p>(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 1.0 WIDE (W/OE A5276R73)</p>	<p>Surveyor: DAMIAN JOSEPH MASJURE Date of Survey: 20-3-09 Surveyor's Ref: 30142/731883DP</p>	<p>PLAN OF SUBDIVISION OF LOT 41 DP5688 & LOTS 421 & 422 DP 785216</p>	<p>LGA: LAKE MACQUARIE Locality: SWANSEA Subdivision No: - Lengths are in metres. Reduction Ratio 1: 250</p>	<p>Registered: DP1142583</p>
---	---	--	--	---

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 89B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:

Registered:

Title System:

Purpose:

PLAN OF SUBDIVISION LOT 41 DP5688 AND LOTS 421 AND 422 DP765216

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN MAGUIRE of Lockley Land Title Solutions PO Box 400 Gladesville 1675 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on: 20-3-09

The survey relates to LOTS 10-15

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature: [Signature] Dated: 20-3-09

Date of plan: [Signature] Type: Urban/Rural

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I, in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: Date: File Number: Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed Subdivision set out herein (insert 'subdivision' or 'new road').

[Signature] Authorised Person/General Manager/Accredited Certifier

Consent Authority: Lake Macquarie City Council Date of Endorsement: 15 April 2009 Accreditation no: 241212009 Subdivision Certificate no: 241212009 File no: DA 1161212008

Plans used in the preparation of survey/compilation:

- DP5688 DP712831 DP1040795 DP389754 DP416407 DP765216 DP206729 DP356808 DP356808

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-31883 DP

* Delete whichever is inapplicable.

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF SUBDIVISION OF LOT 41 DP5688 AND
LOTS 421 AND 422 DP785216

Registered:

Subdivision Certificate No: SC12/2009

Date of Endorsement: 15.04.2009

~~EXECUTED by
FABCOT PTY LIMITED
ACN.002 960 983
in accordance with Section 127
of the Corporations Act~~

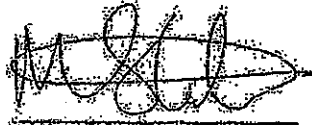
Signature of Director

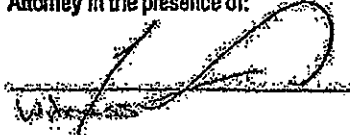
Signature of Director/secretary

NAME (please print)

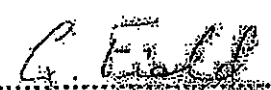
NAME (please print)

Signed by Fabcot Pty Limited Acn 002 960 983
by its Attorney MARK HADRIAN STUDD
pursuant to Power of Attorney registered AK 1506 No 749
who has no notice of revocation of the said Power of
Attorney in the presence of:


Attorney



STEVEN CHESHER
Solicitor
1 Woolworths Way
Bella Vista NSW 2153


Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142-31883 DP

* OFFICE USE ONLY

Attachment G

Plan of Consolidation and draft Section 88B Instrument



DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

* OFFICE USE ONLY

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919:

1. EASEMENT FOR CAR PARKING VARIABLE WIDTH (F)
2. EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE (D).
3. EASEMENT TO DRAIN WATER 3.0 WIDE (E).
4. RESTRICTION AS TO USER.

Registered: *

Title System:

Purpose:

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN MAGUIRE

of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE 1675 a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on:

The survey relates to LOTS 1 AND 2

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated:
Surveyor registered under the *Surveying Act, 2002*

Datum Line:
Type: Urban/Rural

Plans used in the preparation of survey/compilation

- | | |
|-----------|-----------|
| DP356808 | DP206729 |
| DP529225 | DP1135816 |
| DP5688 | DP1138514 |
| DP1142583 | DP1142583 |
| DP785216 | DP416407 |
| DP1135816 | DP1142583 |
| DP1138514 | |

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-32275-DP

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

.....in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:.....
Date:.....
File Number:.....
Office:.....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed..... set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:.....
Date of Endorsement:.....
Accreditation no:.....
Subdivision Certificate no:.....
File no:.....

* Delete whichever is inapplicable.

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

*

Registered:

*

Subdivision Certificate No:

Date of Endorsement:

EXECUTED by **FABCOT PTY LIMITED**)
ACN 002 960 983 accordance with)
section 127 of the Corporations Act:)

.....
Signature of director

.....
Signature of director/secretary

.....
Name (please print)

.....
Name (please print)

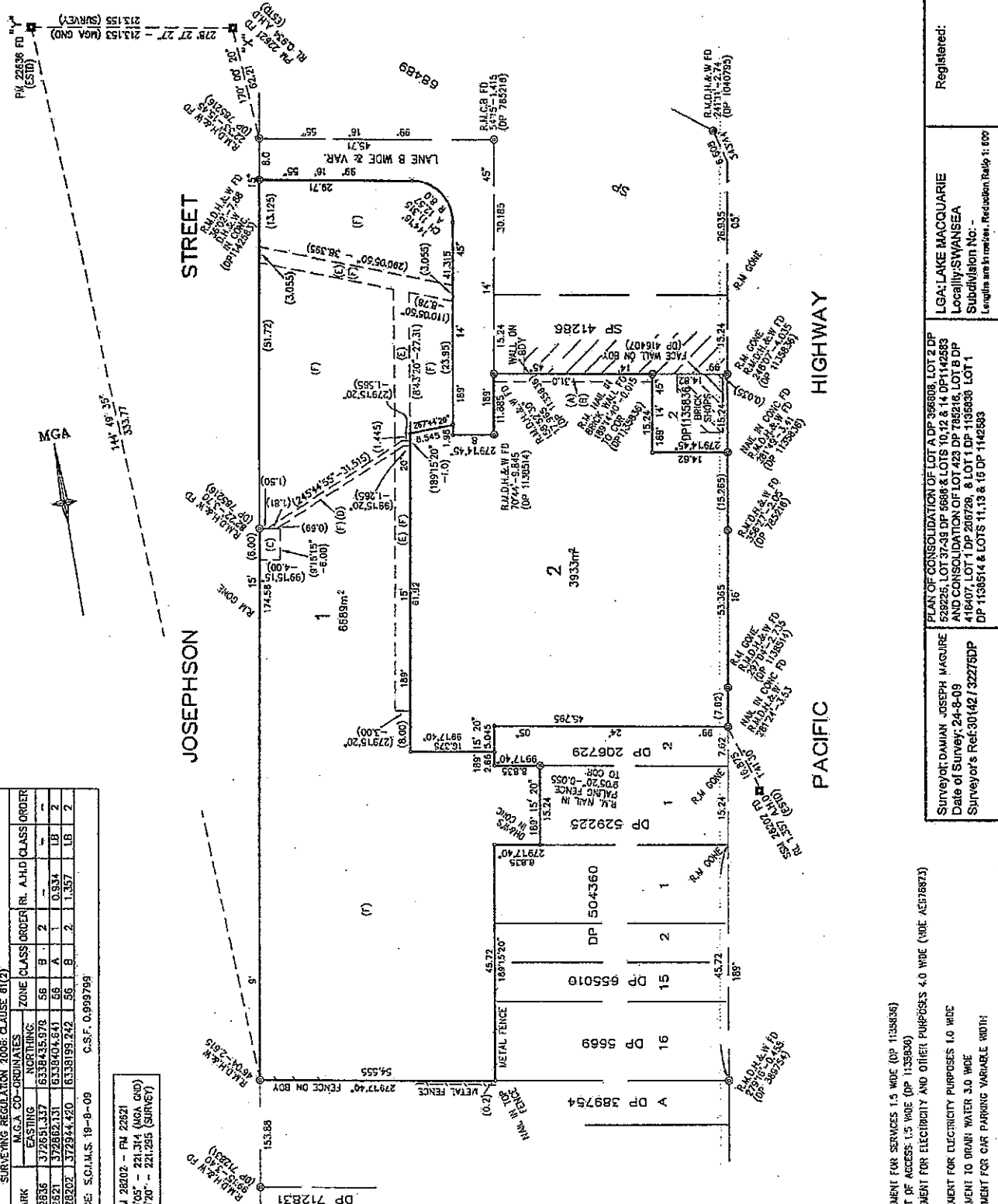
.....
Executed by:
The Council of the City of Lake Macquarie

* OFFICE USE ONLY

SURVEYING REGULATION 2006: CLAUSE 61(2)			
MARK	M.G.A. CO-ORDINATES	ZONE CLASS ORDER	RL A.H.D CLASS ORDER
	EASTING	NORTHING	
PM 22836	372651.337	6338435.978	B 2
PM 22837	372682.131	6338404.641	B 1
SSM 28202	372934.420	6338199.242	B 2, 1.357, LB 2

SOURCE: S.C.I.M.S. 19-8-09 C.S.F. 0.999799

SSM 28202 - PM 22821
 3387005' - 221374 (MGA GND)
 3387020' - 221283 (SURVEY)



- (A) EASEMENT FOR SERVICES 1.5 WIDE (DP 1135836)
- (B) RIGHT OF ACCESS: 1.5 WIDE (DP 1135930)
- (C) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (NOTE AEST76873)
- (D) EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE
- (E) EASEMENT TO DRAIN WATER 3.0 WIDE
- (F) EASEMENT FOR CAR PARKING VARIABLE WIDTH

Survey of DAMIAN JOSEPH MAGUIRE
 Date of Survey: 24-8-09
 Surveyor's Ref: 30142 / 32276DP

PLAN OF CONSOLIDATION OF LOT A DP 556808, LOT 2 DP
 529225, LOT 37-38 DP 56868 & LOTS 10, 12 & 14 DP 1142883
 AND CONSOLIDATION OF LOT 423 DP 78216, LOT B DP
 418407, LOT 1 DP 280729, & LOT 1 DP 1135836 LOT 1
 DP 11358514 & LOTS 11, 13 & 15 DP 1142933

Registered:
 LGA: LAKE MACQUARIE
 Locally SWANSEA
 Submission No: -
 Lengths are in metres. Reduction Ratio 1: 600

DP

Instrument setting out terms of Easements or Profits à Pendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 11 sheets)

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for car parking variable width (F)	1	2
2	Easement for Electricity Purposes 1 wide (D)	1	2 Energy Australia
3	Easement to Drain Water 3 wide (E)	1	Lake Macquarie City Council 2
4	Restriction as to User	2	Lake Macquarie City Council

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808,
Lot 2 DP529225, Lot 37-39 DP5688 & Lots
10, 12 & 14 DP1142583 and Consolidation
of Lot 423 DP785216, Lot B DP416407,
Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
DP1138514 & Lots 11, 13 and 15
DP1142583
No of

**Full name and address of the owner of
the land:** Council of the City of Lake Macquarie of
126 – 138 Main Road, Speers Point, NSW
2284 and
Fabcot Pty Limited of 1 Woolworths Way,
Bella Vista, NSW 2153

Part 2 (Terms)

1. Interpretation

1.1 Definitions

In this Instrument, unless the contrary intention appears, the following terms have the following meanings:

Act means the *Environmental Planning and Assessment Act, 1979* (NSW).

Authorised Users means persons authorised by the Grantee and members of the public.

Authority means any government or governmental, semi-governmental, quasi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes the Council.

At grade means on the finished surface.

Council means the Council of the City of Lake Macquarie Council.

Council Future Development means the development of Lot 1 by the Grantor as permitted by clause 3.5.3.

Development has the meaning given in the Act.

Grantee means the owner or mortgagee in possession of the Lot Benefited.

Grantor means the owner or mortgagee in possession of the Lot Burdened.

Grantee's Development is the development of a shopping centre by the Grantee pursuant to development consent in the records of the Grantor numbered DA/1313/2007, as may be modified from time to time in accordance with law.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808,
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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
DP1138514 & Lots 11, 13 and 15
DP1142583
No of

**Full name and address of the owner of
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Instrument means this section 88B instrument.

Lot Benefited means the whole or any part of a lot having the benefit of an Easement.

Lot Burdened means the whole or any part of a lot having the burden of an Easement.

VPA means the Voluntary Planning Agreement between the Council and Fabcot Pty Limited registered as dealing number [] or such other dealing number as may be allocated by the Registrar-General, over the land described in the Plan as Lot 2 (comprising Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 and Lot 1 DP1135836, Lot 1 DP1138514 and Lots 11, 13 and 15 DP 1142583) on the titles to that land, in accordance with Section 93H of the Environmental Planning and Assessment Act 1979 NSW.

1.2 Unless a contrary intention appears, a reference in this Instrument to:

- (a) **(reference to anything)** a reference to anything is a reference to the whole or each part of it; and
- (b) **(references to statute)** a law, ordinance or code includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of them; and
- (c) **(singular includes plural)** the singular includes the plural and vice versa; and
- (d) **(meaning not limited)** the words "include", "including", "for example", "amongst other things" or "such as" are not used as, nor are they to be interpreted as, words of limitation and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
- (e) **(gender)** a reference to one gender includes a reference to the other genders.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808,
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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
DP1138514 & Lots 11, 13 and 15
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No of

**Full name and address of the owner of
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2284 and
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Bella Vista, NSW 2153

1.3 Headings do not affect the interpretation of this Instrument.

2. Covenants and agreements between Grantee and Grantor

The conditions, covenants and restrictions in this Instrument are covenants and agreements between:

- (a) the Grantee for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Benefited or any part of it with which the right is capable of enjoyment; and
- (b) the Grantor for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Burdened or any part of it with which the right is capable of enjoyment;

to the intent that the benefit and burden of those covenants and agreements are annexed to and pass with the benefits and burdens of the easement.

3. Terms of Easement for Car Parking numbered 1 in the Plan.

3.1 The Grantee and Authorised Users may, subject to the:

- (a) provisions of clause 3.5 relating to the Council Future Development that exclude and restrict the rights hereby granted, and
- (b) regulation of the Lot Burdened by the Grantor as a free parking area pursuant to clause 3.6,

by any reasonable means and at any time pass across the Lot Burdened to get to or from the Lot Benefited and at any time be permitted to park 192 motor vehicles (including cars, trucks, vans and the like) at grade on the Lot Burdened.

3.2 The Grantee shall, at its cost, maintain the Lot Burdened and, as and when it thinks necessary or when required by written notice given to it by the Grantor's General Manager or his delegate, acting reasonably, keep it in good and trafficable repair, by

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

including the carrying out of work relating to constructing, placing, repairing, draining or maintaining trafficable surfaces and driveways, line-marking, lighting, and landscaping structures to a reasonably trafficable standard, except where such repair is the responsibility of the Grantor under clause 3.5.2(d) below.

3.3 In performing its obligations under clause 3.2 or 3.5.2(d), a party must ensure:

- (a) all work is done in a good and workmanlike manner; and
- (b) all work is done in accordance with all approvals and consents required and obtained, if necessary, under the Act and any other legislation.

3.4 A party carrying out any work on the Lot Burdened under the obligations imposed by this instrument does so at its own risk, and the party carrying out that work releases the other party from and indemnifies the other party against all claims and demands of every kind and from all liabilities which may arise in respect of any accident or damage to property or death or injury to any person arising out of the carrying out of any work on the Lot Burdened under the obligations created by this instrument, other than to the extent caused or contributed to by the act or omission of the other party, its contractors, representatives, officers, employees, licensees and lessees.

3.5 Council Future Development

3.5.1 The rights granted by clause 3.1 do not extend to the Council Future Development.

3.5.2 If the Grantor commences the construction of the Council Future Development, then the rights of the Grantee and the Authorised Users granted under clause 3.1 hereof are modified to the extent reasonably necessary to carry out the construction works for the Council Future Development but the Grantor must, during construction of the Council Future Development, take reasonable steps to ensure that:

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808,
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Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
DP1138514 & Lots 11, 13 and 15
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No of

**Full name and address of the owner of
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126 – 138 Main Road, Speers Point, NSW
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Bella Vista, NSW 2153

- (a) access for trucks (including 19.3 metre articulated vehicles) to the Supermarket's loading docks is not obstructed by construction vehicles and/or construction materials at any time; and
- (b) access to the Grantee's Development is not unreasonably hindered at any time by construction vehicles and/or construction materials; and
- (c) construction of the Council Future Development proceeds so that a minimum of 146 at grade public car spaces (instead of the number required by clause 3.1) on the Lot Burdened is maintained at all times for use by the Grantee's tenants, customers, employees and invitees, and
 - (i) each car space is to have minimum dimensions of 2.6 metres x 5.5 metres; and
 - (ii) aisle widths for vehicle access on the Lot Burdened must be a minimum of 6.4 metres; and
- (d) it repairs, at its cost and to the reasonable satisfaction of the owner of the Lot Burdened, all damage caused to the Lot Burdened resulting from the construction of the Council Future Development; and
- (e) ramps or lobbies associated with the Council Future Development must be designed so as not to compromise the entry and egress points to the Development's pedestrian entry and loading dock; and
- (f) on completion of the Council Future Development, and in accordance with the Easement, 192 ground level car parking spaces must be available for the Grantee and Authorised Users on the Lot Burdened at all times; and
- (g) during the construction of and at all times following the completion of the Council Future Development, it will be responsible for the repair, maintenance and upkeep of that part of the Lot Burdened that is not at grade in the areas marked "A" and "B" on Annexure 3 of the VPA; and

.....
Council Authorised Person

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**Full name and address of the owner of
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- (h) it will not transfer its interest in the Lot Burdened without first obtaining from the transferee a deed binding the transferee to such of the Grantor's obligations as remain unperformed in this clause and otherwise the terms of the Easement; and
- (i) it indemnifies the Grantee in respect of all loss, cost and expense suffered by the latter arising in any way from the Grantor's breach of this clause or otherwise of the terms of this Easement.

3.5.3

- (a) Subject to (d) below, the Grantor may develop in the airspace from 3.2 metres above finished ground level of the Lot Burdened in the area marked "A" on Annexure 3 of the VPA.
- (b) Subject to (d) below, the Grantor may develop in the airspace from 4.6 metres above finished ground level of the Lot Burdened in the area marked "B" on Annexure 3 of the VPA.
- (c) The Grantor may develop on ground level to the street frontage to Josephson Street within the area marked "C" on Annexure 3 of the VPA.
- (d) The Grantor must comply with all of its development controls and codes applying to car parking in designing the Council Future Development without counting the car parking spaces the subject of the Easement.
- (e) For the avoidance of doubt, those parts of Lot 1 referred to in subclauses (a), (b) and (c) above are no longer burdened by the grant of rights to the Grantee and Authorised Users under this instrument after the development of those parts by the Grantor commences.

.....
Council Authorised Person

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3.6 Regulation by Grantor of Lot Burdened

3.6.1 The Grantee and Authorised Users will not object if:

- (a) the Grantor resolves to make the Lot Burdened and/or the car park thereon a free parking area under section 650 of the *Local Government Act 1993 (NSW)*;
- (b) the Grantor marks the spaces for car parking in that free parking area; and
- (c) the Grantor regulates parking in such free parking area and erects notices or signs so as to permit vehicles to park in that free parking area for 2 hours each 24 hours, except that there shall be no such limitation on vehicles displaying a notice or card issued by the Roads and Traffic Authority of NSW showing that the driver of the vehicle is disabled.

3.6.2. The Grantor will take all steps necessary to make the Lot Burdened and/or the car park thereon a free parking area on terms referred to in this clause 3.6 and in accordance with section 650 of the *Local Government Act 1993 (NSW)*, prior to the issue of a final Occupation Certificate for the Development.

3.6.3. The Grantor will use its reasonable endeavours to exercise and enforce the powers given to it pursuant to section 650 of the *Local Government Act 1993 (NSW)* in respect of management of the Lot Burdened.

3.6.4. The Grantee will, as agent of the Grantor, carry out, without cost to the Grantor, the marking of the car parking spaces and preparing and erecting the signs and notices in and near the Lot Burdened that the Grantor considers necessary for the purposes of section 650 of the *Local Government Act 1993 (NSW)*.

3.7 No charge or fee to be imposed by the Grantee

The Grantee will not impose a charge or fee for the use of the Lot Burdened.

.....
Council Authorised Person

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No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

4. **Terms of Restriction as to User numbered 4 on the Plan**

The proprietor of the lot burdened and every person authorised by him to occupy the building erected upon the land hereby burdened shall:

- (a) install a "Floodgate" mechanism to effectively seal the shop tenancies flood-proof to a minimum level of 2.37m AHD to the satisfaction of Council.
- (b) Implement a "Floodplain Risk Management Plan" which demonstrates a process for installation, preparedness, failsafe management/activation and maintenance of the "Floodgate" system.

Name of person or Authority empowered to release vary or modify Easement numbered 1 in the Plan:

The registered proprietor from time to time of the Lot Benefited.

Name of Authority empowered to release, vary or modify Restriction as to User numbered 4 in the plan.

Lake Macquarie City Council.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Signed for and on behalf of **Fabcot Pty Limited** ACN 002 960 983 under s.127 of the Corporations Act:

Signature of witness

Name of witness

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
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Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

The Common Seal of Council of the City of Lake Macquarie was hereunto affixed pursuant to resolution made on before

General Manager

Mayor

.....
Council Authorised Person

Annexure 7

Contract for Sale of Council's Exchange Land

Contract for the sale of land - 2005 edition

MEANING OF TERM

TERM			
Vendor's agent	N/A		
Co-agent	N/A		
Depositholder	N/A		
Vendor	COUNCIL OF THE CITY OF LAKE MACQUARIE ABN 81 065 027 868 126-138 Main Road, Speers Point, NSW 2284		
Vendor's solicitor	Grant Long Lake Macquarie City Council, 126-138 Main Road, Speers Point, NSW 2284	Phone (02) 4921 0405 Fax (02) 4921 0345 Ref Grant Long	
Completion date	See clause 31.1 (clause 15)		
Land (Address, plan details and title reference)	Lot 11 (being part of Lot 41 in DP 5688) having an area of 206m ² on the <i>Plan of Subdivision</i> attached to this contract as attachment F and lodged for registration at the Department of Lands as DP1142583, Lot 15 (being part of Lot 421 in DP 785216) having an area of 165m ² on the <i>Plan of Subdivision</i> and Lot 1 in DP 1138514 having an area of 412.6m ² (all of which will form part of Lot 2 in the <i>Plan of Consolidation</i> attached to this contract as attachment G)		
	Folio Identifiers Part 41/5688, Part 421/785216 and 1/1138514		
Improvements	<input checked="" type="checkbox"/> VACANT POSSESSION <input type="checkbox"/> subject to existing tenancies <input type="checkbox"/> house <input type="checkbox"/> garage <input type="checkbox"/> carport <input type="checkbox"/> home unit <input type="checkbox"/> carspace <input checked="" type="checkbox"/> NONE <input type="checkbox"/> other:		
Attached copies	Documents in the List of Documents as marked with a <input checked="" type="checkbox"/>		
Guarantor			

A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.

Inclusions	<input type="checkbox"/> blinds	<input type="checkbox"/> curtains	<input type="checkbox"/> insect screens	<input type="checkbox"/> stove
	<input type="checkbox"/> built-in wardrobes	<input type="checkbox"/> dishwasher	<input type="checkbox"/> light fittings	<input type="checkbox"/> pool equipment
	<input type="checkbox"/> clothes line	<input type="checkbox"/> fixed floor coverings	<input type="checkbox"/> range hood	<input type="checkbox"/> TV antenna
	<input type="checkbox"/> other:			
Exclusions	NIL			
Purchaser	FABCOT PTY LIMITED ACN 002 960 963 1 Woolworths Way, Bella Vista, NSW, 2153			
Purchaser's solicitor	CORRS CHAMBERS WESTGARTH Level 32, Governor Phillip Tower, 1 Farrer Place Sydney NSW 2000	Phone (02) 9210 6500 Fax (02) 9210 6611 Ref Christine Covington		
Price	\$See clause 41			
Deposit	\$ NIL	(10% of the price, unless otherwise stated)		
Balance	\$			
Contract date	(if not stated, the date this contract was made)			

SEE ATTACHMENT FOR EXECUTIONS

Vendor _____		Witness
	GST AMOUNT (optional) The price includes GST of \$NIL	
Purchaser _____	<input type="checkbox"/> JOINT TENANTS <input type="checkbox"/> tenants in common <input type="checkbox"/> in unequal shares	Witness

Tax information (the parties promise this is correct as far as each party is aware)

Vendor duty is payable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes in full	<input type="checkbox"/> yes to an extent
Deposit can be used to pay vendor duty	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	
Land tax is adjustable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	

HOLDER OF STRATA OR COMMUNITY TITLE RECORDS –

List of Documents

General	Strata or community title (clause 23 of the contract)
<input checked="" type="checkbox"/> property certificate for the land	<input type="checkbox"/> property certificate for strata common property
<input checked="" type="checkbox"/> plan of the land	<input type="checkbox"/> plan creating strata common property
<input checked="" type="checkbox"/> unregistered plan of the land	<input type="checkbox"/> strata by-laws not set out in <i>legislation</i>
<input checked="" type="checkbox"/> plan of land to be subdivided	<input type="checkbox"/> strata development contract or statement
<input type="checkbox"/> document that is to be lodged with a relevant plan	<input type="checkbox"/> strata management statement
<input checked="" type="checkbox"/> section 149(2) certificate (Environmental Planning and Assessment Act 1979)	<input type="checkbox"/> leasehold strata - lease of lot and common property
<input checked="" type="checkbox"/> section 149(5) information included in that certificate	<input type="checkbox"/> property certificate for neighbourhood property
<input type="checkbox"/> sewerage connections diagram	<input type="checkbox"/> plan creating neighbourhood property
<input checked="" type="checkbox"/> sewer mains diagram	<input type="checkbox"/> neighbourhood development contract
<input checked="" type="checkbox"/> document that created or may have created an easement, profit à prendre, restriction on use or positive covenant disclosed in this contract	<input type="checkbox"/> neighbourhood management statement
<input type="checkbox"/> section 88G certificate (positive covenant)	<input type="checkbox"/> property certificate for precinct property
<input type="checkbox"/> survey report	<input type="checkbox"/> plan creating precinct property
<input type="checkbox"/> section 317A certificate (certificate of compliance)	<input type="checkbox"/> precinct development contract
<input type="checkbox"/> building certificate given under <i>legislation</i>	<input type="checkbox"/> precinct management statement
<input type="checkbox"/> insurance certificate (Home Building Act 1989)	<input type="checkbox"/> property certificate for community property
<input type="checkbox"/> brochure or note (Home Building Act 1989)	<input type="checkbox"/> plan creating community property
<input type="checkbox"/> section 24 certificate (Swimming Pools Act 1992)	<input type="checkbox"/> community development contract
<input type="checkbox"/> lease (with every relevant memorandum or variation)	<input type="checkbox"/> community management statement
<input type="checkbox"/> other document relevant to tenancies	<input type="checkbox"/> document disclosing a change of by-laws
<input type="checkbox"/> old system document	<input type="checkbox"/> document disclosing a change in a development or management contract or statement
<input type="checkbox"/> Crown tenure card	<input type="checkbox"/> document disclosing a change in boundaries
<input type="checkbox"/> Crown purchase statement of account	<input type="checkbox"/> certificate under Management Act – section 109 (Strata Schemes) or section 26 (Community Land)
<input type="checkbox"/> Statutory declaration regarding <i>vendor duty</i>	

WARNINGS

- 1 Various Acts of Parliament and other matters can affect the rights of the parties to this contract. Some important matters are actions, claims, decisions, licences, notices, orders, proposals or rights of way involving:
- | | | |
|----------------------------------|---|---------------------------------------|
| AGL Gas Networks Limited | Government Business & Government Procurement | Public Works Dept |
| Council | Heritage Office | Roads & Traffic Authority |
| County council | Infrastructure Planning and Natural Resources | Rural Lands Protection Board |
| East Australian Pipeline Limited | Land & Housing corporation | Sustainable Energy Development |
| Education & Training Dept | Mine Subsidence Board | Telecommunications authority |
| Electricity authority | Owner of adjoining land | Water, sewerage or drainage authority |
| Environment & Conservation Dept | Primary Industries Department | |
| Fair Trading | RailCorp | |
- If you think that any of these matters affects the property, tell your solicitor.
- 2 A lease may be affected by the Agricultural Tenancies Act 1990, the Residential Tenancies Act 1987 or the Retail Leases Act 1994.
- 3 If any purchase money is owing to the Crown, it may become payable when the transfer is registered.
- 4 If a consent to transfer is required under legislation, see clause 27 as to the obligations of the parties.
- 5 The vendor should continue the vendor's insurance until completion. If the vendor wants to give the purchaser possession before completion, the vendor should first ask the insurer to confirm this will not affect the insurance.
- 6 The purchaser will usually have to pay stamp duty on this contract. The sale will also usually be a vendor duty transaction. If duty is not paid on time, a party may incur penalties.
- 7 If the purchaser agrees to the release of deposit any rights in relation to the land (for example, the rights mentioned in clause 2.8) may be subject to the rights of other persons such as the vendor's mortgagee.
- 8 The purchaser should arrange insurance as appropriate.

DISPUTES

If you get into a dispute with the other party, the Law Society and Real Estate Institute encourage you to use informal procedures such as negotiation, independent expert appraisal or mediation (for example mediation under the Law Society Mediation Guidelines).

AUCTIONS

Regulations made under the Property, Stock and Business Agents Act 2002 prescribe a number of conditions applying to sales by auction.

These are the additional clauses to the contract for sale of land between COUNCIL OF THE CITY OF LAKE MACQUARIE (as vendor) and FABCOT PTY LIMITED (as purchaser) in respect of the Land being Part of Lot 41 in DP5688, Part of Lot 421 in DP785216 and Lot 1 in DP1138514

30 Amendments to printed clauses

The printed clauses 1 to 29 of this contract are amended as follows:

- (a) **clause 1** is amended by:
 - (i) amending the definition of "*depositholder*" to mean "*vendor*"; and
 - (ii) deleting from the definition of "*settlement cheque*" the words: "a building society, credit union or other FCA institution as defined in the Cheques Act 1986; or";
- (b) **clause 7.1.1** is replaced with:

"7.1.1 the total amount claimed exceeds 3% of the price;";
- (c) the first line of **clause 10.1** is replaced with:

"10.1 The purchaser cannot make a claim, *requisition*, delay completion, *rescind* or terminate in respect of:";
- (d) add further subclauses to **clause 10.1**:

"10.1.10 any environmental hazard in or contamination of the property; or;

10.1.11 any latent or patent defect in the property."
- (e) **clause 10.2** is amended by adding the words "make a claim, *requisition*, delay completion," before the word "*rescind*";
- (f) **clause 13** is deleted; and
- (g) **clauses 28** and **29** are deleted.

31 Interpretation

31.1 Definitions

In this document, unless expressed to the contrary:

completion means completion of this contract.

Completion date means the latest of the following dates:

- (a) twenty eight (28) days after the date of this contract;
- (b) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Subdivision* has been registered at the Department of Lands; and

- (c) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Consolidation* has been registered at the Department of Lands.

Council means the vendor as referred to in the cover page to this contract;

Council's Exchange Land means the land owned by the *Council* shown and referred to in the *Planning Agreement*, to be transferred to the *Developer* under this contract.

default rate means 10% per annum calculated on a daily basis;

Developer means the *purchaser* as referred to in the cover page to this contract.

Developer's Contributions has the same meaning as referred to in the *Planning Agreement*.

Developer's Contract means that contract facilitating the transfer of the *Developer's Exchange Land* pursuant to the *Planning Agreement*;

Developer's Exchange Land means the land owned by the *Developer* shown and referred to in the *Planning Agreement*, to be transferred to the *Council* under this contract.

Development Application DA/1313/2007 means the application for development as a defined term and as otherwise described in the *Planning Agreement*.

includes means includes without limitation.

Plan of Subdivision means the draft Plan attached to this contract as **attachment F** and lodged for registration at the Department of Lands as DP1142583.

Plan of Consolidation means the draft Plan and the draft Section 88B Instrument attached to this contract as **attachment G** including:

- (a) Lot 1 in the *Plan of Consolidation* will comprise:
- (i) Lots 37, 38 and 39 in DP5688;
 - (ii) Lot A in DP356808;
 - (iii) Lot 2 in DP529225;
 - (iv) Part Lot 41 in DP5688 having an area of 490.5m² shown as 10 on **attachment F**;
 - (v) Part Lot 422 in DP785216 having an area of 894.5m² shown as 12 on **attachment F**; and
 - (vi) Part Lot 421 in DP785216 having an area of 2382m² shown as 14 on **attachment F**.
- (b) Lot 2 in the *Plan of Consolidation* will comprise:
- (i) Lot 1 in DP206729;

- (ii) Part Lot 41 in DP5688 having an area of 206m² shown as 11 on **attachment F**;
- (iii) Lot 423 in DP785216;
- (iv) Lot B in DP416407;
- (v) Lot 1 in DP1135836;
- (vi) Lot 1 in DP1138514
- (vii) Part Lot 421 in DP785216 of area 165m² shown as 15 on **attachment F**; and
- (viii) Part Lot 422 in DP785216 having an area of 182.5m² shown as 13 **attachment F**.

Planning Agreement means the Agreement dated **[to be completed]** between the *Council* and the *Developer* entered into by the parties for the purposes of *Development Application 1313/2007* and which sets out the *Developer's Contributions* to be provided by the *purchaser* and which are set out in that Agreement.

Sunset Date means the date which is twenty four (24) months after the date of exchange of this contract or such other date as is agreed by the *Council* and the *Developer* in writing.

31.2 **Construction**

Unless expressed to the contrary:

- (a) words in the singular include the plural and vice versa;
- (b) if a word or phrase is defined its other grammatical forms having corresponding meanings;
- (c) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, body corporate and a government or statutory body or authority;
 - (ii) a person includes its legal personal representatives, successors and assigns;
 - (iii) time is to local time in New South Wales;
 - (iv) "\$" or "dollars" is a reference to the lawful currency of Australia;
 - (v) this or any other document includes the document as varied or replaced and notwithstanding any change in the identity of the parties;
 - (vi) any thing (including any amount) is a reference to the whole or any part of it;
 - (vii) a group of things or persons is a reference to any one or more of them; and

- (viii) a day in this contract (other than a *business day*) means a day, whether or not a Saturday, Sunday, public or religious holiday; and
- (d) if a period of time is specified to start from a certain day, the period is to be calculated exclusive of that day.

31.3 Inconsistency

If there is any inconsistency between the printed clauses of this contract and these additional clauses, the additional clauses prevail to the extent of that inconsistency.

31.4 Rules of construction

No rule of construction will apply to disadvantage the vendor on the basis that the vendor puts forward this contract.

31.5 Severability

If a clause of this contract is illegal or unenforceable, it may be severed without affecting the enforceability of other clauses in this contract.

32 Notice to complete

32.1 Reasonable time

If a *party* is entitled to serve a notice to complete then 14 days will be a reasonable time to allow for completion in the notice.

32.2 Withdrawal of notice to complete

Each time a *party* serves a notice to complete they may:

- (a) at any time prior to its expiry, withdraw the notice by further notice to the other *party*; and
- (b) issue a further notice to complete.

33 GST

33.1 Planning Agreement

The parties agree that clause 31 of the *Planning Agreement* applies in relation to this contract and any transaction contemplated by this contract.

34 Additional rights to rescind

34.1 For a body corporate

If the purchaser (or, if more than one, any one of them) is a body corporate and:

- (a) an application is made to a court for an order, or an order is made, for it to be wound up;

- (b) any action is taken to appoint an external administrator in respect of it, or an external administrator is appointed; or
- (c) any proposal is made to take advantage of any law for the relief of debtors in adverse financial circumstances,

then the vendor may *rescind* this contract. **Clause 19.2.1** will not apply and the vendor may forfeit the deposit and any interest which has accrued on it.

34.2 **For a natural person**

If a *party* (or if the *party* consists of more than one person, one of them):

- (a) dies; or
- (b) becomes intellectually, physically or psychologically disabled so as, in the reasonable opinion of the other *party*, to be unable to complete this contract on time,

the other *party* may *rescind* this contract by notice to the *party's solicitor*.

35 **Attachments**

35.1 **Documents attached on behalf of vendor**

The purchaser acknowledges that any person attaching documents to this contract at the request of the vendor or the vendor's *solicitor* does so as the agent of the vendor.

35.2 **No warranty**

Subject to Part IV of the *Conveyancing Act 1919*, the vendor does not warrant the accuracy or completeness of the documents attached to this contract.

36 **Encumbrances**

If a caveat or mortgage is noted on the folio of the Register, the purchaser must accept, on completion a withdrawal of that caveat or discharge of that mortgage in registrable form so far as it relates to the property.

37 **Notices**

37.1 **Deemed receipt**

A document under or relating to this contract is taken to be *served*:

- (a) if *served* by prepaid post:
 - (i) within Australia, on the third *business day* after the day of posting; or
 - (ii) in any other case, on the tenth *business day* after posting;
- (b) if *served* by facsimile, on transmission unless the sender is aware that the transmission is impaired; or

- (c) if served on a day which is not a *business day* or after 5.00 pm on a *business day*, on the next *business day*.

37.2 Address for service

A document under or relating to this contract is taken to be served if sent by certified post, fax or hand delivered to:

the vendor:

Address: City Solicitor
Lake Macquarie City Council
126-138 Main Road
SPEERS POINT NSW 2283
Attention: Grant Long
Fax: 4921 0345 (Attention: Grant Long)

the purchaser:

Address: Corrs Chambers Westgarth, Lawyers,
Level 32, Governor Phillip Tower, 1 Farrer Place,
Sydney NSW 2000
Attention: Christine Covington
Fax: (02) 9210-6611 (Attention: Christine Covington).

38 Vendor owns adjoining land

The purchaser cannot require the vendor to contribute to fencing work as defined in the *Dividing Fences Act 1991* (NSW) in relation to any land adjoining the property owned by the vendor.

39 Interdependent Contract

39.1 Completion conditional upon interdependent contract

- (a) The parties expressly acknowledge that completion of this contract is subject to and conditional upon the simultaneous completion of the *Developer's contract* for the land contained and comprised in the whole of Folio Identifiers 39/5688, A/356808 and that part of Lot 422 in Deposited Plan 785216 indicated by the number 12 on the *Plan of Subdivision* having an area of 894.5m² (*Interdependent Contract*).
- (b) The parties agree that should any condition of this contract or a breach of this contract occur that gives rise to a party's right to rescind or terminate this contract, such condition or breach shall also give rise to the right to rescind or terminate the *Interdependent Contract* and should such party exercise its right to rescind or terminate this contract it shall simultaneously rescind or terminate the *Interdependent Contract* as the case may be.

- (c) In the event that the *completion date* of this contract is extended for whatever reason, the *completion date* of the *Interdependent Contract* will also be extended and if the *completion date* of the *Interdependent Contract* is extended for whatever reason, the *completion date* in this contract is also extended to such date.

39.2 Termination of Planning Agreement

If the *Planning Agreement* is terminated under the provisions of clause 21(a)(i), (ii), (iii) or (v) of that document, unless the parties agree in writing to the contrary within ten (10) Business Days after termination of the *Planning Agreement*, then either party may by notice in writing to the other rescind this contract.

40 Plan of Subdivision and Plan of Consolidation

40.1 Preparation and lodgment of Plan of Subdivision and Plan of Consolidation

Subject to the provisions contained in this contract, *completion* of this contract is conditional on the *Developer* at its cost and expense arranging for the preparation, execution and lodgment for registration at the Department of Lands of the *Plan of Subdivision* and the *Plan of Consolidation*.

40.2 Titles in the name of the Council of the City of Lake Macquarie

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Council* as registered proprietor together with the titles set out in **clause 40.3**:

- (a) Lot 37 in DP5688;
- (b) Lot 38 in DP5688;
- (c) Lot 2 in DP529225;
- (d) Lot 41 in DP5688;
- (e) Lot 421 in DP785216; and
- (f) Lot 1 in DP1138514.

40.3 Titles in the name of Fabcot Pty Limited

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Developer* as registered proprietor together with the titles set out in **clause 40.2**:

- (a) Lot 1 in DP206729;
- (b) Lot 39 in DP5688;
- (c) Lot A in DP356808;
- (d) Lot 422 in DP785216;
- (e) Lot 423 in DP785216;

(f) Lot B in DP416407; and

(g) Lot 1 in DP1135836.

40.4 Council to produce

The *Council* will arrange for the production of the title deeds set out in **clause 40.2** at the Department of Lands within seven (7) days of a written request by the *Developer* or its lawyers to do so. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Developer's* lawyers.

40.5 Fabcot Pty Limited to produce

The *Developer* will arrange for the production of the title deeds set out in **clause 40.3** at the Department of Lands at approximately the same time as the title deeds set out in **clause 40.4**. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Council's* lawyers.

40.6 Council's and Developer's obligations

The *Council* and the *Developer* must use their best endeavours to carry out their respective obligations as required by this **clause 40** including compliance with any requisitions raised by the Department of Lands within seven (7) days of a written request for such compliance.

40.7 Dual entitlement

On registration of the *Plan of Subdivision* and the *Plan of Consolidation*, it is likely that the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* will issue in the joint names of the *Council* and the *Developer* and will remain in the dual entitlement press of the Department of Lands.

40.8 No title deeds at completion

If the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* remain in the dual entitlement press of the Department of Lands, the *Council* and the *Developer* acknowledge that the title deed for Lot 2 in the *Plan of Consolidation* will not be available at completion of this contract.

40.9 Letter of authority

On completion of this contract, the *Council* and the party which produced the title deeds in accordance with **clause 40.2** will provide to the *Developer* a letter addressed to the Department of Lands authorising and directing delivery to the *Developer* of the title deed for Lot 2 in the *Plan of Consolidation* so that the transfer contemplated by this contract can be lodged for registration.

40.10 Essential term

Compliance with **clause 40.9** is an essential term of this contract and the *Developer* need not complete this contract unless the letters in the terms set out in **clause 40.9** are handed to the *Developer*.

40.11 **Sunset date**

If registration of the, *Plan of Subdivision* and registration of the *Plan of Consolidation* have not taken place by the *Sunset Date* then either party may rescind this contract by notice in writing to the other party.

40.12 **Rescission**

In the event this contract and the *Interdependent Contract* are validly rescinded after registration of the *Plan of Subdivision* and/or the *Plan of Consolidation*:

- (a) the *Council* and the *Developer* agree that title to the following lands will revert to the *Council*:
 - (i) Lot 41 in Deposited Plan 5688;
 - (ii) Lot 421 in Deposited Plan 785216; and
 - (iii) Lot 1 in DP1138514;
- (b) neither party will be entitled to make any claim against the other arising out of rescission of this contract or the *Interdependent Contract*, and;
- (c) both parties must, at their own cost, diligently do all things necessary including executing instruments, producing and delivering titles, obtaining all necessary consents and approvals as may be required to give effect to **clause 40.12(a)**.

40.13 **Notification**

The *Developer's* (purchaser's) solicitor shall notify the *Council's* (vendor's) solicitor in writing of the registration of the *Plan of Subdivision* and of the registration of the *Plan of Consolidation* as soon as it or the *Developer* is advised of such by the Department of Lands.

41 **Price**

41.1 **Calculation of Price**

The Price for the purchase of the Land to be paid by the *Developer* is the sale and transfer of the land referred to in the *Interdependent Contract* namely:

- (a) Lot 39 in Deposited Plan 5688;
- (b) Lot A in Deposited Plan 356808; and
- (c) Lot 12 in the *Plan of Subdivision*.

WARNING

SMOKE ALARMS

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the *Environmental Planning and Assessment Act 1979*. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

EXECUTIONS

THE COMMON SEAL of COUNCIL OF)
THE CITY OF LAKE MACQUARIE)
was hereunto affixed pursuant to a
resolution made on day of

.....

.....

.....
General Manager

.....
Mayor

Executed by FABCOT PTY LIMITED)
pursuant to Section 127 *Corporations)*
Act 2001

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

**SCHEDULE 1
ATTACHMENTS**

(Some documents are required by *legislation*)

Documents	Attachment
Property certificates for the land – Folio Identifiers 41/5688, 421/785216 and 1/1138514	A
Deposited Plans 5688, 785216 and 1138514	B
Dealings A243505, 644130, 644131, A199161, A649739	C
Section 149(2) & (5) certificates (x 3)	D
Sewer reference sheets (x 2)	E
<i>Plan of Subdivision</i>	F
<i>Plan of Consolidation and Section 88B Instrument</i>	G

Attachment A

Property Certificates

C.

O

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 41/5688

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	-	-

VOL 14266 FOL 161 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 41 IN DEPOSITED PLAN 5688
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP5688

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF LAKE MACQUARIE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A243505 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE

NOTATIONS

UNREGISTERED DEALINGS: DP1142583.

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.

Warning: The information appearing under notations has not been formally recorded in the register.

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



Vol. 14266 Fol. 161

Crown Grant Vol. 483 Fol. 21

Prior Titles Vol. 7868 Fols. 64 & 65



EDITION ISSUED

7 11 1988

I certify
neverth

B130

/Req: C046905
/Doc: CT 14266-161
/Prt: 16-Sep-2008

CANCELLED

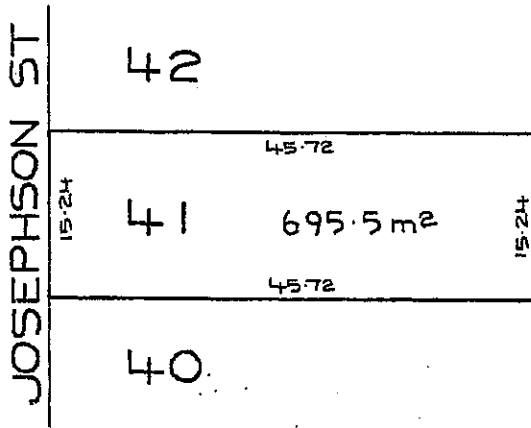
Registrar General.



PLAN DIVISION OF LAND

LENGTHS ARE IN METRES

SEE AUTO FOLIO



D. P. 5669

S 72954

REDUCTION RATIO 1:500

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 41 in Deposited Plan 5688 in the Municipality of Lake Macquarie Parish of Wallarah County of Northumberland. EXCEPTING THEREOUT the minerals reserved by the Crown grant and the mines and minerals excepted by Transfer A243505.

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF LAKE MACQUARIE.

SECOND SCHEDULE

- 1. Reservations and conditions, if any, contained in the Crown grant above referred to.
- 2. A243505 Rights to mine.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

(Page 1) Vol.

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR

CANCELLED

SEE AUTO FOLIO

INSTRUMENT NATURE	INSTRUMENT NUMBER	REGISTERED	Signature of Registrar General

SECOND SCHEDULE (continued)

PARTICULARS

INSTRUMENT NATURE	INSTRUMENT NUMBER	REGISTERED	Signature of Registrar General	CANCELLATION

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 421/785216

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	3	11/2/2009

LAND

LOT 421 IN DEPOSITED PLAN 785216
AT SWANSEA
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP785216

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LAKE MACQUARIE

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS BY NO 644130, NO 644131 AND A199161 AFFECTING PART OF THE LAND SHOWN IN TITLE DIAGRAM
- 3 RIGHT TO MINE-SEE A649739 AFFECTING PART OF THE LAND SHOWN IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: DP1142583.

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1138514

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	1	1/9/2009

LAND

LOT 1 IN DEPOSITED PLAN 1138514
AT SWANSEA
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1138514

FIRST SCHEDULE

LAKE MACQUARIE CITY COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS - SEE SECTION 171 CROWN LANDS ACT 1989

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

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Attachment B

Deposited Plans



S. LAKE MACQUARIE

PLAN

DP5 688

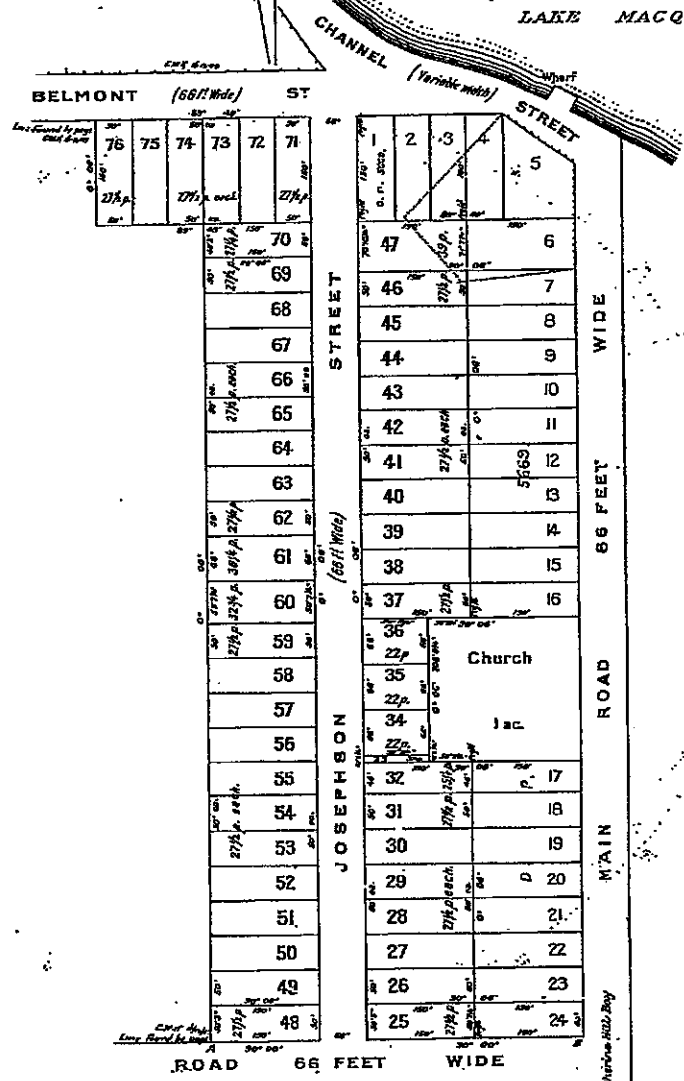
5688

6

showing Subdivision of part of Portion 2
SHIRE OF LAKE MACQUARIE

Parish of Wallarah County of Northumberland

Scale, 100F to an Inch.



CONVERSION TABLE ADDED IN REGISTER GENERAL'S DEPARTMENT

FEET INCHES	METRES
10	3.048
20	6.096
30	9.144
40	12.192
50	15.240
60	18.288
70	21.336
80	24.384
90	27.432
100	30.480
110	33.528
120	36.576
130	39.624
140	42.672
150	45.720
160	48.768
170	51.816
180	54.864
190	57.912
200	60.960
210	64.008
220	67.056
230	70.104
240	73.152
250	76.200
260	79.248
270	82.296
280	85.344
290	88.392
300	91.440
310	94.488
320	97.536
330	100.584
340	103.632
350	106.680
360	109.728
370	112.776
380	115.824
390	118.872
400	121.920
410	124.968
420	128.016
430	131.064
440	134.112
450	137.160
460	140.208
470	143.256
480	146.304
490	149.352
500	152.400
510	155.448
520	158.496
530	161.544
540	164.592
550	167.640
560	170.688
570	173.736
580	176.784
590	179.832
600	182.880
610	185.928
620	188.976
630	192.024
640	195.072
650	198.120
660	201.168
670	204.216
680	207.264
690	210.312
700	213.360
710	216.408
720	219.456
730	222.504
740	225.552
750	228.600
760	231.648

DECLARATION.
I, Charles William Fitzroy, of 121/121A St. Simeon, Licensed Surveyor, residing at the above address, do hereby solemnly and sincerely declare that the boundaries and measurements shown on this Plan are correct for the purposes of the said Act, and that the said Plan and the survey of the land to which the same relate, have been prepared and made by me, or under my immediate supervision, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the said Act, 1900.
Subscribed and declared before me on St. Simeon, the 7 day of September, A.D. 1900.
[Signature]
Deputy Surveyor, 1st May, 1900.

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this map is a photograph made as a permanent record of a document in my custody this 11th day of September, 1979.
[Signature]

PLAN FORM 2

SIGNATURE AND SEAL ONLY

THE CITY SEAL OF THE COUNCIL OF THE CITY OF LAKE MACQUARIE WAS HERETO AFFIXED IN PURSUANCE OF A RESOLUTION OF COUNCIL PASSED ON THE TWENTY-NINTH DAY OF AUGUST 1968.

(SIGNATURE) MAYOR. (SIGNATURE) COUNCIL CLERK.



RESERVATION OF MINERALS (A) TRANSFER NE 514731 (B) TRANSFER NE 514730 (C) TRANSFER NE 514729 (D) TRANSFER NE 514728 (E) TRANSFER NE 514727 (F) TRANSFER NE 514726 (G) TRANSFER NE 514725

OFFICE USE ONLY DP 785216

Registered 20-3-1989

DATE: 1/5/57/0092 OF 24-8-1988

THESE: TORRENS

Purpose: SUBDIVISION

Lot Size: U 8 1/2 x 5 1/2 (U 19 1/2 x 8 1/2)

Lot Price: DP 11239 ; DP 5688

PLAN: OF SUBDIVISION OF LOTS 4, 7 & 8 OF LOT 11 AND 12 OF LOT 11, D.P. 3487 AND THE LAND CONTAINED IN D.P. 351969

Location: see sketch. Production Date: 11/5/57

Memorandum: CITY LAKE MACQUARIE

Location: SWANSEA

Full Name: WALLARAH

Champ: NORTH HIGHLAND

This is sheet 1 of 2 sheets (2 sheets if applicable).

APPLICANT: PETER WILLIAMS, TUDORSON

BY: DAVID R. J. BIRLANDO, 228

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...

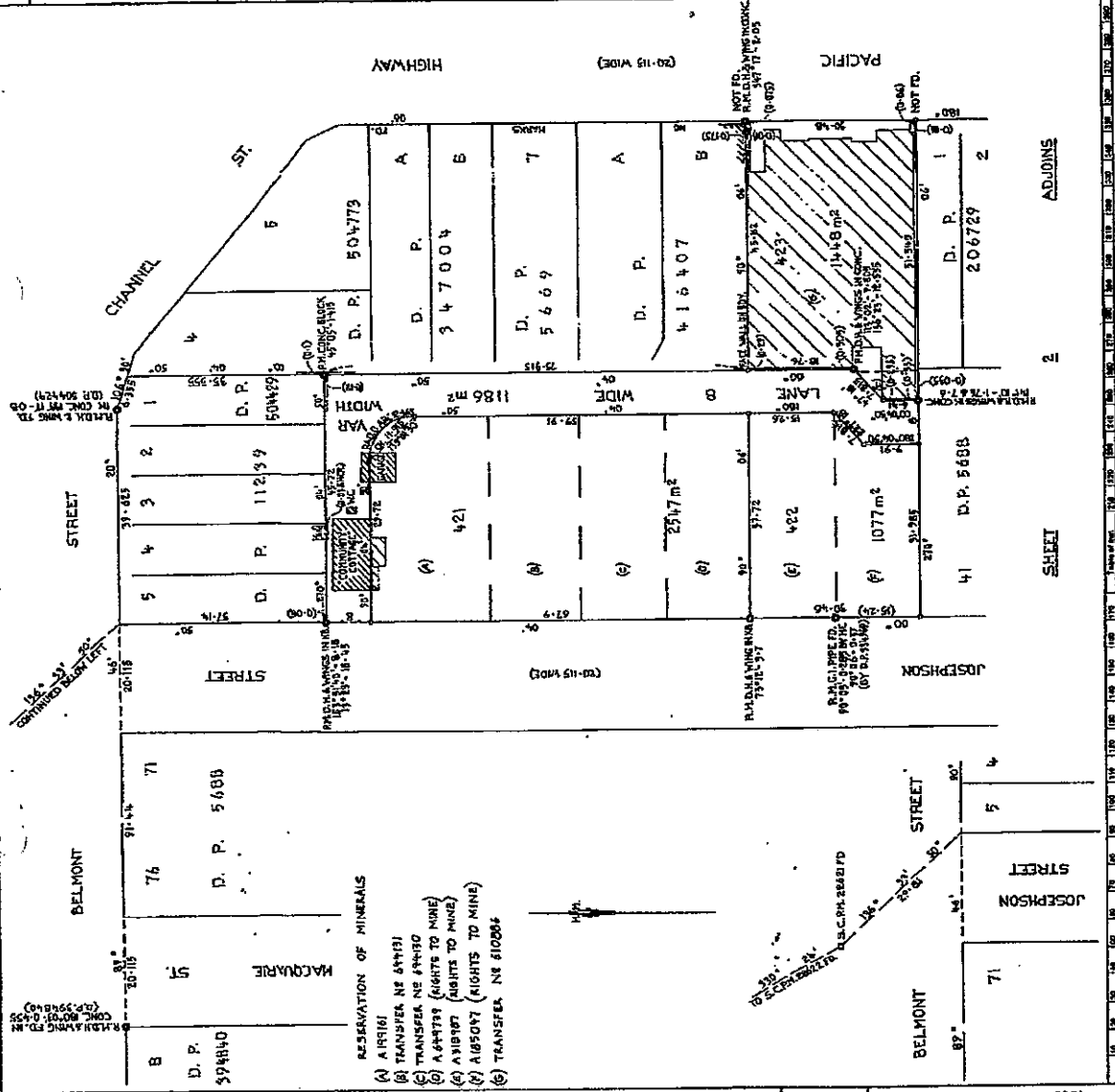
Witness: ...

Witness: ...

Witness: ...

Witness: ...

Witness: ...



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day: 28th March, 1989

10 20 30 40 50 60 70 80 90 100 110 120 130 140

REGISTRATION NO: 1/517/001 NPO

OFFICE USE ONLY

WARNING: CREASING OR FOLDING WILL LEAD TO REACTION

PLAN FORM 3 To be used in conjunction with Plan Form 2

<p>DP 785216</p> <p>Project: PA 2A-3-1989</p> <p>This is sheet 2 of my plan in 2 sheets dated 18th MARCH, 1988.</p> <p><i>G. J. Thompson</i></p> <p>Number reduced under Subpart Act 1928.</p> <p>This is sheet 2 of the plan of 2 sheets approved by my Controller No. 1/387/0076 of 27th AUGUST, 1988.</p> <p><i>J.M.L.</i> District Clerk</p> <p><i>McConnell</i> <i>R.H.A.</i></p> <p>DEVELOPMENT LIMITED LONDON</p>		<p>Revision No. 1: 900</p> <p>Length in meters</p>		
<p>STREET</p> <p>422</p> <p>423</p> <p>ADJOINS</p> <p>HIGHWAY</p> <p>LAKE</p> <p>ROAD</p> <p>PACIFIC</p>	<p>W1</p> <p>A</p> <p>39</p> <p>38</p> <p>36</p> <p>B</p> <p>28</p> <p>27</p> <p>I</p>	<p>D. P.</p> <p>5 688</p> <p>D. P.</p> <p>3 5 688 B</p> <p>D. P.</p> <p>5 688</p> <p>D. P.</p> <p>5 688</p> <p>D. P.</p> <p>4 0 2 2 2 5</p> <p>D. P.</p> <p>5 688</p> <p>D. P.</p> <p>7 1 2 8 3 1</p>	<p>D. P.</p> <p>2 0 6 7 2 9</p> <p>D. P.</p> <p>5 2 9 2 2 5</p> <p>D. P.</p> <p>5 0 4 3 6 0</p> <p>PT. 15</p> <p>5 6 6 9</p> <p>D. P. 3 8 9 7 5 4</p> <p>D. P. A</p> <p>4 0 2 2 2 5</p> <p>D. P. 3 5 0 6 5 6</p> <p>D. P.</p> <p>5 6 6 9</p> <p>D. P. 3 9 7 4 9 2 B</p> <p>D. P. C</p> <p>3 9 0 3 9 1</p>	<p>WY. FD.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

28th March, 1989

2

SURVEYING REGULATION 2006 CLAUSE 61(2)			
MARK	M.G.A. CO-ORDINATES	ZONE	CLASS/ORDER
	EASTING	NORTHING	
PM 22636	372651.337	6338435.979	56 B 2
PM 22621	372862.131	6338404.641	56 A 1
SSM 28202	372944.420	6338199.242	56 B 2

SOURCE: S.C.I.M.S. 20-02-07 C.S.F. 0.999799

SSM 28202 - PM 22621
 33911005 - 221.314 (MGA GND)
 3381020 - 221.295 (SURVEY)

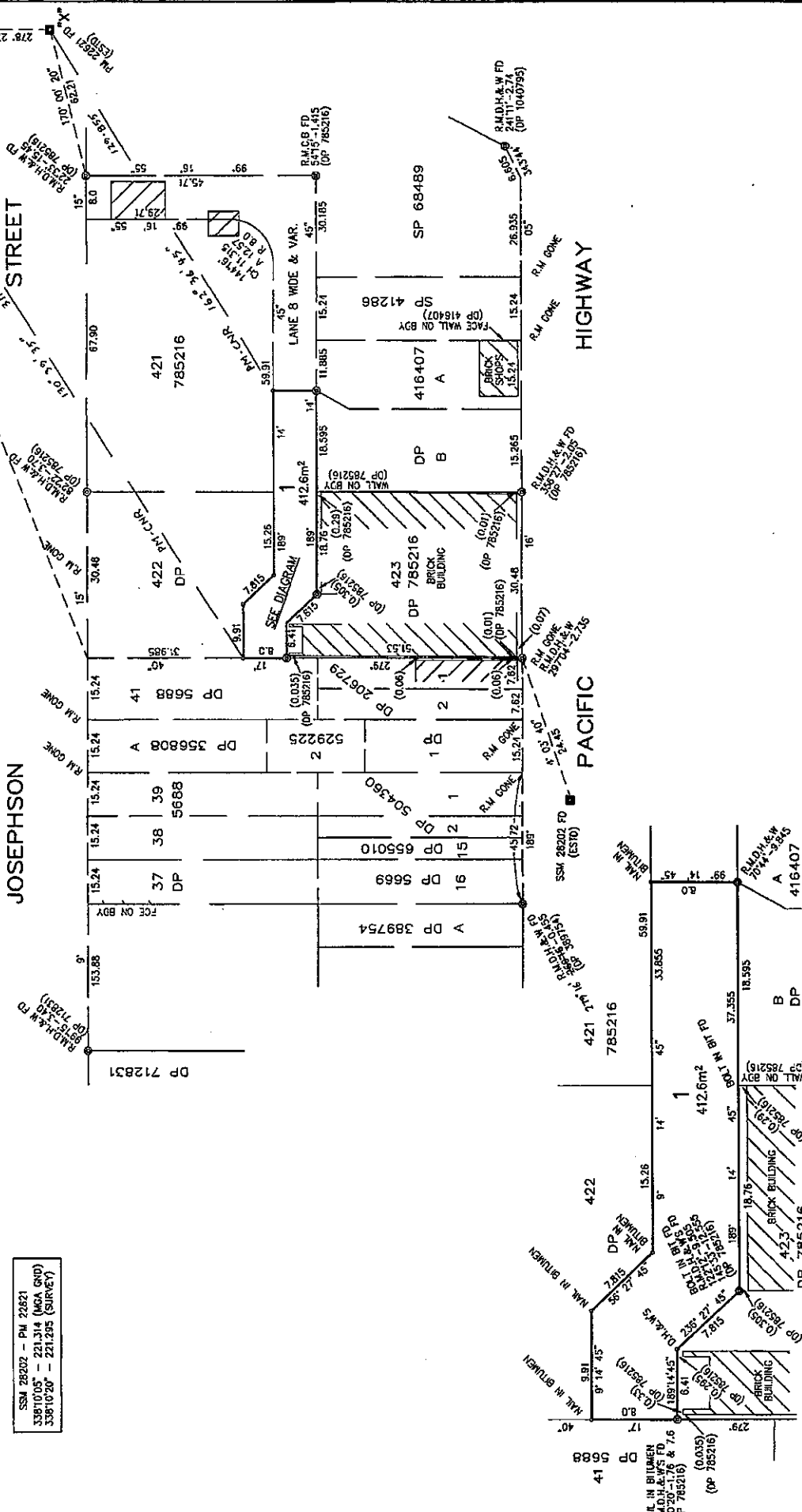


JOSEPHSON STREET

STREET

HIGHWAY

PACIFIC



Surveyor DAMIAN JOSEPH MAGUIRE
 Date of Survey: 10-12-08
 Surveyor's Ref: 2466999
 30 M.A. 314 P3 DP

PLAN OF PART UNNAMED LANE FOR
 TITLE ISSUE AND ROAD CLOSING UNDER
 THE ROAD ACT, 1988

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No: - 42009
 Lengths are in metres. Reduction ratio: 1:500

Registered:
 17-6-2009

DP1138514 P

DIAGRAM
 1:250

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

THE COMMON SEAL of the COUNCIL
 of the CITY of LAKE MACQUARIE
 was hereto affixed in pursuance
 of a Council Resolution passed
 on ___ day of _____, 20__.

Brian Grey Piper
 MAYOR

Brian Bell
 GENERAL MANAGER



DP1138514 S

Registered: 17-6-2009
 Title System: TORRENS
 Purpose: ROADS ACT, 1993

PLAN OF PART UNNAMED LANE FOR TITLE ISSUE
 AND ROAD CLOSURE UNDER THE ROADS ACT 1993

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Parish: WALLARAH
 County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN JOSEPH MAGUIRE
 of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE NSW 1675
 a surveyor registered under the *Surveying Act, 2002*, certify that the
 survey represented in this plan is accurate, has been made in
 accordance with the *Surveying Regulation, 2006* and was completed
 on: 10/12/08

The survey relates to LOT 1

(specify the land actually surveyed or specify any land shown in the
 plan that is not the subject of the survey)

Signature: *D. Maguire* Dated: 10-12-08
 Surveyor registered under the *Surveying Act, 2002*

Datum Line: 'X' - 'Y'
 Type: Urban/Rural

Plans used in the preparation of survey/compilation

DP5688	DP1040798
DP206729	DP416407
DP356808	DP785216
DP712831	
DP389754	

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-31653 DP

Use PLAN FORM 6A
 for additional certificates, signatures, seals and statements

DEPARTMENT OF LANDS APPROVAL

I, SAMUEL FALLICO in approving this plan certify
 (Authorised Officer)
 that all necessary approvals in regard to all allocation of the land
 shown hereon has been given

Signature: *S. Fallico*
 Date: 9 March 2009
 File Number: 07/1124
 Office: MAITLAND

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and
 Assessment Act 1979 have been satisfied in relation to:

the proposed subdivision set out herein
 (insert 'subdivision' or 'new road')

L. Field
 * Authorised Person/General Manager/Accredited Certifier

Consent Authority: Lake Macquarie City Council
 Date of Endorsement: 19 February 2009
 Accreditation no: _____
 Subdivision Certificate no: 4/2009
 File no: DA/2116/2008

* Delete whichever is inapplicable.

* OFFICE USE ONLY

Attachment C

Dealings

REC'D 5 MAY 15 6 30 AM
New South Wales, 2001

MEMORANDUM OF TRANSFER

MAY 13 1918

(PROFORMA ACT, 1900.)

A243505



Handwritten: 307/16
A243505

Name, residence, occupation, or other designation, in full, of transferor.

I, ARTHUR WIGRAM ALLEN of New South Wales Solicitor

If a lease estate, strike out "in fee simple" and insert the required alteration.
All existing encumbrances must be noted hereon. (See page 2.)
If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of £ < TWENTY ONE POUNDS TEN SHILLINGS (& 21/10/0)

Name, residence, occupation, or other designation, in full, of transferee.

paid to me by MICHAEL HOPE of Wallsend in the said State Farmer

If a minor, state of what age, and forward certificate or declaration of its date of birth.
If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Michael Hope

Area in acres, rods, or perches.

All my Estate and Interest, as such registered proprietor, in All that piece of land containing

Part of town and county.

situate in The Parish of Wallarah County of Northumberland

"The whole" or "part" as the case may be.

being part of the land comprised in Certificate of Title

"Crown grant," or "Certificate of Title."

dated 25th January 1912 registered volume No. 2222 folio 84

Strike out if not appropriate.

and being Lodged on Deposited Plan No. 5688.

These references will suffice, if the title land in the deed or certificate transferred.

And also in the pieces of land as follows:

But if a part only (under a plan has been deposited), in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory reference as defined in the plan, or a "summary description" of "described as follows," etc.

RESERVING nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the original Grant (including coal) in or under the land hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the land hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.

Any structure must be signed by the parties and their qualified witnesses. There shall be set forth any right of way or easement, or exception, if there be any such not fully disclosed either in the principal description or in the memorandum of encumbrances.

Any provision in addition to, or modification of, the provisions implied by the Act, may also be inserted.

The form when filled in should be read up so that no additions are possible. No alteration should be made by erasure. The words printed should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Rule up all blanks before signing.]

[Price, 6d.]

Handwritten: 307/16

Handwritten signature

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "a" page 1
A very short note of
the particulars will
suffice.

RESERVATION as in Crown Grant mentioned.

[Rule up all blanks before signing.]

If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferor or Transferee signs by a mark, the attestation must state that the instrument was read over and explained to him, and that he appeared fully to understand the same.

Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at Spencer the twelfth day of April in the year of our Lord one thousand nine hundred and twelve

Signed in my presence by the said
ARTHUR WIGRAM ALLAN
WHO IS PERSONALLY KNOWN TO ME

Arthur Wigram Allan
Transferor.

Signed *John McNeill*
Clark to Allen Allen & Henley
Solicitors Spencer

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that he cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said
Boony Morris Cohen
 MICHAEL HOPE
 WHO IS PERSONALLY KNOWN TO ME
My Clerk to Bray holds
Police No. Newcas

Anthony Castro
 Transferor
Boony Morris Cohen
 Transferee
 I hereby certify that the above Certificate is signed by Transferee in his own handwriting, and that he is of sound mind, and freely and voluntarily signed the same, and that he was of sound mind, and freely and voluntarily signed the same.

FORM OF DECLARATION BY ATTESTING WITNESS

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the same purporting to be such signature of the said _____ is his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- 1 May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- 2 Not required if the instrument itself be made or acknowledged before one of these parties.
- 3 Name of witness and residence.
- 4 Name of Transferor.
- 5 Name of Transferee.
- 6 Registrar-General, Deputy Registrar-General, J.P., or Commissioner for Affidavits.

No. A243505 Memorandum of Transfer of

Lot 41, D.P. 5688,
 Shine Lake Macquarie
 Psh. Wallarah

Receiving Mines & Minerals

Lodged by

(Name) BRAYE & COHEN

(Address) NEWCASTLE

By *Rudolph...*

A. W. Allen

Transferor

Michael Hope

Transferee

Particulars entered in the Register Book, Vol. 2222

Folio 84

96-5-76

13th day of May, 1916

minutes 10 o'clock

In the fore noon.



DATE	NOTES
MAY 13 A.M.	SENT TO SURVEY BRANCH
MAY 15 P.M.	REMOVED FROM RECORDS
MAY 17 1916	DRAFT WRITTEN
MAY 17 1916	DRAFT EXAMINED
MAY 17 1916	DRAFT COMPLETE
MAY 17 1916	DRAFT EXAMINED
MAY 17 1916	DRAFT FORWARDED
MAY 19 1916	RETURNED TO RECORDS
MAY 23 1916	RETURNED FROM RECORDS
MAY 23 1916	CERTIFICATE ENROSSER
MAY 23 1916	SEPT. OF ENROSSERS
MAY 23 1916	DEP. REGISTRAR GENERAL

2666 240

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-

No Transfer can be registered until the fees are paid.
 If a part only of the land is transferred, and it is desired to have a certificate for the whole, the same should be placed, and a new Certificate will then be prepared on payment of an additional fee, but to give this option, it is to be intended to make several transfers of the whole, the Deed(s) may remain in the Land Titles Office, either until the whole is sold, or until 1916 after he made for a Certificate of the following nature.
 Transfer in common need require separate Certificates. This will be required for each additional Certificate.
 The fees on transfer are 10s, and 5s for every new Certificate, whether issued in a Transfer or required for the reason. By the Amendment Act of 1913, the fees have not been reduced to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his Transfer or Form of Surrender, at a cost of 10s only.
 The Transfer is complete from the moment it is registered.
 Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon application submitted before a Magistrate.

N.B. - ALL TRANSFERS MADE FROM THE CHARGE SINCE JANUARY, 1905, AND, UPON, TO THE REGISTRATION OF THE TRANSFER ACT AND UPON BE MADE IN THIS FIELD AND FROM 1905 BY THAT ACT.

RECD 5-MAY 1916 3.4.16

Fees:

5/- New South Wales.

644130

Transfer
Endorsement
Certification



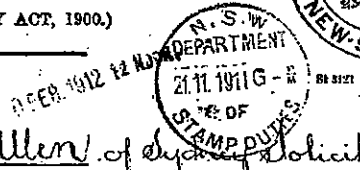
MEMORANDUM OF TRANSFER.

(REAL PROPERTY ACT, 1900.)



FEES SIMPLE

28/11/11



Name, residence, occupation, or other designation, in full, of Transferor.

I, Arthur Wigram Allen, of Sydney, Solicitor

8 DEC 10 11 4

b If a less estate, strike out "in fee simple," and interline the required alteration.
c All existing encumbrances must be noted hereon. (See page 2.)
d If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of Twenty seven pounds (£27.0.0)

Name, residence, occupation, or other designation, in full, of transferee.
If a minor, state of what age, and forward certificate or declaration as to date of birth: If a married woman, state name, residence, and occupation of husband.

paid to me by Mary Ann Ford the wife of William James Ford of Lake Macquarie Miner

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Mary Ann Ford for her separate use

Area, in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

Parish or town and county.

situate in the Parish of Wallarah County of Northumberland

"The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

"Crown Grant," or "Certificate of Title."

dated 13th May 1885 registered volume No. 740 folio 234

Strikes out if not appropriate.

And also in the pieces of land as follows: and being Lot 45 (Forty five) on Deposited Plan Number 5688

These references will suffice, if the whole land in the original certificate is transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix:— "as delineated in the plan hereon [or annexed hereto]" or "described as follows, viz.:"

Any annexure must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

[Rule up all blanks before signing.]

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasers. No words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin or indicated in the attestation.

[Print, Col.]

Hand being part of the original in Cert of Title, Vol. 2222 Fol. 84

P. W.

20-79 94-132

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p See ante "a" page 1. A very short note of the particulars will suffice.

Reserving nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the original grant (including coal) in or under the lands hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the lands hereby transferred and in and under the said streets roads lanes or ways (including coal) gotten from such other lands

Memorandum of Encumbrances referred to

Reservations as contained in the original Conveyance

Transferor *[Signature]*

[Rule up all blanks before signing.]

11 If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the attesting witness must appear before one of the above

functionaries to make a declaration in the annexed form. This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed & acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Justice, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferor or Transferee signs by a mark, the attestation must state "that this instrument was read over and explained to him, and that he appeared fully to understand the same."

In witness whereof, I have hereunto subscribed my name, at Sydney the *third* day of *November* in the year of our Lord one thousand nine hundred and *eleven*

Signed in my presence by the said

Arthur William Allen

WHO IS PERSONALLY KNOWN TO ME

Frederick H. Powell

[Signature]
Transferor.*

Signed*

*Arthur William Allen & Henry
Solicitors Sydney*

12 Repeat attestation for additional parties if required.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

Mary Ann Ford

WHO IS PERSONALLY KNOWN TO ME

Albert Johnston

Heik

Walters

Mary Ann Ford
Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "a" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damage recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me, at _____, the

_____ day of _____, one thousand nine hundred and

_____ the attesting witness to this instrument, and declared that he personally knew

_____ the person signing the same, and whose signature thereto he has attested; and that the

_____ name purporting to be such signature of the said

_____ is his own handwriting, and that he was of

_____ sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for A.M. Davis.
- Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferrer.
- t Name of Transferee.

* Registrar-General, Deputy, Notary Public, J.P., or Commissioner for A.M. Davis.

No. 644230 Memorandum of Transfer of

Lot 45. DP. 5688
Sh. Lake Macquarie
Pt Wallarah
Co Northumb'd

P. W. Cohen

Lodged by *Brayley Cohen*
Solicitor
Newcastle

(Name) _____
(Address) *- By: -*
B. Keith Cohen
Solicitor
4 Moore Street
Sydney

Reservation of Mines & Minerals

A. W. Allen

Transferor.

Mary Ann Nord

Transferee.

Particulars entered in the Register Book, Vol. *2222*
Folio *84*

the *10th* day of *February*, 19*12*,
at _____ minutes *12* o'clock
of the _____ noon.

Not Received
Registrar General



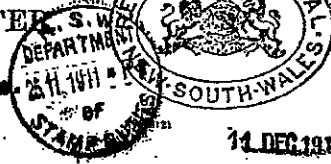
	DATE.	INITIALS.
SENT TO DRAFTING BRANCH	FEB 23 1912	<i>JA</i>
RECEIVED FROM RECORDS	23.2.12	}
DRAFT WRITTEN	26.2.12	
DRAFT EXAMINED	26-	
REQD. TO RECORDS (REQUISITN. REGISTR.)		
DRAFT FORWARDED		
RETURNED FROM RECORDS		
CERTIFICATE ENCROSSED		
DIAGRAM COMPLETE		
CERTIFICATE EXAMINED	MAR 4- 1912	<i>JA</i>
ACCOUNTANT	17.3.12	<i>WMT</i>
DEP. REGISTRAR GENERAL	15-MAR-1912	<i>prof</i>

VOL. *2234* P. *171*

37037

MEMORANDUM OF TRANSFER

(GENERAL PROPERTY ACT, 1900.)



11 DEC 1911 4 P.M.

FEE SIMPLE.

Name, residence, occupation, or other designation, in full, of Transferor.

I, Arthur Hygram Allen of Sydney in the State of New South Wales Solicitor

If a lease estate, strike out "in fee simple" and indicate the required alteration.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum

All subsisting encumbrances must be noted hereon. (See page 2.)

underwritten or endorsed hereon, in consideration of Twenty seven pounds

If the consideration be not pecuniary, state its nature concisely.

(£27-0-0)

Name, residence, occupation, or other designation, in full, of transferee.

paid to me by Daniel Cain of Spenser in the said State Senator

If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Daniel Cain

Area, in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

Parish or town and county.

situate in the Parish of Ballarah and County of Bathurst

"The whole" or "part," as the case may be.

land

"Crown Grant," or "Certificate of Title." Strike out if not appropriate.

being part of the land comprised in Certificate of Title

These references will suffice, if the whole land in the grant or certificate be transferred.

dated 13th May 1885 registered volume No. 740 folio 234

Not if a part, unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient, a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix.

and also in the pieces of land as follows: (Settled) and being lot number 46 as shown in Deposited Plan No. 5688. Reserving nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the Original grant (including coal) and under the lands hereby transferred and also in and under all Streets Roads Lanes or Ways land, situate by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the lands hereby transferred and in and under the said Streets Roads Lanes or Ways all minerals (including coal) gotten from such other lands.

Any signature must be signed by the parties and their natural witnesses. He is also bound to set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

[Rule up all blanks before signing.]

Any provision in addition to, or in substitution of, the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no erasures are possible. No alteration should be made by erasure. Discrepancies suggested should be worked through with the pen, and those substituted written over them, the attention being called by signature or initials in the margin, or noticed in the attestation.

How being part of land comprised in Cert of Title, Vol. 2222 Fol. 234

20/1/06

94

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "c," page 10.
A very short note of
the particulars with
reference.

Reservations as contained in the original Encumbrance

[Rule up all Minutes before signing.]

If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferee is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form. This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed and acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferee or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

In witness whereof, I have hereunto subscribed my name, at *Sydney*
the *Twenty Third* day of *November* in the year
of our Lord one thousand nine hundred and *Nine*.

Signed in my presence by the said

Arthur Digram Allen
WHO IS PERSONALLY KNOWN TO ME

David H. Maxwell

Signed

Arthur Digram Allen & Maxwell
Solicitors Sydney

[Signature]
Transferee.*

Repeat attestation for additional parties if required.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special provision by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

Daniel Bain
 WHO IS PERSONALLY KNOWN TO ME

Per Reynolds

Clark K. Arthur James
John W. ...

Daniel Cairn
 Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)
 N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said _____ is his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferor.
- t Name of Transferee.
- u Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

No. 64413 Memorandum of Transfer of

Lot 46 DP 5688
Three Lake Macquarie
Psh Wallarah
Co Northumb'd

Reservation of Mines & Minerals

Lodged by

Arthur G. James
(Name)

Schistauer, Newcastle
(Address)



A. W. Allen

Transferor.

Daniel Cain

Transferee.

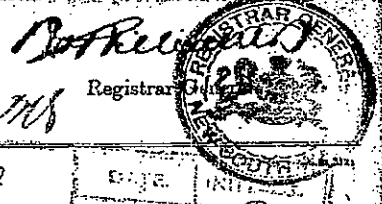
Particulars entered in the Register Book, Vol. 2222

Folio 84

the 10th day of February, 1912

at 12 minutes 12 o'clock

in the noon



SEARCHED	FEB 23 1912	
INDEXED	FEB 23 1912	
SERIALIZED	23-2-12	} CB
FILED	26-2-12	
FEB 26 1912		
MAR 1 1912		
MAR 12 1912		
MAR 15 1912		
2234	172	

02086

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION

No Transfer can be registered until the fees are paid. If a part only of the land is transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional 20/- for the same this expense. If it is desired to make several transfers of portions, the Certificate may be made in the Land Titles Office, other until the whole be sold, or formal application be made for a Certificate of the whole of the land. Tenants in common must produce a Certificate. A fee will be required for each additional Certificate. The fees on transfers are 10/-, and the fee on every new Certificate, whether issued to a Transferee or registered for the holder. By the Amendment Act of 1911, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title retained to him, with a memorial of his Transfer endorsed thereon, at a cost of 10/- only. The Transfer is complete from the moment it is registered. Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

Fees:

Transfer

Endorsement

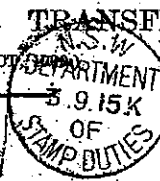
Certificate

NEW SAMPLE



MEMORANDUM OF TRANSFER

9 SEP 1915 4 P.M.



A199161



- a Name, residence, occupation, or other designation, in full, of transferor.
- b If a less estate, strike out "in fee simple," and interline the required alteration.
- c All subsisting encumbrances must be noted hereon. (See page 2.)
- d If the consideration be not pecuniary, state its nature concisely.

I, ARTHUR WIGRAM ALLEN of Sydney in the State of New South Wales Solicitor

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of SEVENTY POUNDS (£ 70:0:0)

- e Name, residence, occupation, or other designation, in full, of transferee.
- f If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

paid to me by ANNIE McAULIFFE Wife of Richard McAuliffe of Newcastle in the said State Livery Stables Proprietor

the receipt whereof I hereby acknowledge,

- g If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said ANNIE McAuliffe

- h Area in acres, roods, or perches.

And my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

- i Parish or town and county.

situate in Parish of Wallarah, County of Northumberland

- j "The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

- k "Crown grant," or "Certificate of Title."

dated 25th January 1912 registered volume No. 2222 folio 84 and being Lot 47 in Deposited Plan No. 5686

- l Strike out if not appropriate.

Land also in the pieces of land as follows:

Reserving nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the original Grant (including coal) in or under the lands hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the land hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.

- m These references will suffice, if the whole land in the grant or certificate is transferred.
- n But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description of plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix: "as delineated in the plan hereon (or annexed hereto)" or "described as follows, viz.:"
- o Any annexure must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

[Rule up all blanks before signing.]

- p Any provision in addition to or modification of the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noted in the attestation.

[Price, 6d.]

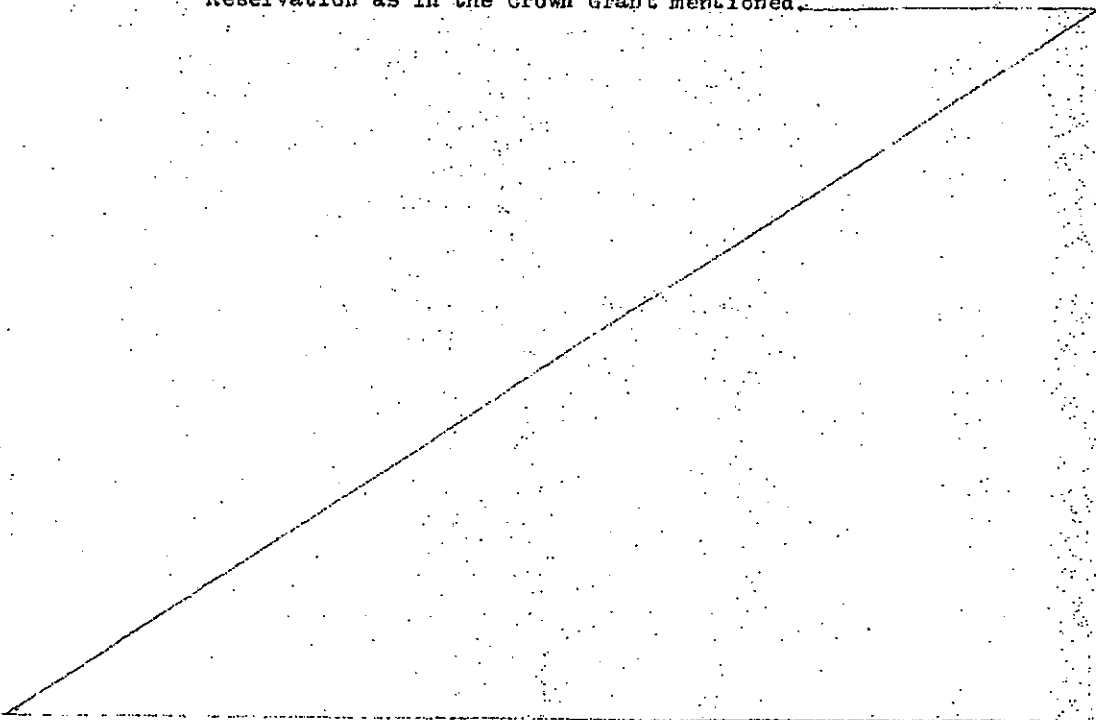
13 SEP 1915

Handwritten signature or initials.

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "c" page 1.
A very short note of
the particulars will
suffice.

Reservation as in the Crown Grant mentioned.



[Rule up all blanks before signing.]

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferrer is known, no further authentication is required. Otherwise the ATTESTING WITNESS must appear before one of the above functionaries to make a Declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.

If the Transferrer or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at Sydney the thirty first day of August in the year of our Lord one thousand nine hundred and Fifteen

Signed in my presence by the said

ARTHUR WIGRAM ALLEN
WHO IS PERSONALLY KNOWN TO ME

[Signature]
Transferrer.*

Signed Tred Maxwell
Clerk to Allen & Munnally
Solicitors Sydney

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

correct for the purposes of the Real Property Act.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

ANNIE McCAULIFFE

WHO IS PERSONALLY KNOWN TO ME

A. Baillie

*Clerk to Prager & Co
Solicitors
Newcastle*

Annie Mc Cauliffe
Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at *Newcastle*, the
day of *September*, one thousand nine hundred and *fifteen*
Arthur Baillie

the attesting witness to this instrument, and declared that he personally knew
Annie McCauliffe
the person signing the same, and whose signature thereto he has attested; and that the

gjb name purporting to be such signature of the said *Annie Baillie McCauliffe* is his own handwriting, and that he was of
sound mind, and freely and voluntarily signed the same.

James Rance
A Commissioner for affidavits

- 4. May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- r. Name of witness and residence.
- s. Name of Transferrer.
- t. Name of Transferee.

Lot 47
D.P. 56.88
Part of Hadeke quarry
Par. Wallarah
Co. Northumberland
(Resurvey Area & Minerals)

Dodged by
 (Name) *Prange & Co. Ltd.*
 (Address) *Newcastle*
By: B. Keith Cohen & Walker
Solicitors
7 Moore St
Lydell

A. H. Allen Transferor
Annie McArthur Transferee

Particulars entered in the Register Book, Vol. *2222*
 Folio *84*

the *9th* day of *September*, 19*15*
 at *11* minutes *4* o'clock
 in the *evening* noon

111661 282



A 199161

	DATE	INITIALS
SENT TO SURVEY BRANCH	SEP 1 1915	[initials]
RECEIVED FROM RECORDS	SEP 15 AM	[initials]
DRAFT WRITTEN	SEP 6 1915	[initials]
DRAFT EXAMINED	SEP 16 1915	[initials]
DIAGRAM COMPLETE	16.9.15	[initials]
DIAGRAM EXAMINED	16.9.15	[initials]
DRAFT FORWARDED		
RETD. TO RECORDS	REQUISIT.	
	REGISTR.	
RETURNED FROM RECORDS		
CERTIFICATE ENGROSSED	SEP 9 1915	[initials]
SUPT. OF ENGROSSERS		
DEP. REGISTRAR GENERAL	22 SEP 1915	[initials]
VOL. 2606	FOL. 215	

SEP 14 P.M.

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
 No Transfer can be registered until the fees are paid.
 If a part only of the land is transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee; but to save this expense, if it be intended to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate of the subsisting residue.
 Transfers in common must receive separate Certificates. One will be required for each additional Certificate.
 The fees on transfers are 10s. and 5s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1915, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his Transfer indosed thereon, at a cost of 10s. only.
 The Transfer is complete from the moment it is recorded.
 Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order altered before a Magistrate.

RECD - 6 SEP 1915 11:21 AM

Fees:
Transfer
Endorsement
Certificate

30/6



New South Wales,

MEMORANDUM OF TRANSFER.
(REAL PROPERTY ACT, 1900.)

REC'D
10 DEC 1920 10 21 AM
REGISTRAR GENERAL
NEW SOUTH WALES

8 12 20 2

A649739

FREE SIMPLE.

10-12-20

- a Name, residence, occupation, or other designation, in full, of transferor.
- b If a less estate, strike out "in fee simple," and interline the required alteration.
- c All subsisting encumbrances must be noted hereon. (See page 2.)
- d If the consideration be not pecuniary, state its nature concisely.

I, *Arthur Wigram Allen of Sydney*

A 649739

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of *Thirty Pounds* (£ 30)

- e Name, residence, occupation, or other designation, in full, of transferee.
- f If a minor, state of what age, and forward certificate or declaration as to date of birth.
- g If a married woman, state name, residence, and occupation of husband.

paid to me by *John Dennis Murray Brown of West Wallerod miner and Margaret Brown his wife*

the receipt whereof I hereby acknowledge,

- h If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said *John Dennis Murray Brown and Margaret Brown as joint tenants*

- i Area in acres, rods, or perches.

All my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

- j Parish or town and county.

situate in *the Shire of Lake Macquarie Parish of Wallerawang and County of Northumberland*

- k "The whole" or "part," as the case may be.

being *part* of the land comprised in *certificate of title*

- l "Crown grant," or "Certificate of Title."

dated *15th January 1912* registered volume No. *2222 folio 84*

- m Strike out if not appropriate.

~~And also in the piece of land as follows:~~

And being allotment number forty four (44) on plan number 5688 deposited in the Land Titles Office Sydney

These references will suffice, if the whole land in the grant or certificate be transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in the transfer or thereon, with an explanatory prefix:—"as delineated in the plan hereon (or annexed hereto)" or "described as follows, viz:—"

Reservations of Minerals to the transferees and their heirs and assigns. Reserving unto Arthur Wigram Allen, his heirs and assigns, not included in the reservation in the original Grant (including coal, iron and under the land above described and also in and under all streets roads lanes and ways laid out by the said Arthur Wigram Allen or his predecessors in title in the vicinity of the said land with liberty for the said Arthur Wigram Allen, his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such

[Rule up all blanks before signing.]

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be struck through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Price, 6d.]

See note "c," page 1.
A very short note of
the particulars will
suffice.

such minerals (including coal) and also reserving to the
said Arthur Wigram Allen his heirs and assigns the
right to work any other lands through the said land
and to carry under the said land and in and under
the said streets roads lanes and ways all mineral (including
coal) gotten from such other lands

Memorandum of Encumbrances & referred to
Reservations as in the Crown grant mentioned

[Rule up all blanks before signing.]

21. If this instrument be
signed or acknowledged
before the Registrar-
General or Deputy
Registrar-General, or
a Notary Public, a
J.P., or Commissioner
for Affidavits, to whom
the Transferor is
known, no further
authentication is
required. Otherwise
the Attorney witness
must appear before
one of the above
functionaries to make
a declaration in the
annexed form.
This applies only to
instruments signed
within the State.
If the parties be
resident without the
State, but in any
British Possession, the
instrument must be
signed or acknowledged
before the Registrar-
General or Recorder of
Titles of such
Possession, or before
any Judge, Notary
Public, Governor,
Government Resident,
or Chief Secretary of
such Possession. If
resident in the
United Kingdom, then
before the Mayor or
Chief Officer of any
Corporation, or a
Notary Public. And if
resident at any foreign
place, then before the
British Consular
Officer at such place.
If the Transferor or
Transferee signs by a
mark, the attestation
must state "that the
instrument was read
over and explained
to him, and that he
appeared fully to un-
derstand the same."

22. Repeat attestation for
additional parties if
required.

21 1/2

In witness whereof, I have hereunto subscribed my name, at Sydney
the thirteenth day of November in the year
of our Lord one thousand nine hundred and twenty

Signed in my presence by the said

Arthur Wigram Allen
WHO IS PERSONALLY KNOWN TO ME

Jed Maxwell m

Signed Clk. to Allen Allen & Henley
Solicitors Sydney

[Signature]
Transferor.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited,
accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said
John Dennis Murray Brown
 and *Margaret Brown*

WHO IS PERSONALLY KNOWN TO ME

Samuel Holmes J.P.

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

John Dennis Murray Brown

Margaret Brown

Transferees

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said

is his own handwriting, and that he was of

sound mind, and freely and voluntarily signed the same.

- 1. May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- 2. Name of witness and residence.
- 3. Name of Transferrer.
- 4. Name of Transferrer.

* Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

No. **A649739** Memorandum of Transfer of

2 1/2 Acre being Lot 44 in 69 5688

Office of the Registrar

of the Land Office, Northumberland

(Reserving all mine & mineral etc.)

Lodged by

(Name) John O. Bolton

(Address) 2 Jubilee St
Lewisham

100/100/100

John Lewis Murray Brown } Transferrer.
and } Joint
Margaret Brown } Transferee.
} Tracy

Particulars entered in the Register Book, Vol **2222**

Folio **84**

the **22nd** day of **December** 19**20**,
at **11** minutes **11** o'clock
in the **fore** noon.

CHECK SLIP

W. K. Atkinson
Registrar General



INDEXED

SEARCHED	11/11/20	CHS
INDEXED	15-12-20	CHS
INDEXED	16-12-20	CHS
INDEXED	17-12-20	CHS
INDEXED	18-12-20	CHS
INDEXED	28-12-20	AM

3143 186

OFFICIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
This document may be registered until the fee is paid.
If a part only of the land is transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee; but in such case payment of the fee is limited to make several transfers of portions, the Certificate may remain in the Land Office, either until the whole be sold, or formal application be made for a Certificate of the residue of the land.
In some cases more than one separate Certificate will be required for one Certificate.
The fee on Certificates is 10s. and 10s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1873, the purchaser is not compelled to take out a Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial at his instance entered thereon, at a cost of 10s. only.
This document is complete from the moment it is recorded.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

THE LAND OFFICE, NORTHUMBRIA, 1888, AND THE LAND OFFICE, 1890, AND THE LAND OFFICE, 1892, AND THE LAND OFFICE, 1894, AND THE LAND OFFICE, 1896, AND THE LAND OFFICE, 1898, AND THE LAND OFFICE, 1900, AND THE LAND OFFICE, 1902, AND THE LAND OFFICE, 1904, AND THE LAND OFFICE, 1906, AND THE LAND OFFICE, 1908, AND THE LAND OFFICE, 1910, AND THE LAND OFFICE, 1912, AND THE LAND OFFICE, 1914, AND THE LAND OFFICE, 1916, AND THE LAND OFFICE, 1918, AND THE LAND OFFICE, 1920.

Attachment D

Section 149(2) & (5) Certificates



6 November 2009

LMCC
C/- LMCC

Our Ref:52702
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 16 Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 41 DP 5688
Parish: Wallarah
County: Northumberland

**BRIAN BELL
GENERAL MANAGER**

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is a flood control lot.

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

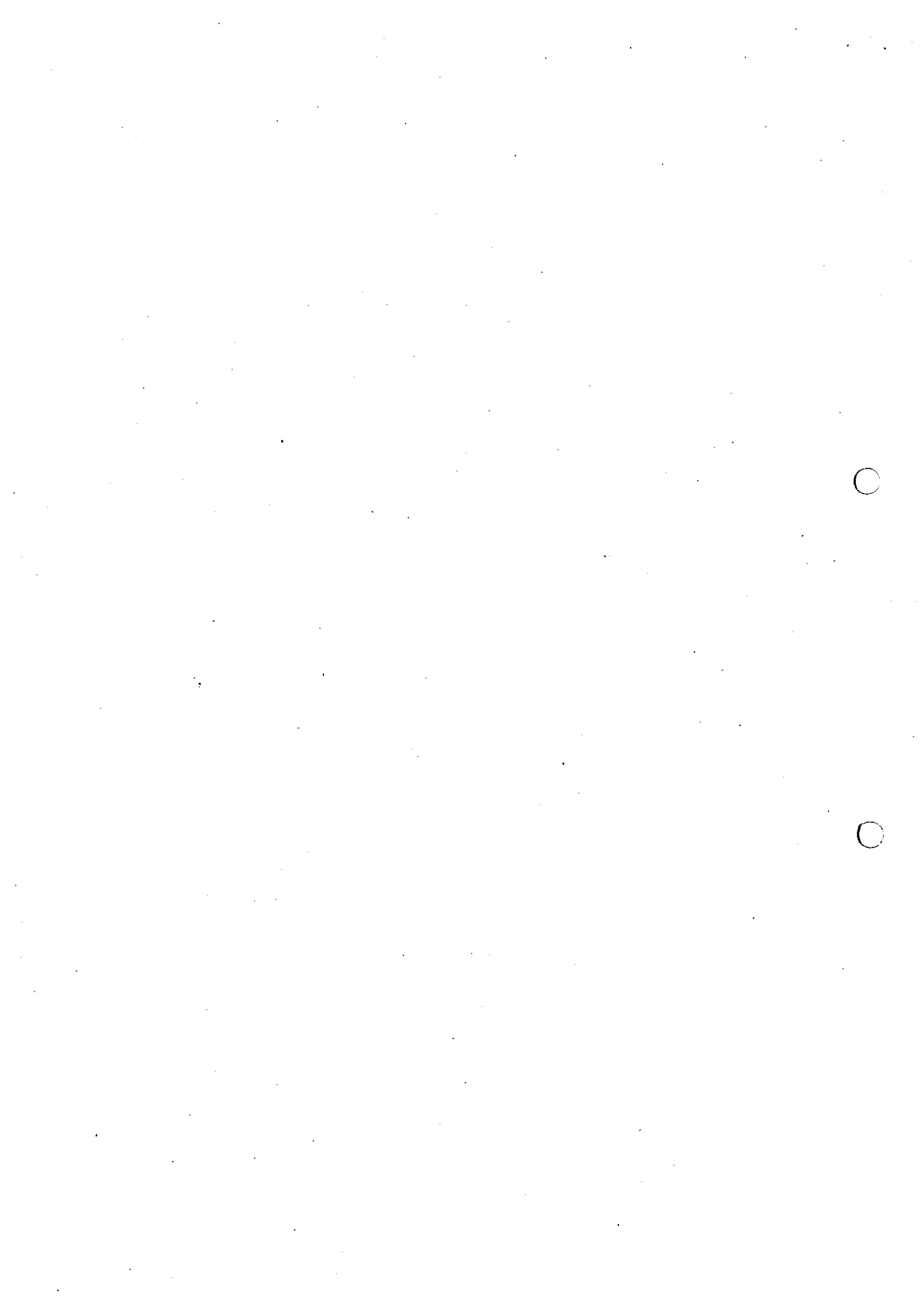
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- helpads
- 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.

Q

Q

- (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 the following: Access ramp to a building (for able and disabled persons)	Column 2 Zones in which development is exempt	Column 3 Circumstances where exempt
	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 carparking 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) All zones for additional requirements for particular kinds of advertising structures)

General criteria—in addition to the criteria for particular kinds of structures listed below:
maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and
maximum area 1 square metre in all other zones, and
one sign per premises, and
signs must not cover mechanical ventilation inlet or outlet vents, and
advertising structures over public road to be at least 600mm from kerb/roadway edge, and
signs must not be illuminated or use flashing lights or similar devices for illumination, and
must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and
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:
Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Satisfy general criteria above.
Maximum area 1 square metre.

Attachment B

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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- #### **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,

Business identification signs	Zones 3 (1) and 3 (2)	Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Flush wall signs: satisfy general criteria above, and securely fixed. Top hamper signs: satisfy general criteria above, and securely fixed.
Business identification signs in industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	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.
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)	Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 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.
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	Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	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.
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	The device is to be installed and is used for 1 day/weekend events only.
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	The device is erected on level ground of sufficient bearing capacity to support the device. The device is registered under the <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc)</p> <p>Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2) and 6 (2)</p> <p>Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)</p>	<p>Located wholly within the subject premises. A total of no more than 5 devices are installed.</p> <p>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.</p> <p>It must: be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>Maximum area of 30 square metres—for awnings.</p> <p>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.</p> <p>Materials used are non-reflective. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.</p> <p>Maximum height of 2.7 metres.</p> <p>Complies with front boundary setbacks for the zone.</p> <p>Maximum of 30 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Must facilitate maintenance of the trade waste device and enable all weather use.</p> <p>Constructed in materials which match and/or complement the design and appearance of existing buildings.</p> <p>Not located within front building setback. Complies with front building setbacks for the zone.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p>	<p>Maximum area of 4 square metres.</p> <p>Maximum height of 2 metres.</p> <p>Minimum setback of 900mm from side and rear boundaries.</p> <p>Minimum separation of 1,800mm from any adjoining dwelling.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>Maximum area of 4 square metres.</p> <p>Maximum height of 2 metres.</p> <p>Minimum setback of 900mm from side and rear boundaries.</p> <p>Minimum separation of 1,800mm from any adjoining dwelling.</p>

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 7—Principles of Development.</p> <p>Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)</p>	<p>Maximum area of 10 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Floor to be impervious.</p> <p>Located in rear yard.</p> <p>Minimum setback of 900mm to a property boundary.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p>	<p>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.</p> <p>Designed, fabricated and installed in accordance with the Building Code of Australia, relevant Australian Standards and any requirements of the <i>Disability Discrimination Act 1992</i> of the Commonwealth.</p> <p>Must be suitably designed and constructed by or for the Council.</p> <p>Must reflect character and amenity of the area.</p> <p>Does not obstruct the line of sight of vehicular traffic.</p> <p>Located to enable safe and convenient access from both sides of the road by pedestrians including people with disabilities.</p> <p>Maximum area of 10 square metres.</p> <p>Non-reflective surface finishes.</p> <p>Advertising signs must not be attached.</p>
<p>Bus shelters</p>	<p>All zones</p>	<p>Maximum area of 10 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Minimum setback of 900mm from any adjoining dwelling.</p>

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

All zones

Riparian and littoral foreshore stabilisation works must be undertaken by the Council or public authorities or by others on their behalf, and 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 involve only minor earthworks and site improvements, and 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.

Carparks

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), 7 (5), 9 and 10

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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)

Must not result in more than three bins in any one location. Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Cubby houses (see also "playground equipment")

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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.
Fences—boundary (side, front and rear fences and on corner lots)	All zones	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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
Fences—electric	Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)	Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i> . Maximum height of 1.8 metres.
Fences—masonry or brick Fences—security	All zones Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	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.

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . 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, <i>Demolition of structures</i> .
Different use resulting from change of use of shop to an office (2) or other commercial premises, or vice versa	Zones 3 (1) and 3 (2)	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 resulting from change of use of an office to an office	Zones 3 (1) and 3 (2)	Different use does not include food premises where food is stored or prepared or a bottle shop.
Different use resulting from change of use of a shop to a shop (2)	Zones 3 (1) and 3 (2)	Floor area of warehouse less than 500 square metres. Consent was granted for the former warehouse use. Different use is allowed by the zoning.
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	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).

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	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.
Footway dining	Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)	Only if in accordance with a current footway dining licence issued by the Council under section 125 of the <i>Roads Act 1993</i> .
Fowl house (for the keeping of chickens)	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	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 <i>Guide for Keeping of Animals</i> . 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 environment. Design of structure to mitigate the effects of any noxious smell on the locality. Complies with Division 2 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (Standards for keeping birds or animals—Keeping of poultry).
Fuel tanks—used in conjunction with agricultural activities or business for which consent granted	Zones 1 (1), 1 (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, <i>The storage and handling of flammable and combustible liquids</i> . 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.
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)	Zone 6 (1)	
Hail protection	Zones 1 (1) and 1 (2)	
Home occupation	All zones	

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

Maximum area of 20 square metres.
 Minimum setback of 3 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 Zones 1 (2), 7 (3) and 7 (5)
keeping up to 2 horses

Internal alterations comprising office or shop fit-out

Zones 3 (1) and 3 (2)

Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia.

Alterations must not cause the existing building in which they are carried out to contravene the Building Code of Australia.
 No alterations to bottle shop or to food premises where food is stored or prepared.
 May only be carried out in road reserves, parks or on land containing a dwelling house.
 Landscaping does not include earthworks or the construction of retaining walls or other structures.

Landscaping

All zones

Letter box (freestanding or in "banks")

All zones

Maximum height of 1 metre above ground level.

Only 1 letterbox per occupancy.
 Appropriate numbering for each letterbox.
 Structurally stable with adequate footings located wholly within the site.

Minor internal alterations to domestic single dwellings

All zones in which a dwelling is permissible

Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, 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.

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting

All zones

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.

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being:
 maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,
 installation of traffic lights, traffic calming devices and pedestrian facilities,
 installation of kerb and gutter and associated drainage works,
 minor drainage works,
 making driveway crossings,
 linemarking,
 signposting,
 sealing of gravel roads and areas,
 footpaving and associated works,
 minor intersection improvements or minor road widening.

Satellite dishes

All zones

Residential, rural and conservation/environmental protection zones:
 Maximum diameter of 900mm.
 Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:
 Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Public signs (directional traffic advisory/warning and information signs)

All zones

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
 Erected by or on behalf of the Council or the Roads and Traffic Authority.

Re-cladding of roofs or walls including repair/maintenance of damaged materials

All zones

Existing materials replaced with similar materials.
 Re-cladding not to involve structural alterations.
 Non-reflective materials used.
 Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.
 Additional requirements for roof replacement: 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,
 if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.

Retaining walls

All zones

Maximum height 1 metre.
 Masonry walls to comply with:
 AS 3700—Masonry Code,
 AS 3600—Concrete Structures,
 AS 1170—Loading Code.
 Timber walls to comply with:
 AS 1720—Timber Structures,
 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.

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 or school on which a plan of management for the structures approved by the Council exists) or on school land

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.

Playground equipment on land not controlled by the Council and not on school land

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

If for residential use:
 Maximum height of 2.1 metres.
 Maximum ground coverage of 10 square metres.
 If for non-residential use:
 Maximum height of 2.1 metres.
 Maximum ground coverage of 10 square metres.

Provision of soft landing surfaces.

All equipment:
 Designed, fabricated and installed in accordance with AS 1924 and AS 2155.

Installed in accordance with manufacturer's specifications.

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)

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.

Privacy screens or trellises.

All zones

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*.

Public meetings—use of Class 9b All zones buildings for this purpose

The Class 9b building has development consent or a building approval.
 Where the meeting is conducted for a not-for-profit or other charity fundraiser.
 Notice of event provided 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.

Interallotment drainage	Zones 2 (1) and 2 (2)	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— <i>Principles of Development</i> . 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. Maximum area 20 square metres. Maximum height 2.7 metres. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Where a formal development consent or complying development certificate is not in force for the site. Located wholly within property boundary. Marquees and mini stages not in place longer than 1 week. Maximum gross floor area is 20 square metres.
Temporary site sheds—less than 6 months	All zones	
Temporary structures: portaloos, marquees, mini stages.	All zones	
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.

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	Generally: The tank and any stand to be installed in accordance with manufacturers' specifications. If within residential zones: Maximum diameter or width 3 metres. (Repealed) 1 Maximum height 2.4 metres. 2 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. Noise from pumps not to exceed 50dBA at the wall of a dwelling on any adjoining property. If within rural zones: Maximum diameter or width 4.5 metres. Minimum setback 5 metres to side and rear boundaries. 1 Maximum height 2.4 metres. 2 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. 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: AS 1288, <i>Glass in buildings—Selection and installation</i> , and AS 2208, <i>Safety Glazing Materials for Use in Buildings (Human Impact Considerations)</i> . No reduction in the area provided for light and ventilation. No removal of structural support members in affected walls.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p>	<p>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.</p>
<p>Shade structures (bird nets and the like)</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Silos</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Skylight roof windows (including solar tube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs</p>	<p>All zones</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>	<p>All zones</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision works:</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Battleaxe driveways</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)		Site area and lot size	Density
	Battle axe lot size	Other irregular shaped lot		
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 1,600m 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.	8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.

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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² 12 metres x 25 (14 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited, ≥250m ² and <450m ² (frontage not specified).	≥250m ² and <450m ² (17 metres).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).		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 ≥250m ² and <450m ² .	Prohibited.	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg and 2,500m ² . 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

	<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>				
8 National Park	No numeric standards.				
9 Natural Resources	No numeric standards.				
10 Investigation	Prohibited.				
Explanation of entries in Table					
	<table border="1"> <tr> <td data-bbox="659 1921 831 2121">Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</td> <td data-bbox="659 1514 831 1921">Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way width. All lots created are to have frontage to a public road.</td> <td data-bbox="659 1167 831 1514">Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</td> <td data-bbox="659 1167 831 1167">The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</td> </tr> </table>	Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.	Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way width. All lots created are to have frontage to a public road.	Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.	The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.
Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.	Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way width. All lots created are to have frontage to a public road.	Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.	The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.		

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Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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
AG-01	L	Newcastle Mines Rescue Station 533 Lake Rd	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	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L	Speers Point Tram Route 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 Bennalls" 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	Lot 1, DP 814551 Lot 2, DP 814551 Lot 3, DP 814551 Lot 4, DP 814551
BN-04	L	Former Staff Houses, Colliery Row	John Darling Avenue 3 Maranatha Cl 7 Maranatha Cl 9 Maranatha Cl 21 Maranatha Cl	Lot 11, DP 1027724 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 Ungata 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 11, 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 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf				
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354
Cardiff				
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789
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 Ct 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
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	Wallerah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallerah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 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
Coal Point				
CP-01	L	Threikeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 7552223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
			50 Central Rd	Lot 1, DP 938761
			50 Central Rd	Lot 18, DP 129134
CB-27	L	Sanitarium Dairy Farm	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 201, DP 1059478
CB-29	L	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	16 Dora St	Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 Minmi Rd	Lot 106, DP 755262
Eraring				
ER-01	L	Eraring Power Station	4 Cross St 22B MR 217, Myuna Bay Lot 211, DP 840670 22C MR 217, Myuna Bay Lot 50, DP 840671 20A MR 217, Myuna Bay Lot 11, DP 1050120 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
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 early coal mining sites Glenrock Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth			
KW-02	L	Eilcom 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 Wards 5 and 6 84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S	Morisset Hospital Ward 9, Clinical Dept 84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S	Morisset Hospital Ward 10 84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S	Morisset Hospital The Chapel 84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	S	Morisset Hospital Recreation Hall 84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S	Morisset Hospital The Main Store 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S	Morisset Hospital Residence No 1 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	S	Morisset Hospital Ward 17, General 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S	Psychiatry Morisset Hospital Ward 12 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S	Morisset Hospital Residence No 3 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S	Morisset Hospital Maximum Security Division 69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

Rathmines	
RM-01	L Catalina Memorial Nursing Home 1771 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 Eilsdon St Lot 100, DP 609787
Speers Point	
SP-03	L House 10 Council St Lot 1, DP 518627
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 Minesweeper (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 "Moria" 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 20 Pitt St Lot 31, DP 858667
TA-16	L Gartlee Mine 159 Railway St Lot 1, DP 780614

MS-26	S	Morisset Hospital 69a Fishing Point Cottage Row Rd, Bonnells Bay Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S	Morisset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	127 Marine Pde Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	43c Nords Wharf Rd PO 1970/126
Pelican			
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, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Slyx 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	Rhonda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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	

TA-17	L	Rhondda 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	Frith's Store Building	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annex	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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 "Alli'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	Lot 1, DP 421411
West Wallsend				
WW-01	L	West Wallsend Football Club Ground	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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 6, Section J, DP 2252, Lot 7, 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 565278
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	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	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		Wallerah East Flowers Dr, Pit	Wallerah East Flowers Dr, Catherine Hill Bay	

3	Newstan Colliery	Fassifern Rd, Fassifern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
AW-08	Railway Station cottage	34 Brisbane St, Awaba	

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237

Swansea Heads

NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
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Tingira Heights

TH-01	S L	Nature Reserve and being permiian fossil insect horizon	Burton Rd	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</i> 1949 (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 Lake Macquarie Aboriginal Heritage Study Report 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

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

Attachment E

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

Draft Lake Macquarie Local Environmental Plan (LMLP) 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
Changes to the land use table	
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.
Administrative and policy changes	
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 after 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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	Introduces Part 8 and subsequent clauses to LMLP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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 of 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.
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.

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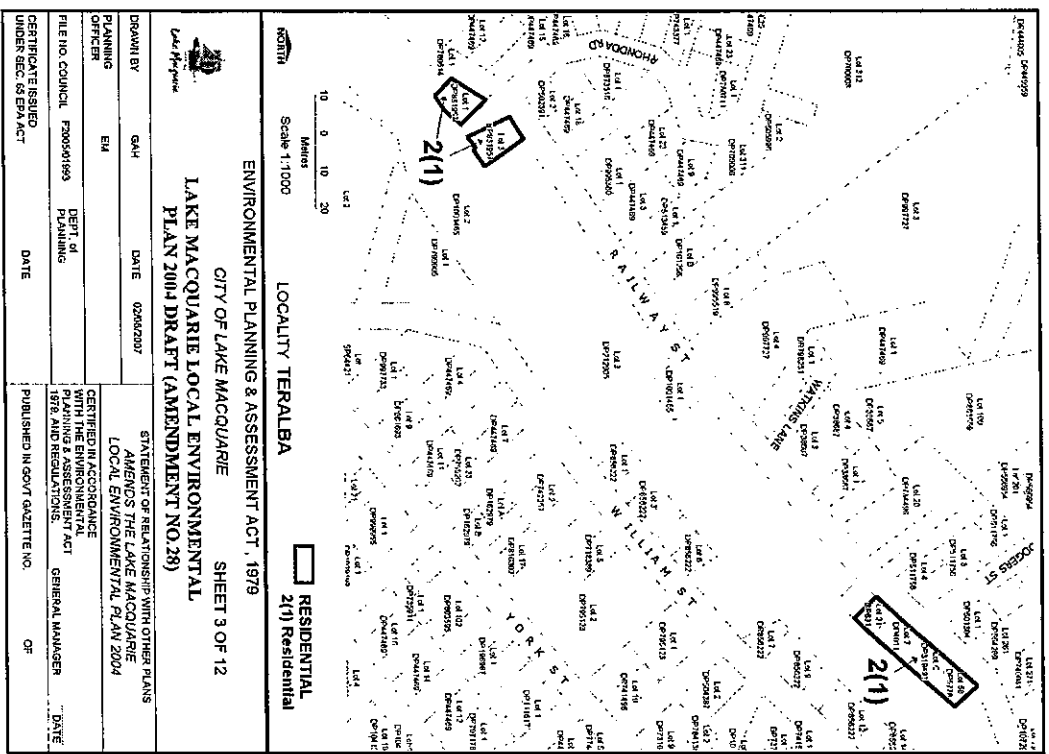
Amendment affects:	Proposed change
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
Schedule 9 Consent to development subject to special requirements	Amend incorrect property descriptions in the schedule.
New:	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 snowroom', '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	Rezoning 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	Rezoning 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	Rezoning 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.
Rezoning	Rezoning 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.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezoning 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	Rezoning part of Lot 1 DP 365543 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 Hunty 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 11125 Charles Street Warners Bay from Community Land to Operational Land. Refer to Sheet 8 of 12.
Rezoning and reclassification	Rezoning part of Lot 36 DP 16797 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	Rezoning 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	Rezoning 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.

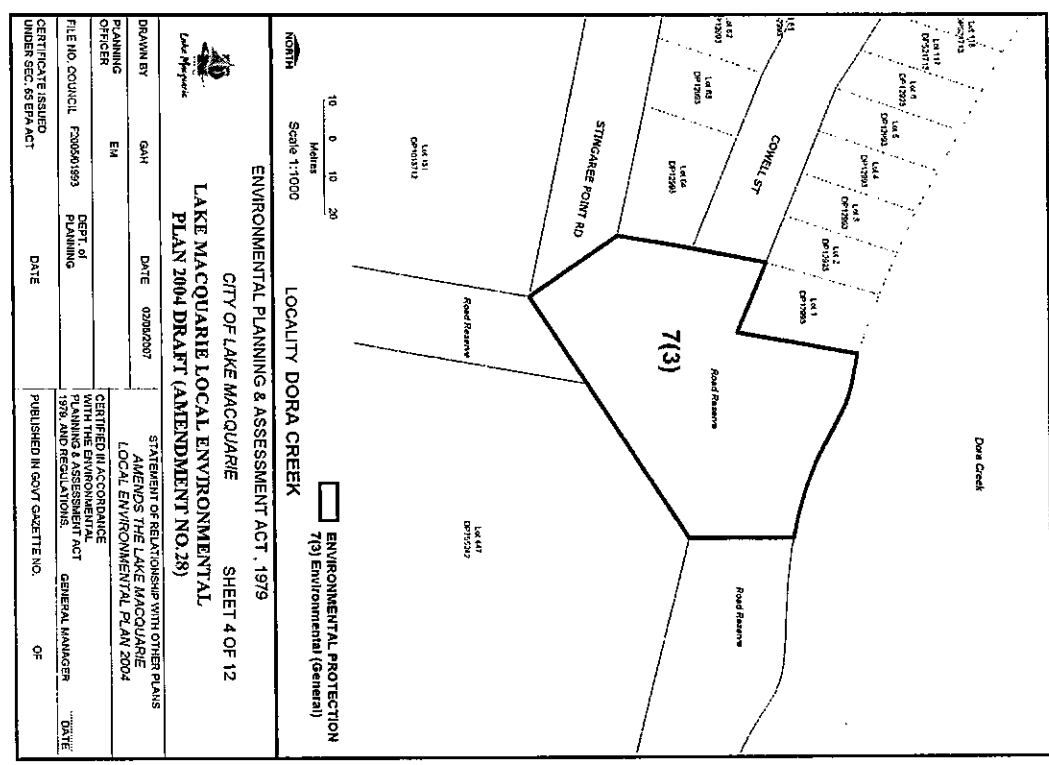
For more detailed information, please refer to our website www.lakemac.com.au

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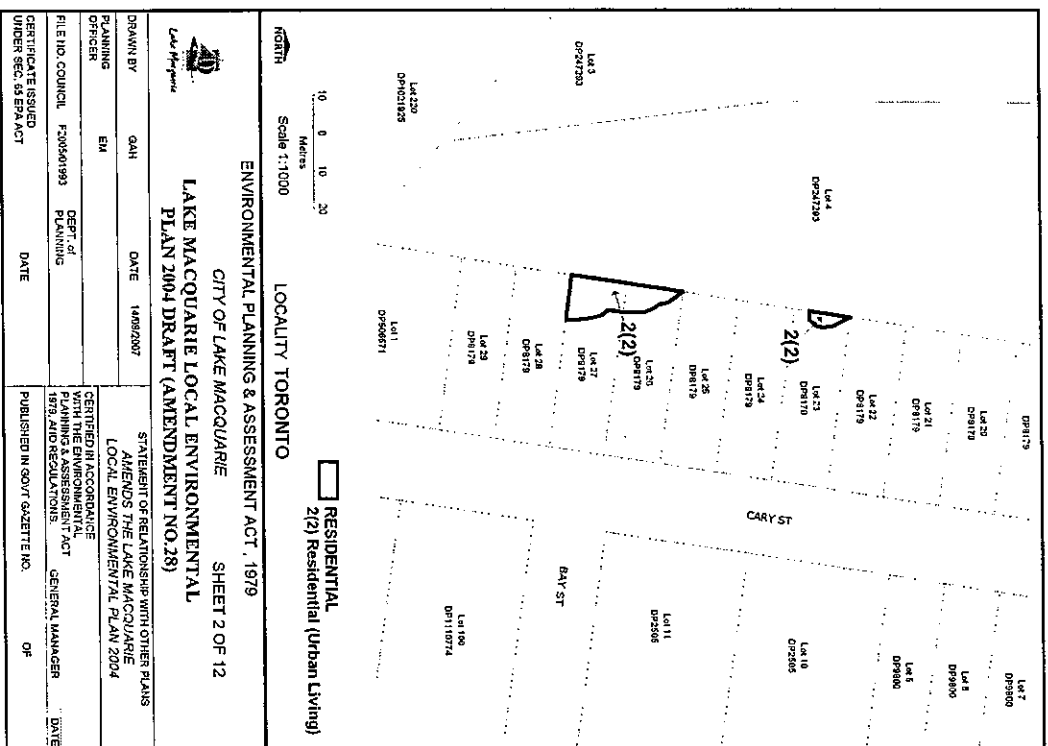
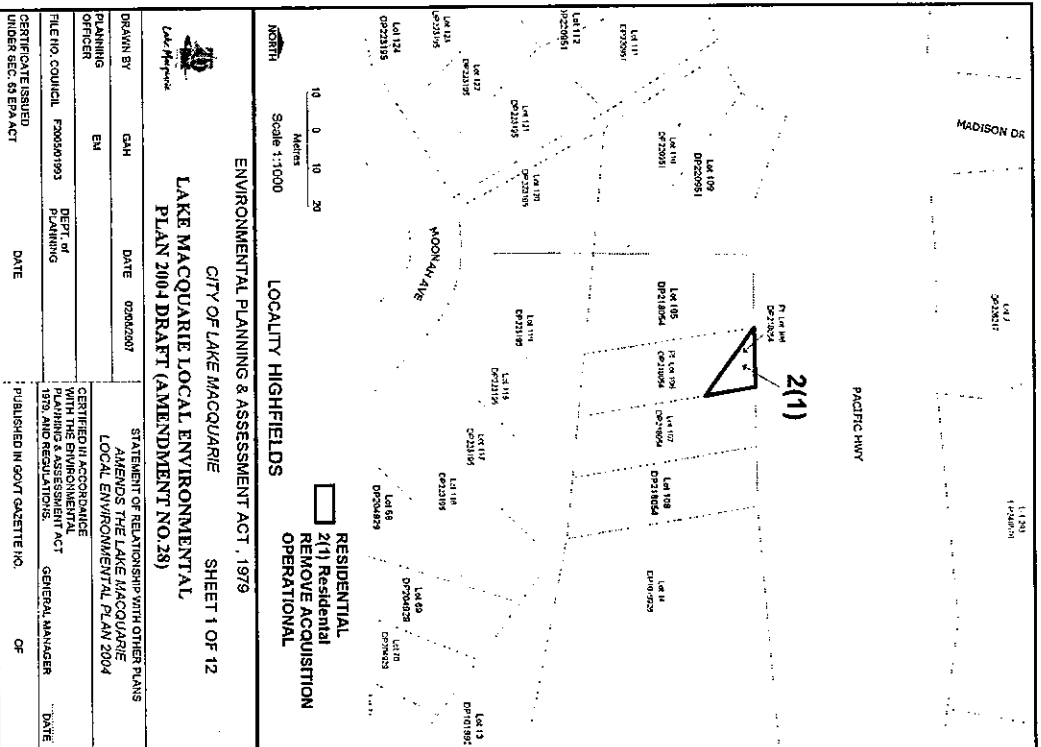
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FILE NO. COUNCIL	E3005/01993	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.	GENERAL MANAGER	DATE
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO.

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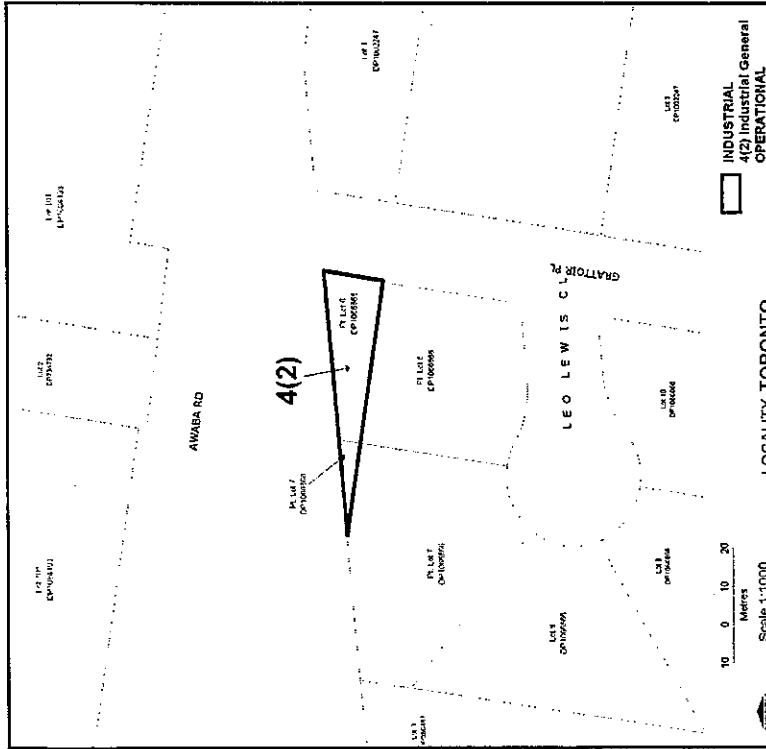


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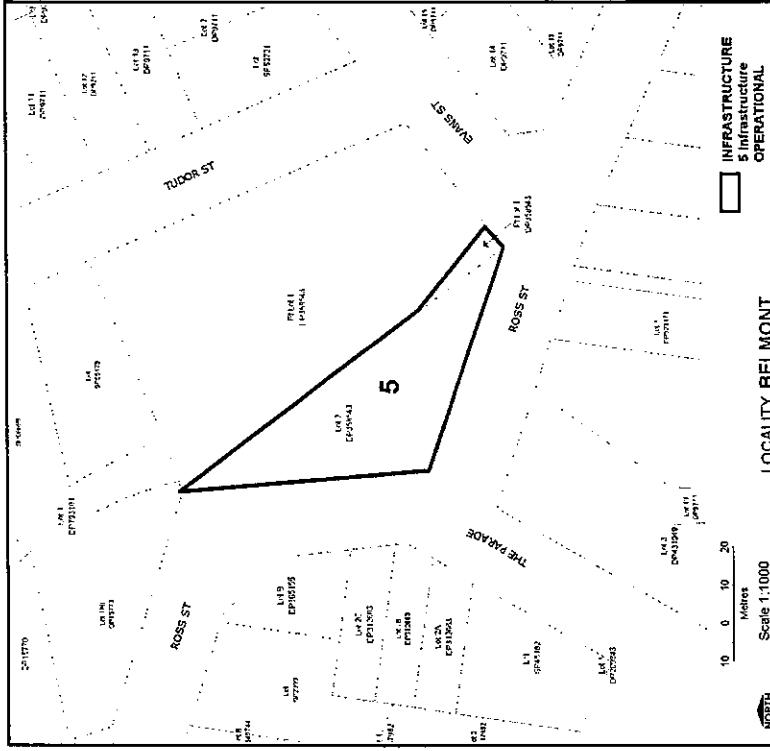
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NORTH LOCALITY TORONTO

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 5 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
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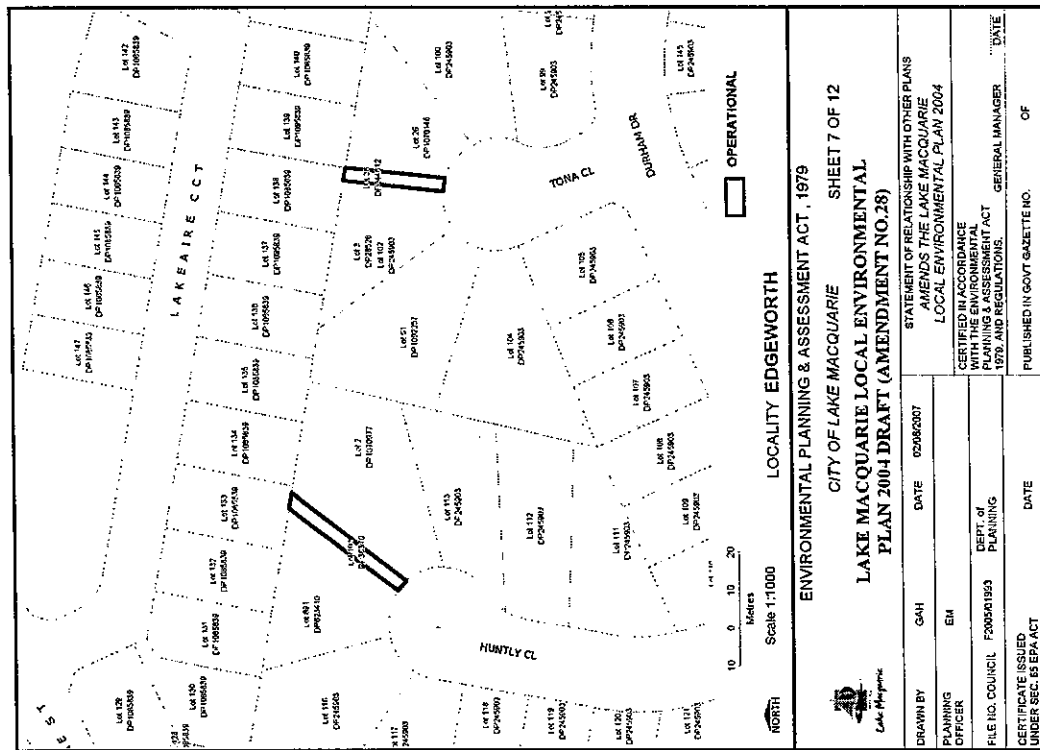
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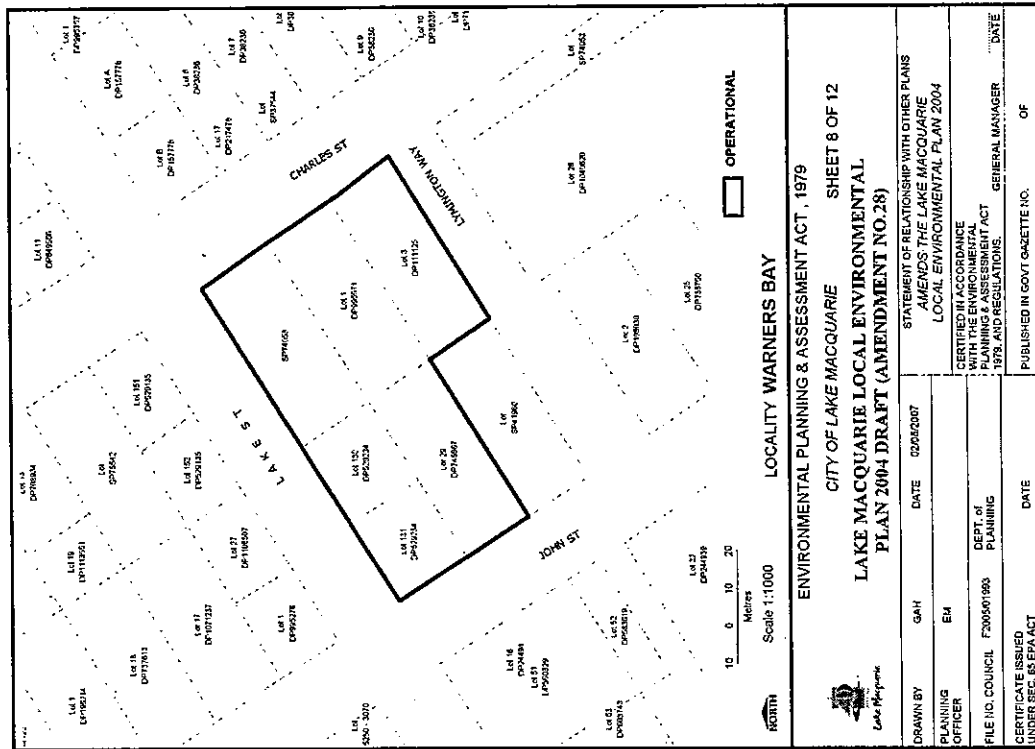
NORTH LOCALITY BELMONT

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 6 OF 12	
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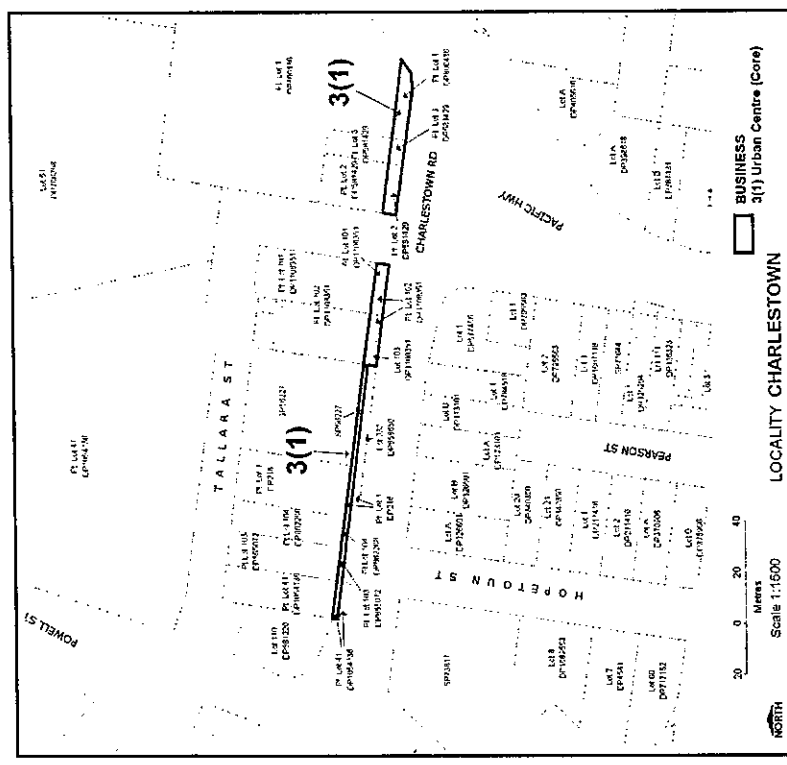


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCALITY SWANSEA

CITY OF LAKE MACQUARIE SHEET 9 OF 12
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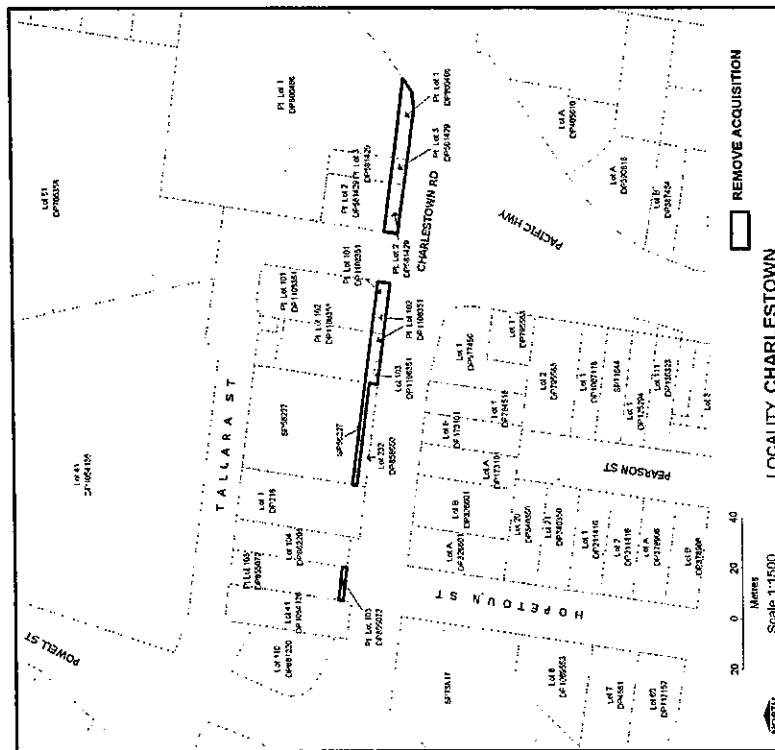


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCALITY CHARLESTOWN

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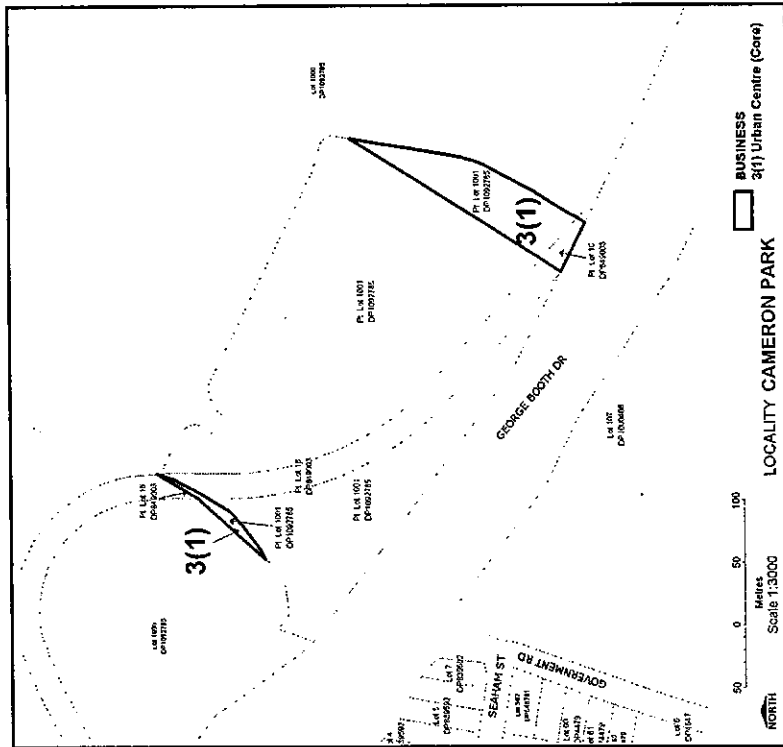
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CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		DATE

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		ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY PLANNING OFFICER FILE NO. COUNCIL CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	GAH EM F000501993 F000501993	DATE 02/09/2007 DEPT. of PLANNING	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS. GENERAL MANAGER PUBLISHED IN GOVT GAZETTE NO. OF

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



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6 November 2009

LMCC
C/- LMCC


Our Ref:52703
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 4 Josephson Street, SWANSEA NSW 2281
Lot Details: LOT 421 DP 785216
Parish: Wallarah
County: Northumberland

 For: BRIAN BELL
GENERAL MANAGER



ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

The land is a flood control lot.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and no notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

- (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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

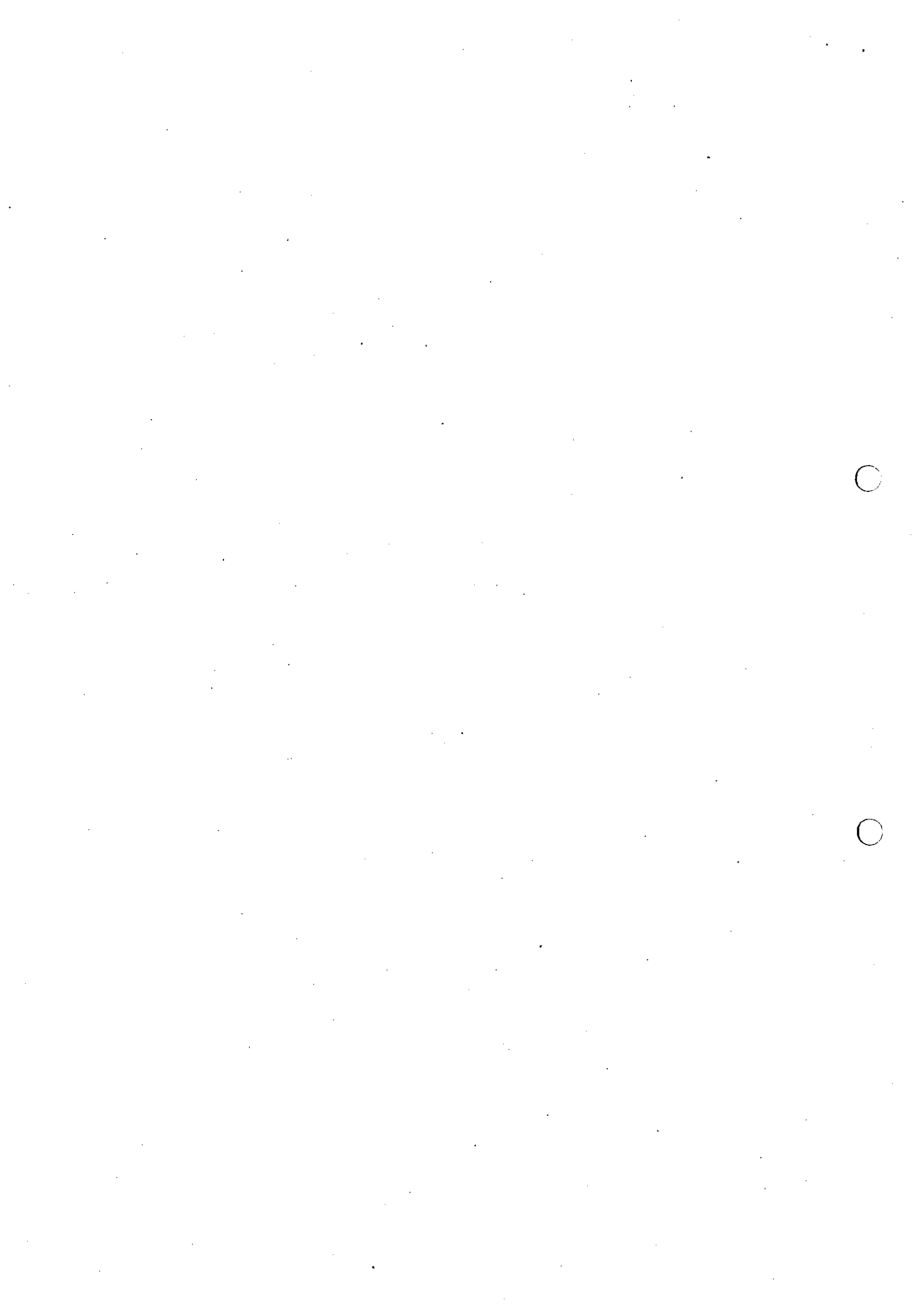
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- helpads
- 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.



Attachment B

Schedule 1 Exempt development

(Clause 8)

1 What is exempt development?

- Development is exempt development if:
- (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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- 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 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 carparking 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 kinds of advertising structures)

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and one sign per premises, and signs must not cover mechanical ventilation inlet or outlet vents, and advertising structures over public road to be at least 600mm from kerb/roadway edge, and signs must not be illuminated or use flashing lights or similar devices for illumination, and must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and 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:

Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Satisfy general criteria above. Maximum area 1 square metre.

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc) Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2) and 6 (2) Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)</p> <p>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: be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p> <p>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.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p> <p>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 setback. Complies with front building setbacks for the zone.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p> <p>Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.</p>

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 1—Principles of Development. Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)</p> <p>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.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p> <p>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.</p>
<p>Bus shelters</p>	<p>All zones</p> <p>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.</p>

Business identification signs

Zones 3 (1) and 3 (2)

Suspended under awnings signs: satisfy general criteria above, and

securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Vertical or horizontal projecting wall signs: satisfy general criteria above, and

securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Flush wall signs:

satisfy general criteria above, and securely fixed.

Top hamper signs:

satisfy general criteria above, and securely fixed.

Business identification signs in industrial areas

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

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: 1.2 square metres for a "For Sale" sign, or 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.

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

Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)

All zones

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.

Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)

All zones

Installation must not reduce the structural integrity of the building. Any opening created is to be adequately weatherproofed. Noise level not to exceed 54dBa 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.

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)

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.

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

All zones

Riparian and littoral foreshore stabilisation works must:
 be undertaken by the Council or public authorities or by others on their behalf, and
 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
 involve only minor earthworks and site improvements, and
 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.

Carparks

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), 7 (5), 9 and 10

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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)

Must not result in more than three bins in any one location.
 Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i> . 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.
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	All zones	
Fences—security	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> . 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, <i>Demolition of structures</i> . 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 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 an office	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of a shop to a shop	Zones 3 (1) and 3 (2)	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).
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	

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

Maximum area of 20 square metres.
Maximum height of 3 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 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).

Internal alterations comprising
office or shop fit-out

Zones 3 (1) and 3
(2)

Non-structural alterations only.
Alterations must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*.

Alterations must not cause the existing building in which they are carried out to contravene the *Building Code of Australia*.
No alterations to bottle shop or to food premises where food is stored or prepared.

May only be carried out in road reserves, parks or on land containing a dwelling house.
Landscaping does not include earthworks or the construction of retaining walls or other structures.

Landscaping

All zones

Letter box (freestanding or in "banks")

All zones

Maximum height of 1 metre above ground level.
Only 1 letterbox per occupancy.
Appropriate numbering for each letterbox.
Structurally stable with adequate footings located wholly within the site.

Minor internal alterations to
domestic single dwellings

All zones in which a
dwelling is
permissible

Non-structural work only, such as:
replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials,
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.

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting

All zones

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.

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	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.
Footway dining	Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)	Only if in accordance with a current footway dining licence issued by the Council under section 125 of the <u>Roads Act 1993</u> .
Fowl house (for the keeping of chickens)	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	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 <i>Guide for Keeping of Animals</i> . 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 environment. Design of structure to mitigate the effects of any noxious smell on the locality. Complies with Division 2 of Schedule 5 to the <u>Local Government (Orders) Regulation 1999</u> (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 (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, <i>The storage and handling of flammable and combustible liquids</i> . 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.
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)	Zone 6 (1)	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.
Hall protection	Zones 1 (1) and 1 (2)	Only if ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).
Home occupation	All zones	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.

<p>Patio—at existing ground level and abutting a dwelling</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
<p>Pergola</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>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.</p>
<p>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</p>	<p>Land classified as community in any zone</p> <p>Development is in accordance with plan of management approved by the Council.</p>
<p>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</p>	<p>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.</p>

<p>Playground equipment on land not controlled by the Council and not on school land</p>	<p>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</p> <p>If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres.</p> <p>Provision of soft landing surfaces.</p> <p>All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Installed in accordance with manufacturer's specifications.</p>
<p>Ponds/pools</p>	<p>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)</p> <p>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.</p>
<p>Privacy screens or trellises</p>	<p>All zones</p> <p>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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>.</p>
<p>Public meetings—use of Class 9b buildings for this purpose</p>	<p>All zones</p> <p>The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i>, where refreshments are served.</p>

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being:
 maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,
 installation of traffic lights, traffic calming devices and pedestrian facilities,
 installation of kerb and gutter and associated drainage works,
 minor drainage works,
 making driveway crossings,
 linemarking,
 signposting,
 sealing of gravel roads and areas,
 footpaving and associated works,
 minor intersection improvements or minor road widening.

All zones

Satellite dishes

Residential, rural and conservation/environmental protection zones:
 Maximum diameter of 900mm.

Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Public signs (directional traffic advisory/warning and information signs)

All zones

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
 Erected by or on behalf of the Council or the Roads and Traffic Authority.

Re-cladding of roofs or walls including repair/maintenance of damaged materials

All zones

Existing materials replaced with similar materials.
 Re-cladding not to involve structural alterations.
 Non-reflective materials used.
 Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.
 Additional requirements for roof replacement: 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,
 if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.

Retaining walls

All zones

Maximum height 1 metre.
 Masonry walls to comply with:
 AS 3700—*Masonry Code*,
 AS 3600—*Concrete Structures*,
 AS 1170—*Loading Code*.
 Timber walls to comply with:
 AS 1720—*Timber Structures*,
 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.

Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p> <p>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.</p>
Shade structures (bird nets and the like)	Zone 1 (1)
Silos	Zone 1 (1)
Skylight roof windows (including solar tube or similar type installations) Solar water heaters	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>

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.
Street signs comprising name plates, directional signs and advance traffic warning signs Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.	All zones All zones	
Subdivision works:	Zones 2 (1) and 2 (2)	
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 and 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.

Water tanks at or above ground level
 Generally:
 The tank and any stand to be installed in accordance with manufacturers' specifications.
 If within residential zones:
 Maximum diameter or width 3 metres.
 (Repeated)
 Maximum height 2.4 metres.
 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.
 Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.
 If within rural zones:
 Maximum diameter or width 4.5 metres.
 Minimum setback 5 metres to side and rear boundaries.
 Maximum height 2.4 metres.
 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.
 Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.

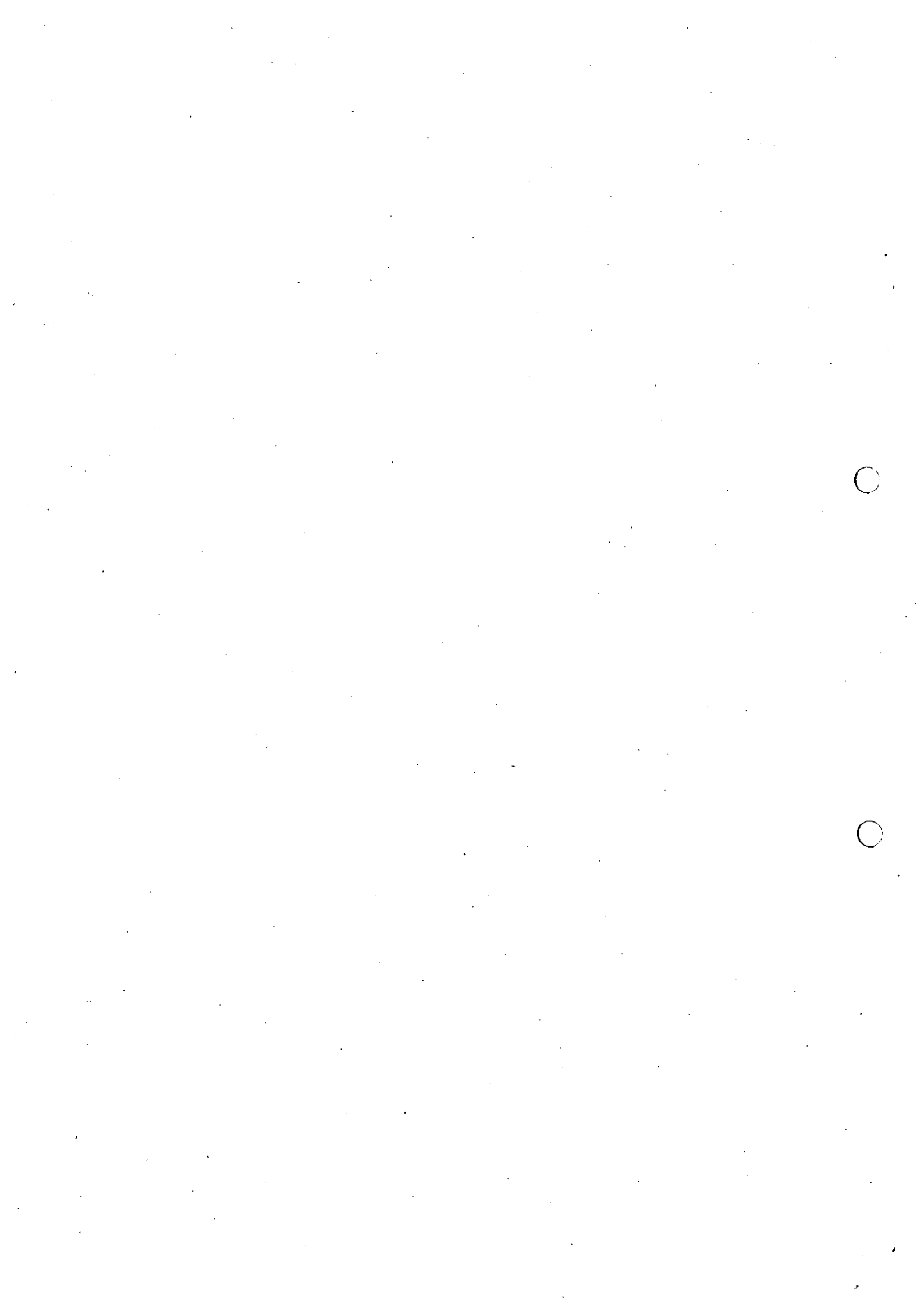
Windows, glazed areas and external doors
 Replacement in residential premises with materials that comply with:
 AS 1288, *Glass in buildings—Selection and installation*, and
 AS 2208, *Safety Glazing Materials for Use in Buildings (Human Impact Considerations)*.
 No reduction in the area provided for light and ventilation.
 No removal of structural support members in affected walls.

Interalotment drainage
 Zones 2 (1) and 2 (2)
 Where the interlotment drainage works will be only on the land being subdivided.
 Where the interlotment 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.
 Maximum area 20 square metres.
 Maximum height 2.7 metres.
 Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
 Where a formal development consent or complying development certificate is not in force for the site.
 Located wholly within property boundary.
 Marquees and mini stages not in place longer than 1 week.
 Maximum gross floor area is 20 square metres.
 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.

Temporary site sheds—less than 6 months
 All zones
 Temporary structures: portals, marquees, mini stages.
 All zones
 Water heaters (excluding solar system)—new and replacement installations
 All zones

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)	Battle axe lot size	Other irregular shaped lot	Site area and lot size	Density	Neighbourhood lots as per minimum applicable lot size opposite.
1 (1) Rural (Production)	20 hectares (frontage not specified).					
1 (2) Rural (Living)	1 hectare (frontage not specified).					5 hectares and 1,600m ² . 8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 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 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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 metres for one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² x 25 metres (14 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).		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 ≥250m ² and <450m ² .	Prohibited.	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>	
<p>8 National Park</p>	<p>No numeric standards.</p>
<p>9 Natural Resources</p>	<p>No numeric standards.</p>
<p>10 Investigation</p>	<p>Prohibited.</p>
<p>Explanation of entries in Table</p>	
<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p>	<p>Minimum area unless stated as a maximum. Excludes area of access way, where the access way provides the only street frontage. The figure shown in brackets is the minimum lot frontage at the building setback. All lots created frontage to a public road.</p>
<p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p>	<p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>



Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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 533 Lake Rd	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	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L	Speers Point Tram Route 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 Bernalis" 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	
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 11, 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 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave 24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf			
CW-01	L	Lord of the Manor Cams Cottage 13 Cams Wharf Rd	Lot 2, DP 616354
Cardiff			
CF-01	L	Row of 4 Shops with Cottages 275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops 281 Main Rd	Lot 4, DP 10789
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
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	Wallerah Hotel 24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages 10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CH-06	L	Cottages 21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage 17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages 9 Clarke St 7 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717
			Lot 86, DP 222717
			Lot 87, DP 222717
CH-10	L	Cottage 3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage 11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallerah House"	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Mine Camp to the coal loader jetty Colliery Railway (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines 38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church 71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages 27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall 1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House 26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House 38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery 8 Northwood Rd	Lot 7079, DP 1029250
Charlestown			
CT-01	L	Miners' Cottages 300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470

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	Glenrock Railway and Mine Entrance and early coal mining sites
		Glenrock State Recreation Area Lot 1, DP 523208 and Lot 21, DP 575387
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 Lot 132, DP 243393 (also see RT-06)

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, Wards 5 and 6 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
		84 Bridge Street, The Chapel Lot 1, DP 880557
MS-16	S	Morisset Hospital
		84 Bridge Street, Recreation Hall Lot 1, DP 880557
MS-17	S	Morisset Hospital
		69a Fishing Point, The Main Store Lot 1 DP 880557
MS-19	S	Morisset Hospital
		69a Fishing Point, Residence No 1 Lot 1 DP 880557
MS-20	S	Morisset Hospital
		69a Fishing Point, Ward 17, General Psychiatry Lot 1 DP 880557
MS-23	S	Morisset Hospital
		69a Fishing Point, Ward 12 Lot 1 DP 880557
MS-24	S	Morisset Hospital
		69a Fishing Point, Residence No 3 Lot 1 DP 880557
MS-25	S	Morisset Hospital
		69a Fishing Point, Maximum Security Division Lot 1 DP 880557

CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corunbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	70 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	50 Central Rd	Lot 18, DP 129134
CB-29	L	Cottage	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	597 Freemans Dr	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	661 Freemans Dr	Lot A, DP 416525
			27 Avondale Rd	Lot 2, DP 204207
			16 Dora St	Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	-147 Ocean St	Lot 1, 446723
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 Mimmi 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 211, DP 840670
			20A MR 217, Myuna Bay	Lot 50, DP 840671
			20 MR 17, Myuna Bay	Lot 51, DP 840671
			22A MR 217, Myuna Bay	Lot 11, DP 1050120
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	

MS-26	S	Morisset Hospital 69a Fishing Point Cottage Row Rd, Bonnells Bay Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	L	Morisset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	PO 1970/126
Pelican			
PF-01	L	Cabbage Trees	Pt Lot 135, DP 755233 Lot 103, DP 755233 Lot 102, DP 755233

Railways and tramways

RT-01	L	West Wallsend Steam Tram Line Newcastle via Wallsend, Holmesville, Estelville, Edgeworth and Glendale	West Wallsend to Newcastle via Speers Point via West Wallsend through Lake Macquarie from Garden Suburb to Wyee
RT-02	L	Speers Point Steam Tram Line	Belmont Railway
RT-03	L	Great Northern 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 Styx 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 Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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 "Moria"	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 Masters Cottage	150 Railway St	Lot 3, DP 831957
TA-13	L	Teralba Cemetery Billygoat Hill	20 Pitt St	Lot 31, DP 858667
TA-16	L	Gartlee 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	Frith's Store Building	66 The Boulevard	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annex	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	Lot 1, DP 231108, Lot 2, DP 231108, Lot 1, 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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye	
			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		Wallarrah East Flowers Dr Pit	Wallarrah East Flowers Dr, Catherine Hill Bay	

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 6, Section J, DP 2252, Lot 7, 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 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636

3	Newstan Colliery	Fassifern Rd, Fassifern
4	Lambton Colliery Redhead	Crown Land Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba
6	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance Item	Address	Property description
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Blackalls Park

BK- 01	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK- 04	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237

Swansea Heads

NI L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981
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Tingira Heights

TH- 01	Nature Reserve and being permian fossil insect horizon	Burton Rd	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</i> 1949 (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		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

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

Amendment affects:	Proposed change
Schedule 4 Heritage Items other than of indigenous origins and including potential archaeological sites	Amend incorrect properly descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect properly descriptions in the schedule.
Schedule 9 Consent to development subject to special requirements	Amend incorrect properly 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 Highlands 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.
Rezoning	Rezone land known as 'road reserve' off Singarae Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezone part of Lots 6 and 7 DP 1068866 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 388543 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 Hurty 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, Charlesstown Road, Charlesstown and part of Lot 1 DP 800486 Pacific Highway, Charlesstown 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 Charlesstown Road, Charlesstown and part of Lot 1 DP 800486 Pacific Highway, Charlesstown. 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

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

Attachment E

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
Changes to the land use table	
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.
Clause 15 General controls for land within zones	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.
Administrative and policy changes	
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 stages. 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 housing on a battle axe lot.

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

Amendment affects:

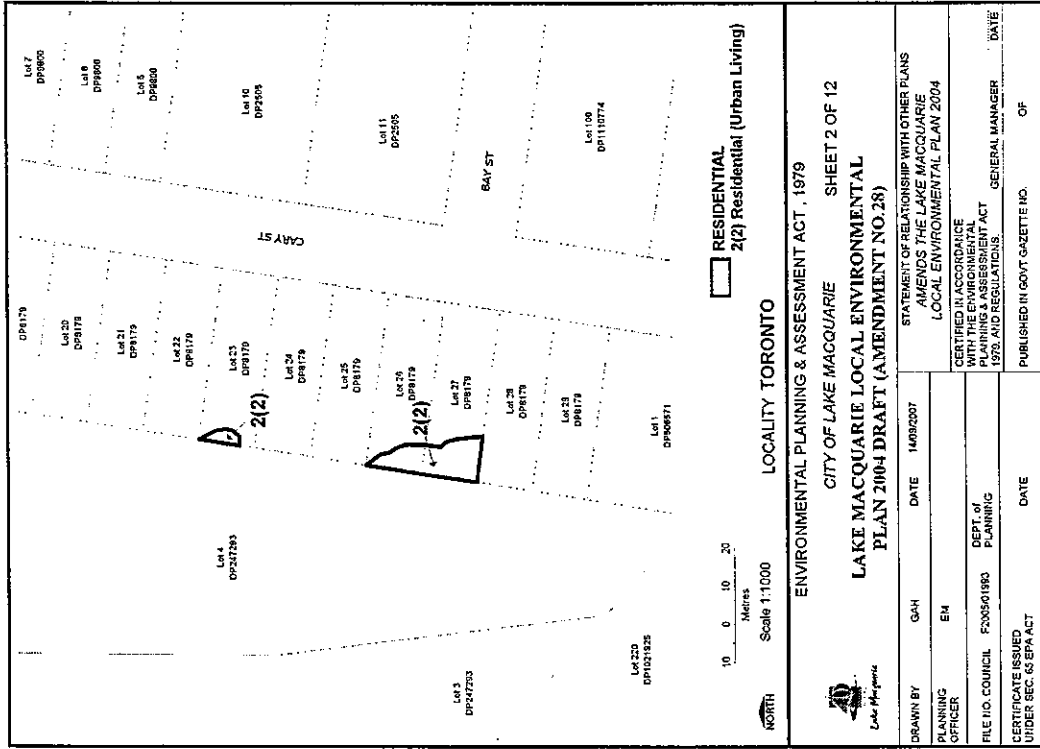
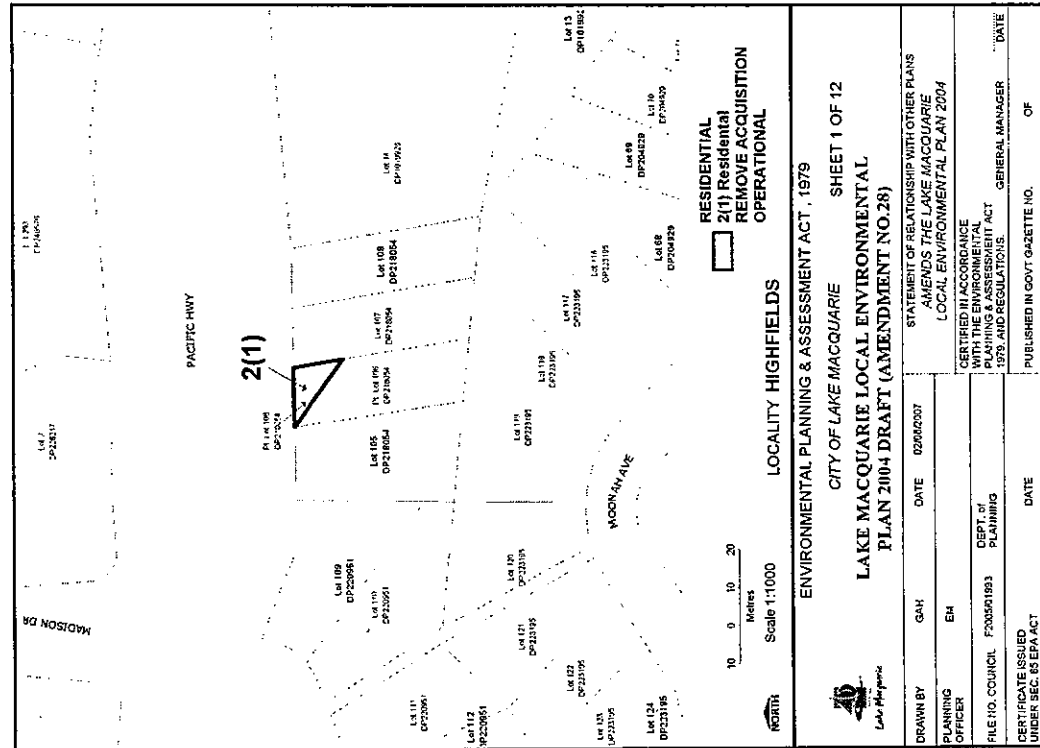
Proposed change

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 facade that contribute to an active street frontage.
New: Part 8 Development Standards	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.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	

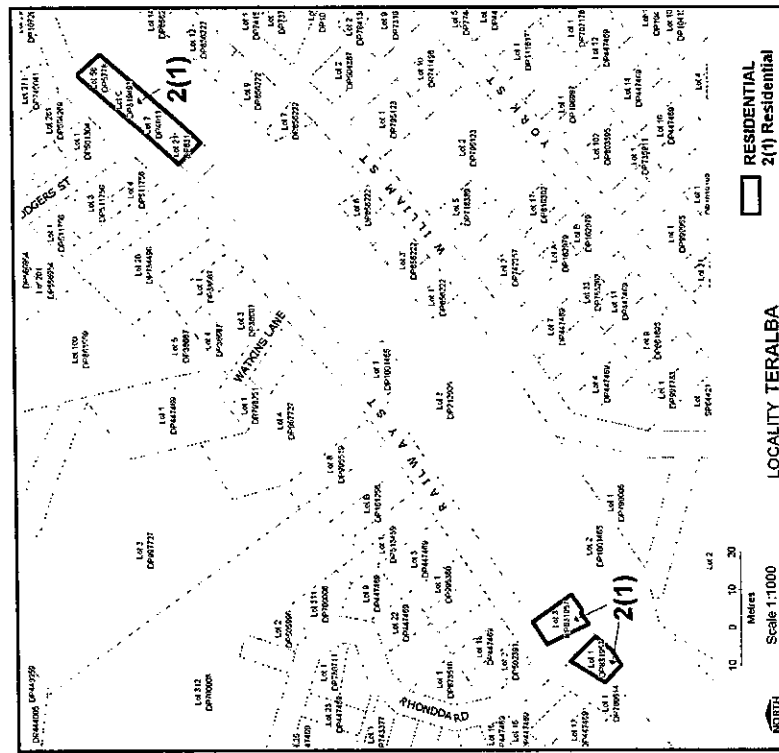
Changes to schedules

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: <ul style="list-style-type: none"> 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.
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.

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

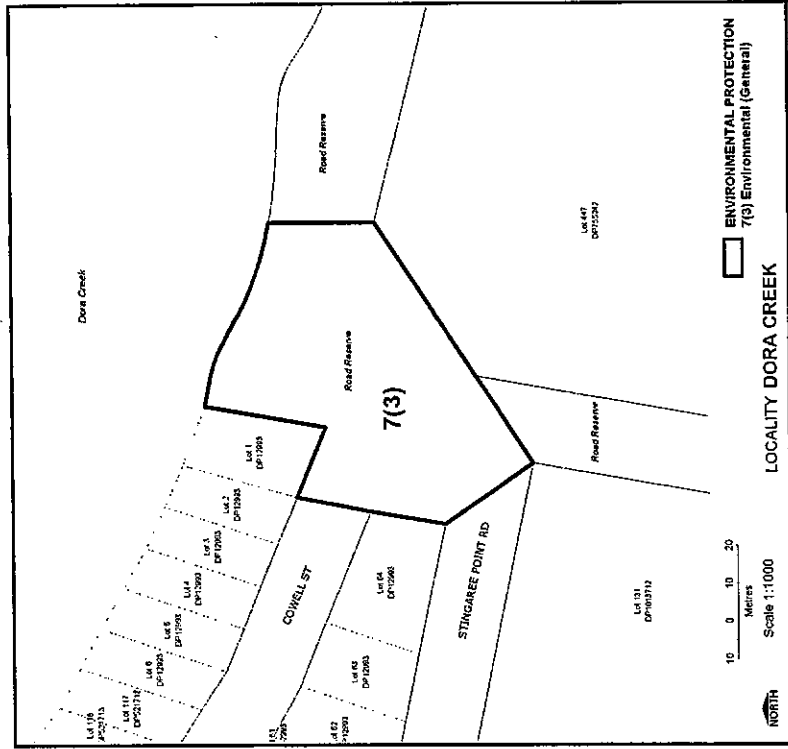


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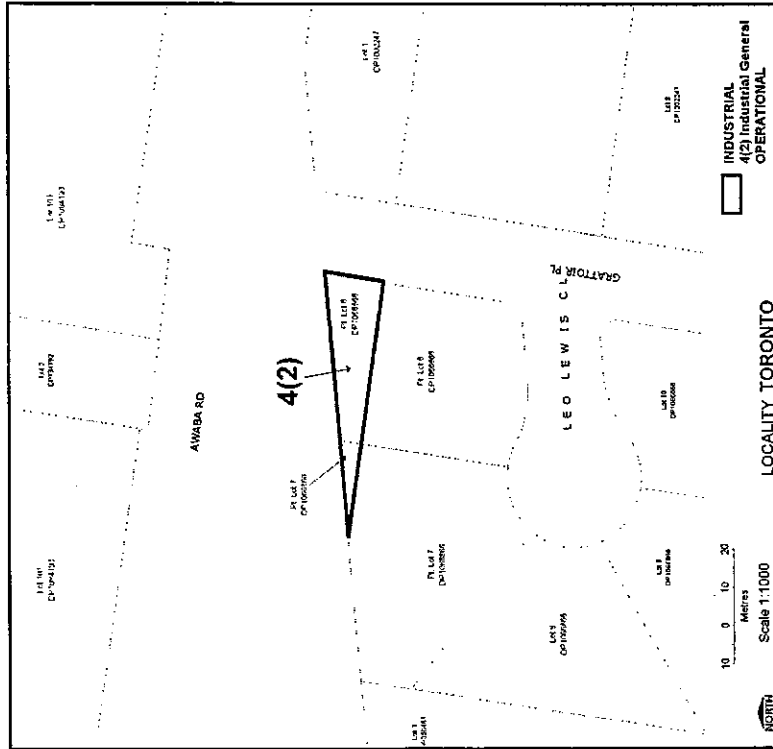
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DRAWN BY PLANNING OFFICER	GAH EM	DATE 02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2005/01953	DEPT. OF PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 85 EPA ACT	DATE	GENERAL MANAGER	DATE
		PUBLISHED IN GOVT GAZETTE NO.	OF

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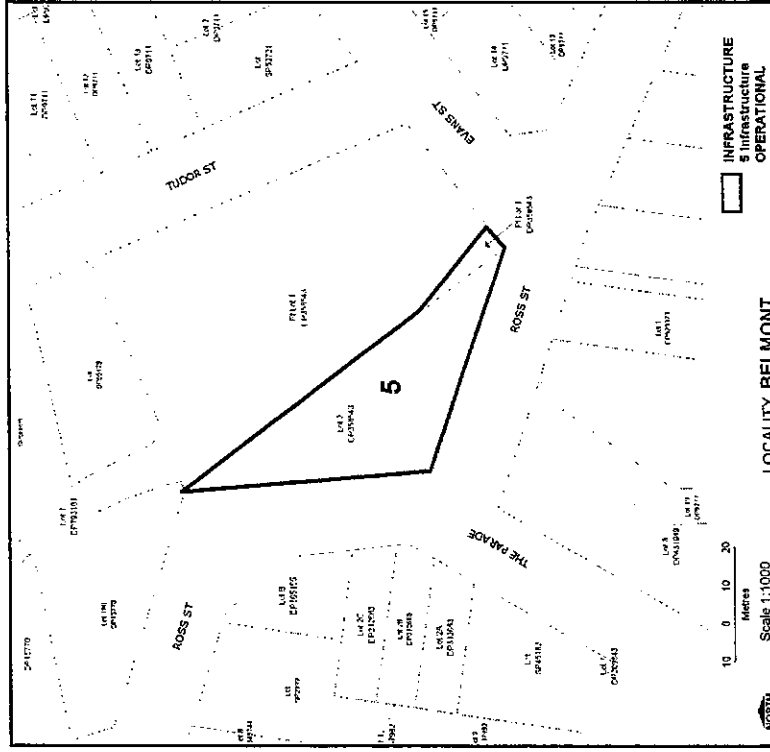
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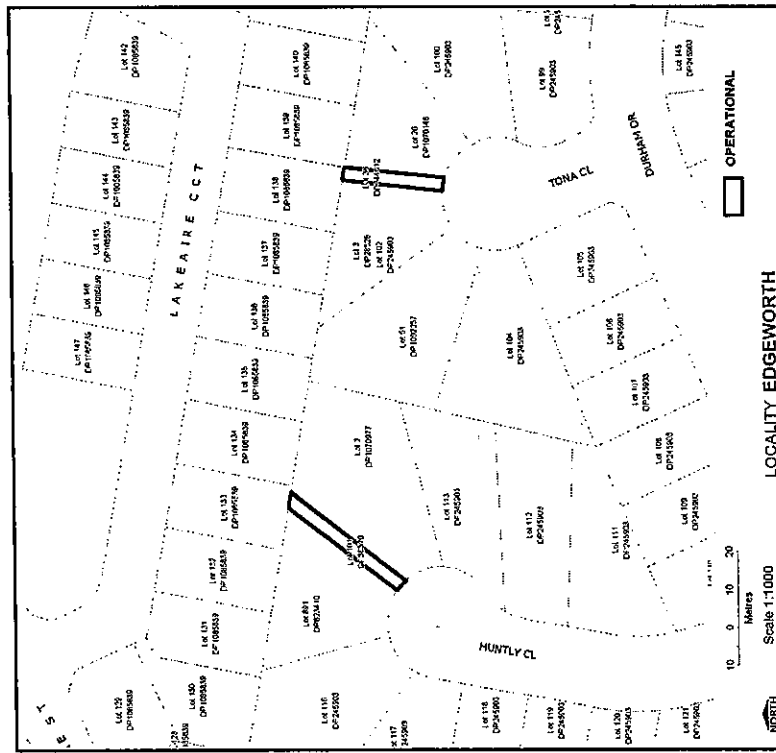
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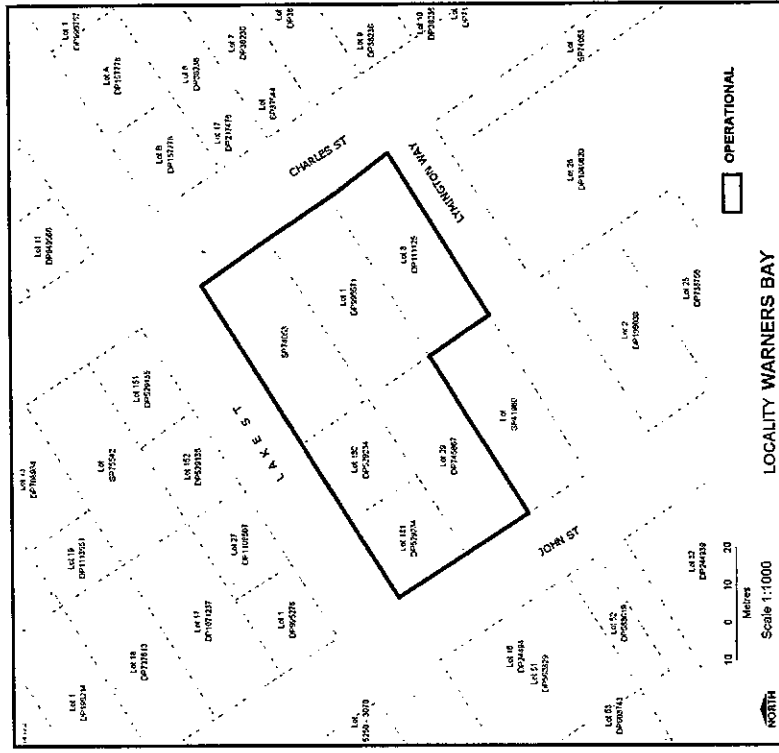
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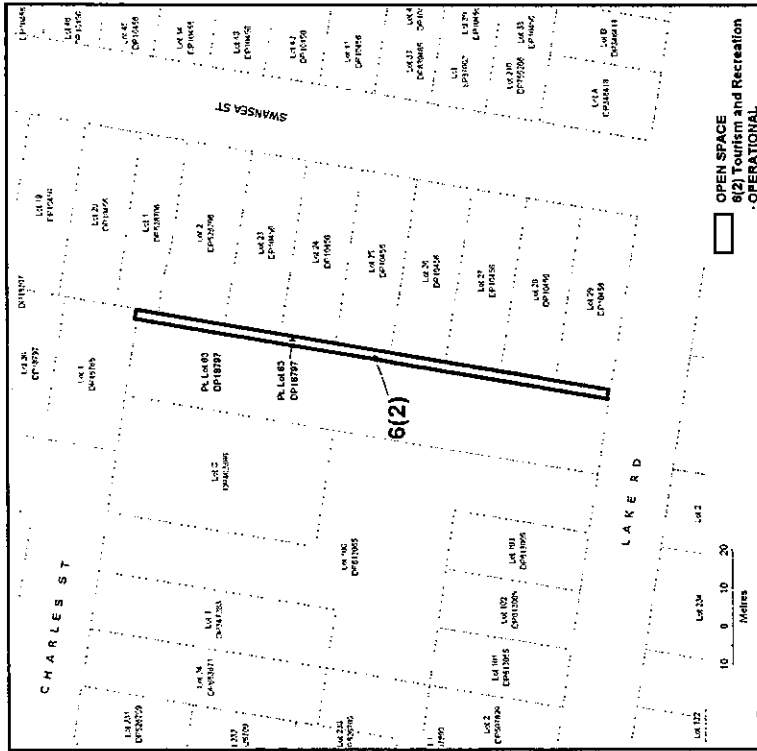
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FILE NO. COUNCIL		F2005/01853	DEPT. of PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
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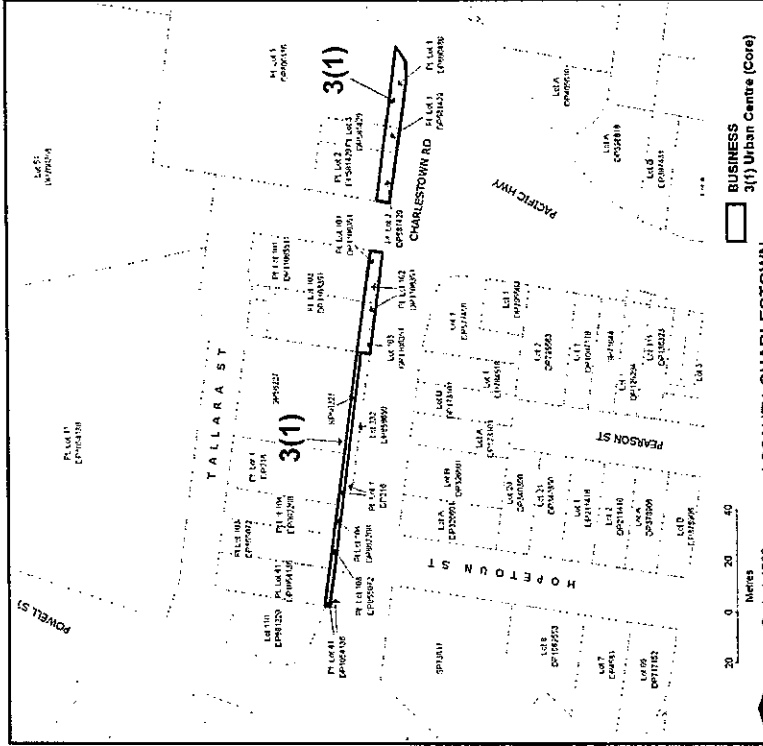
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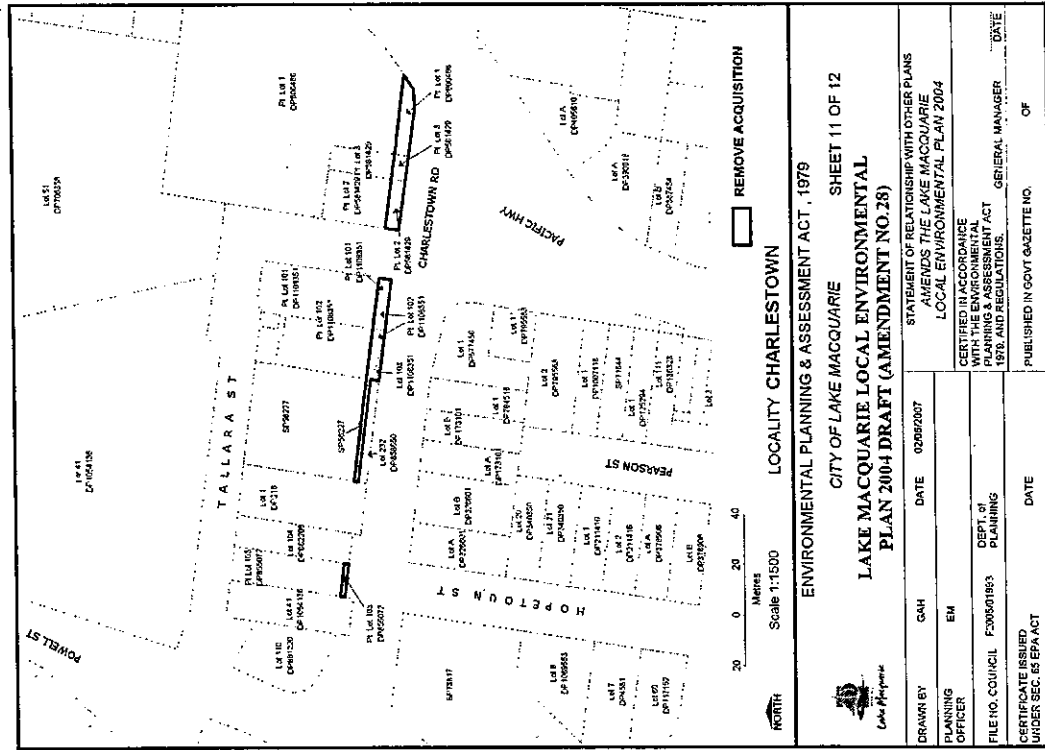
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CITY OF LAKE MACQUARIE		LOCAL ENVIRONMENTAL PLAN 2004	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
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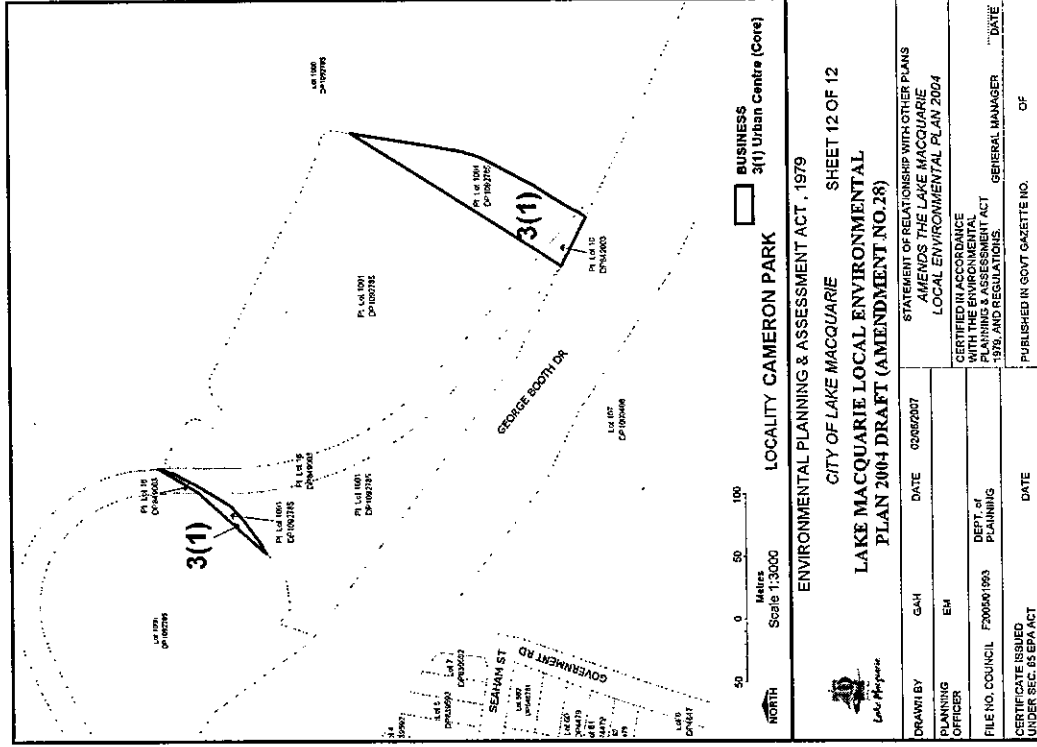
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CITY OF LAKE MACQUARIE		LOCAL ENVIRONMENTAL PLAN 2004	
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					GENERAL MANAGER



6 November 2009

LMCC
C/- LMCC

Our Ref:52704
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 2C Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 1 DP 1138514
Parish: Wallarah
County: Northumberland

For: BRIAN BELL
GENERAL MANAGER



ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

The land is a flood control lot.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 Sustainable Water Cycle Management.

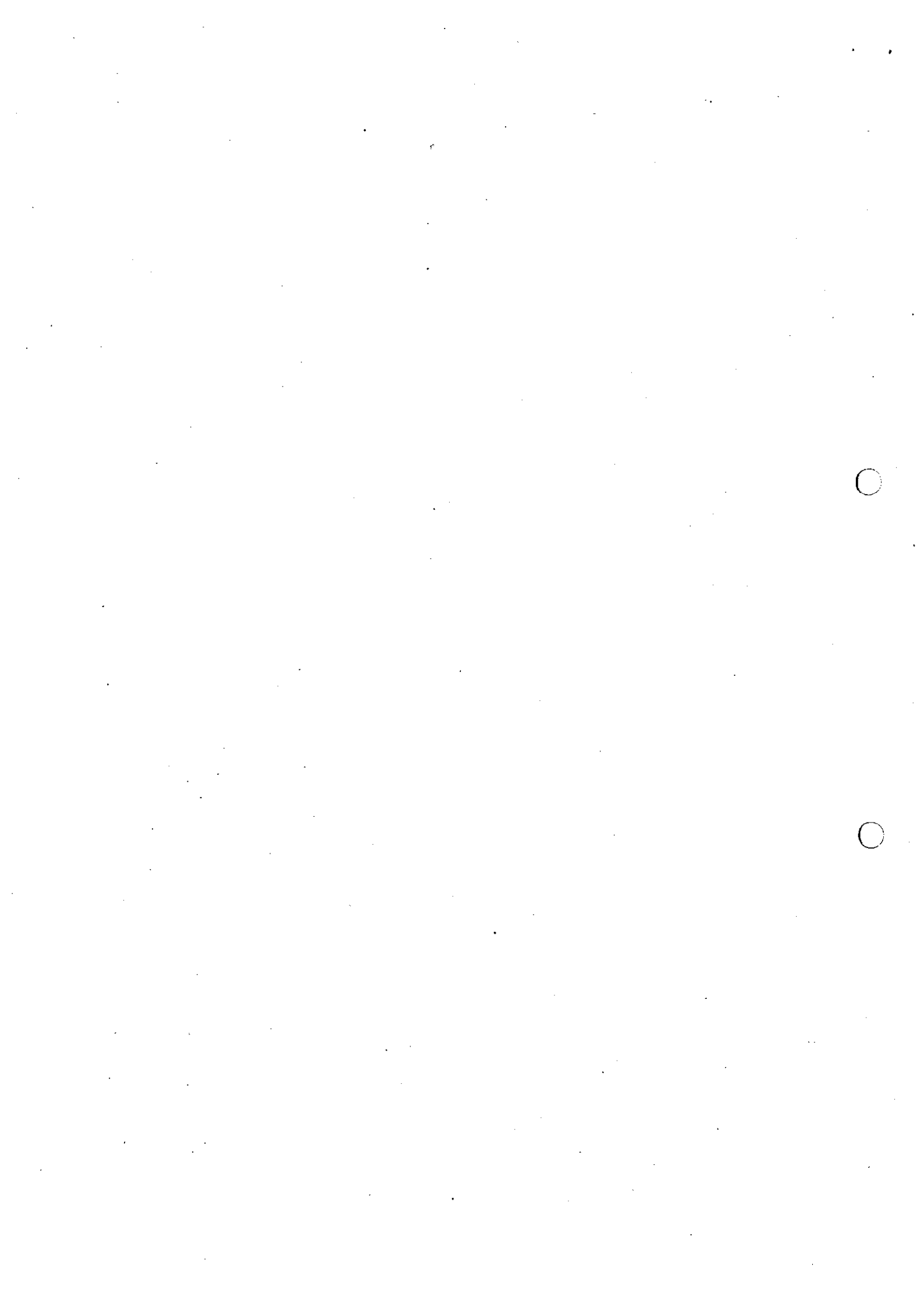
The Lake Macquarie Local Environmental Plan 2004 advocates the principles and practice of Water Smart and Water Sensitive Urban Design philosophies. It includes the handling of water and water resources in a manner that considers the whole of the hydrological process. This includes the quality and quantity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

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- help pads
- 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.



Attachment B

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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- #### **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 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 carparking 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 All zones for additional requirements for particular kinds of advertising structures)

Advertising structures used for display of the following:
Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Satisfy general criteria above. Maximum area 1 square metre.

General criteria—in addition to the criteria for particular kinds of structures listed below:
maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and
maximum area 1 square metre in all other zones, and
one sign per premises, and
signs must not cover mechanical ventilation inlet or outlet vents, and
advertising structures over public road to be at least 600mm from kerb/roadway edge, and
signs must not be illuminated or use flashing lights or similar devices for illumination, and
must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and
not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.

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

Arcade amusement devices (eg pinball machines, virtual reality games etc)
 Zones 3 (1), 3 (2) and 6 (2)
 Located wholly within the subject premises.
 A total of no more than 5 devices are installed.

Automatic teller machines (ATM)
 Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)
 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:
 be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.

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

Awnings over trade waste disposal points
 Zones 4 (1), 4 (2) and 9
 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 setback.
 Complies with front building setbacks for the zone.

Barbecues ancillary to a building for which consent or a building approval has been granted
 All zones
 Maximum area of 4 square metres.
 Maximum height of 2 metres.
 Minimum setback of 900mm from side and rear boundaries.
 Minimum separation of 1,800mm from any adjoining dwelling.

Business identification signs Zones 3 (1) and 3 (2)

Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Flush wall signs: satisfy general criteria above, and securely fixed.

Top hamper signs: satisfy general criteria above, and securely fixed.

Business identification signs in industrial areas Zones 4 (1), 4 (2), 4 (3) and 9

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.

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)

Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 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.

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

Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below) All zones

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.

Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted) All zones

Installation must not reduce the structural integrity of the building. Any opening created is to be adequately weatherproofed. Noise level not to exceed 5dbA 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.

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)

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.

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

All zones

Riparian and littoral foreshore stabilisation works must:
be undertaken by the Council or public authorities or by others on their behalf, and 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
involve only minor earthworks and site improvements, and
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.

Carports

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), 7 (5), 9 and 10

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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)

Must not result in more than three bins in any one location.
Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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(termitte 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.

Demolition All zones

Council has issued an order to demolish under Division 2A of Part 6 of the *Environmental Planning and Assessment Act 1979* 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*.

Zones 3 (1) and 3

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

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 resulting from change of use of an office to an office (2)

Zones 3 (1) and 3

Different use resulting from change of use of a shop to a shop (2)

Zones 3 (1) and 3

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

Different warehouse use resulting from change from another warehouse use

Zones 4 (1), 4 (2) and 3 (2)

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).

Earthworks (rural) Zone 1 (1)

Where the earthworks constitute one or more of the following:

- levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.

Fences (all types)

All zones

General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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.

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

All zones

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*.

Fences—electric

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

Where fence is to be erected in accordance with AS/NZS 3014:2003, *Electrical Installations—Electric fences*. Maximum height of 1.8 metres.

Fences—masonry or brick
Fences—security

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

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.

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	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.
Footway dining	Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)	Only if in accordance with a current footway dining licence issued by the Council under section 125 of the <i>Roads Act 1993</i> .
Fowl house (for the keeping of chickens)	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	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 <i>Guide for Keeping of Animals</i> . 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 environment. Design of structure to mitigate the effects of any noxious smell on the locality. Complies with Division 2 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (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 (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, <i>The storage and handling of flammable and combustible liquids</i> . 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.
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)	Zone 6 (1)	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.
Hail protection	Zones 1 (1) and 1 (2)	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.
Home occupation	All zones	

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

Horse stables and animal shelters Zones 1 (2), 7 (3)
 and 7 (5)

Maximum area of 20 square metres.
 Maximum height of 3 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)

Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia.

Landscaping

All zones

Alterations must not cause the existing building in which they are carried out to contravene the Building Code of Australia. No alterations to bottle shop or to food premises where food is stored or prepared. May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.

Letter box (freestanding or in "banks")

All zones

Maximum height of 1 metre above ground level.
 Only 1 letterbox per occupancy.
 Appropriate numbering for each letterbox.
 Structurally stable with adequate footings located wholly within the site.

Minor internal alterations to domestic single dwellings

All zones in which a dwelling is permissible

Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting

All zones

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.

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. Development is in accordance with plan of management approved by the Council.
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	
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 or 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.

Playground equipment on land not controlled by the Council and not on school land	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	If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. Provision of soft landing surfaces. All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. Installed in accordance with manufacturer's specifications.
Ponds/pools	Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 6 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	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.
Privacy screens or trellises	All zones	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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
Public meetings—use of Class 9b All zones buildings for this purpose		The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i> , where refreshments are served.

Public signs (directional traffic advisory/warning and information signs)	All zones	Located within a public road or footway or neighbourhood property under a neighbourhood scheme. Erected by or on behalf of the Council or the Roads and Traffic Authority.
Re-cladding of roofs or walls including repair/maintenance of damaged materials	All zones	Existing materials replaced with similar materials. Re-cladding not to involve structural alterations. Non-reflective materials used. Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts. Additional requirements for roof replacement: 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. if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.
Retaining walls	All zones	Maximum height 1 metre. Masonry walls to comply with: AS 3700—Masonry Code, AS 3600—Concrete Structures, AS 1170—Loading Code. Timber walls to comply with: AS 1720—Timber Structures, 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.

Road works (in, on, under or above a road, being: maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements, installation of traffic lights, traffic calming devices and pedestrian facilities, installation of kerb and gutter and associated drainage works, minor drainage works, making driveway crossings, linemarking, signposting, sealing of gravel roads and areas, footpaving and associated works, minor intersection improvements or minor road widening.)	All zones	Effective erosion and sediment control provisions must be designed and implemented.
Satellite dishes	All zones	Residential, rural and conservation/environmental protection zones: Maximum diameter of 900mm. Maximum height of 9 metres above existing ground level. The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property. All other zones: Maximum diameter 1,500mm. The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property. The installation does not obscure any landscaping required for the property.

Interallotment drainage	Zones 2 (1) and 2 (2)	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.
Temporary site sheds—less than 6 months	All zones	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. Maximum area 20 square metres. Maximum height 2.7 metres. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Where a formal development consent or complying development certificate is not in force for the site. Located wholly within property boundary. Marquees and mini stages not in place longer than 1 week. Maximum gross floor area is 20 square metres.
Temporary structures: portaloos, marquees, mini stages.	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.
Water heaters (excluding solar system)—new and replacement installations	All zones	

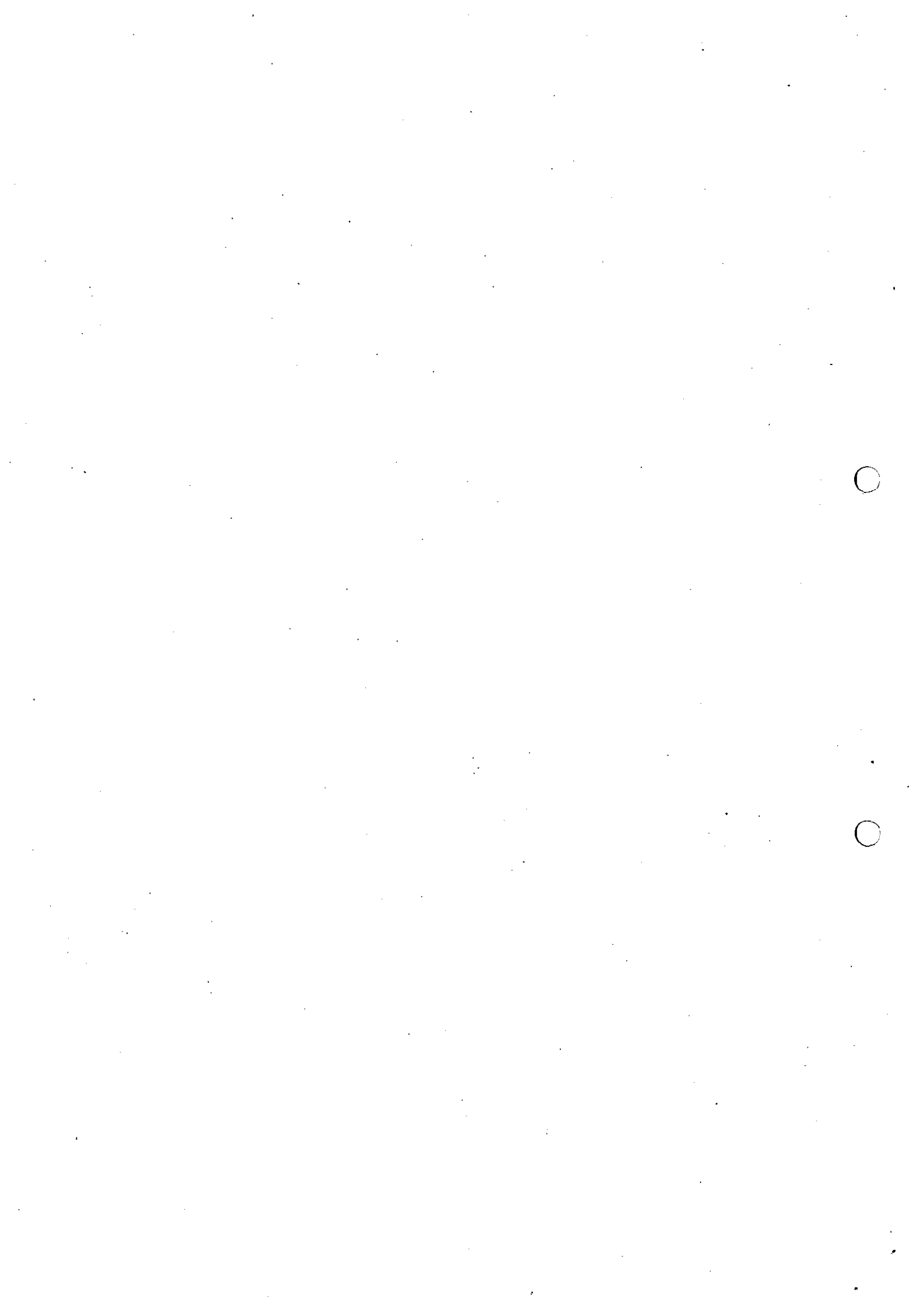
Water tanks at or above ground level	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5), 9 and 10	Generally: The tank and any stand to be installed in accordance with manufacturers' specifications. If within residential zones: Maximum diameter or width 3 metres. (Repeated) 1 Maximum height 2.4 metres.
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)	1 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. Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property. 1 Maximum height 2.4 metres.) 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. Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property. Replacement in residential premises with materials that comply with: AS 1288, Glass in buildings—Selection and installation, and 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.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p>	<p>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.</p>
<p>Shade structures (bird nets and the like)</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Silos</p>	<p>Zone 1 (1)</p>	<p>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.</p>
<p>Sky/light roof windows (including solar tube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs</p>	<p>All zones</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>	<p>All zones</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Subdivision works:</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>Constructed by or for the Council. Designed, fabricated and installed in accordance with relevant SAA standards. Subdivision certificate must be endorsed by the Council.</p>
<p>Battleaxe driveways</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)	Battle axe lot size	Other irregular shaped lot	Site area and lot size	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).				8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.
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	600m ² (4 metres for one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² x 25 metres (14 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).	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 ≥250m ² and <450m ² .	Prohibited. 1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages) 1,200m ² (30 metres—as width of the allotment).	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages) 1,500m ² (30 metres—as width of the allotment).	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

		<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>
8 National Park	No numeric standards.	
9 Natural Resources	No numeric standards.	
10 Investigation	Prohibited.	
Explanation of entries in Table		
	<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p> <p>Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot frontage at the front. All lots created are to have frontage to a public road.</p>	<p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is site area.</p> <p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>



Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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 533 Lake Rd	Lot 2, DP 599235
AG-02	L	Rescue Station 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	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 Bennis"	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 Ct 7 Maranatha Ct 9 Maranatha Ct 21 Maranatha Ct	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	
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 11, 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 Mairmont St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262		
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186		
Cams Wharf						
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354		
Cardiff						
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989		
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789		
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		
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	Wallerah Hotel	24 Clarke St	Lot 1, Section D, DP 163		
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717		

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717		
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717		
CH-08	L	Cottages	9 Clarke St 7 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717		
CH-10	L	Cottage	5 Clarke St	Lot 86, DP 222717		
CH-12	L	Cottage	3 Clarke St	Lot 87, DP 222717		
CH-13	L	House "Wallerah House"	3 Lindsley St 11 Lindsley St	Lot 54, DP 222717 Lot 58, DP 222717		
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175		
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	Lot 2031, DP 841175		
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154		
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154		
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943		
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474		
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963		
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154		
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250		
Charlestown						
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 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
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Coorambong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Off Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	50 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 18, DP 129134
CB-29	L	Cottage	661 Freemans Dr	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	16 Dora St	Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 22B MR 217, Myuna Bay 22C MR 217, Myuna Bay 20A MR 217, Myuna Bay 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
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	

Code	Address	Lot	DP
Martinsville			
MV-01	Public School House	2 Martinsville Rd	Lot 157, DP 823773
MV-02	House "Woodside"	32 Wilkinson Rd	Lot 1, DP 741192
MV-03	Dora Creek Bridge	Owens Rd	
MV-04	Farm House "Wonga Hill"	10a Owens Rd	Lot 63, DP 661760
Morisset			
MS-01	Stationmaster's House	58 Dora St	Pt Lot 1, DP 1002965
MS-08	Morisset High School	33 Bridge St	Lot 3, Section 40, DP 758707
MS-10	Tree—Morisset's Campsite	147 Macquarie St	Lot 7045, DP 93593
MS-12	Morisset Hospital Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	Morisset Hospital	69a Fishing Point	Lot 1 DP 880557
MS-19	Morisset Hospital Residence No 1	Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	Morisset Hospital Ward 17, General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

Code	Address	Lot	DP
Freemans Waterhole			
FW-01	Headframe Former Mining Museum	890A Freemans Dr	Lot 80, DP 610602
Glendale			
GD-01	Cardiff Railway Workshops	460 Main Rd	Lot 1, DP 1022127
Holmesville			
HV-04	Brick House	47 Appletree Rd	Lot 3, Section B, DP 4479
HV-06	Brick House	54 Appletree Rd	Lot 22, DP 740832
HV-07	House	20 William St	Lot 14, Section E, DP 5432
HV-08	Former Police Station	20 Charlotte St	Lot 15, Section E, DP 5432
HV-09	Post Office Store	18 George St	Lot 1, Section L, DP 3442
HV-11	Holmesville Hotel	21 George St	Lot 20, Section M, DP 3442
HV-20	House	32 Seaham St	Lot 42, Section B, DP 4479
HV-24	Railway Station	Killingworth Rd (also see RT-09)	
Kahibah			
KH-01	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth			
KW-02	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513
KW-03	Former Killingworth Hotel	39 Killingworth Rd	Lot 2, DP 619513
KW-05	Soldier's Memorial	26 The Broadway	Lot 13, Section E, DP 4339
Kotara South			
KS-01	South Waratah Colliery	31 Kirkdale Dr (also see RT-06)	Lot 1, Section D, DP 4339
			Lot 132, DP 243393

Code	Category	Description	Address	Lot	DP
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 "Shangri-la"	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	Minenwerfer (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 "Moria"	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	20 Pitt St	Lot 31,	DP 858667
TA-16	L	Billygoat Hill Gartlee Mine	159 Railway St	Lot 1,	DP 780614

MS-26	L	Morriset Hospital 69a Fishing Point Cottage Row Rd, Bonnells Bay Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880657
MS-29	\$	Morriset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880657
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	127 Marine Pde Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	43c Nords Wharf Rd PO 1970/126
Pelican			
PF-01	L	Cabbage Trees	5 Soldiers Rd Pt Lot 135, DP 755233 25 Soldiers Rd Lot 103, DP 755233 35 Soldiers Rd Lot 102, DP 755233
Railways and tramways			
RT-01	L	West Wallsend Steam Train Line	West Wallsend to Newcastle via Wallsend, Holmesville, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Train Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Sixx 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	Rhonda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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	

WW-14	L	Catholic Church 5 Hyndes St and Convent	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	Lot 1, DP 301342
WW-16	L	Workers' Club	Lot 11, DP 863266
WW-18	L	Clyde Inn Hotel	Lot 12, Section B, DP 2252
WW-19	L	House	Lot A, DP 382915
WW-23	L	Former School of Arts	Lot 21, DP 875161
WW-26	L	West Wallsend Co-Op	Lot 7, Section E, DP 2252 6 Withers St 8 Withers St
WW-31	L	West Wallsend Public School	Lot 9, Section E, DP 2252 Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, 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 419805
WW-32	L	Miners' Memorial	Lot 8, Section J, DP 2252
WW-33	L	Presbyterian Church	Lot 1, Section O, DP 2253
WW-35	L	Baptist Church	Lot 15, Section K, DP 2252
WW-38	L	Former Northumberland Hotel	Lot 11, DP 565278
WW-39	L	Cottage	Lot B, DP 315094
WW-40	L	Cottage	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	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye 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		Walarrah East Pit	Flowers Dr, Catherine Hill Bay	

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	Frith's Store Building	66 The Boulevard	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annex	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	Lakefront House	4 Arnott 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 "All'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	3 Laidley St, Johnson Park	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

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 Lake Macquarie Aboriginal Heritage Study Report 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

3	Newstan Colliery	Fassfern Rd, Fassfern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
AW-08	Railway Station cottage	34 Brisbane St, Awaba	

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance Item	Address	Property description
BK- 01	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK- 04	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237

Swansea Heads

Item No	Significance Item	Address	Property description
NI L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

Item No	Significance Item	Address	Property description
TH- 01	Nature Reserve and being permian fossil insect horizon	Burton Rd	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</i> 1949 (Records of the Australian Museum 1950)

Part 2 Landmark of Aboriginal and European heritage significance supporting tree groups and individual trees

Item No	Significance Item	Address	Property description
LM- 01	Pulbah Island		

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

Amendment affects:	Proposed change
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, Terralba from 5 Infrastructure Zone to 2(1) Residential Zone. Refer to Sheet 3 of 12.
Rezoning	Rezone land known as 'road reserve off Slingarue Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.

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

Amendment affects:	Proposed change
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 Hunly 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 995671 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

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

Attachment E

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
Changes to the land use table	
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.
Administrative and policy changes	
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 housing on a battle axe lot.

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

Amendment affects:

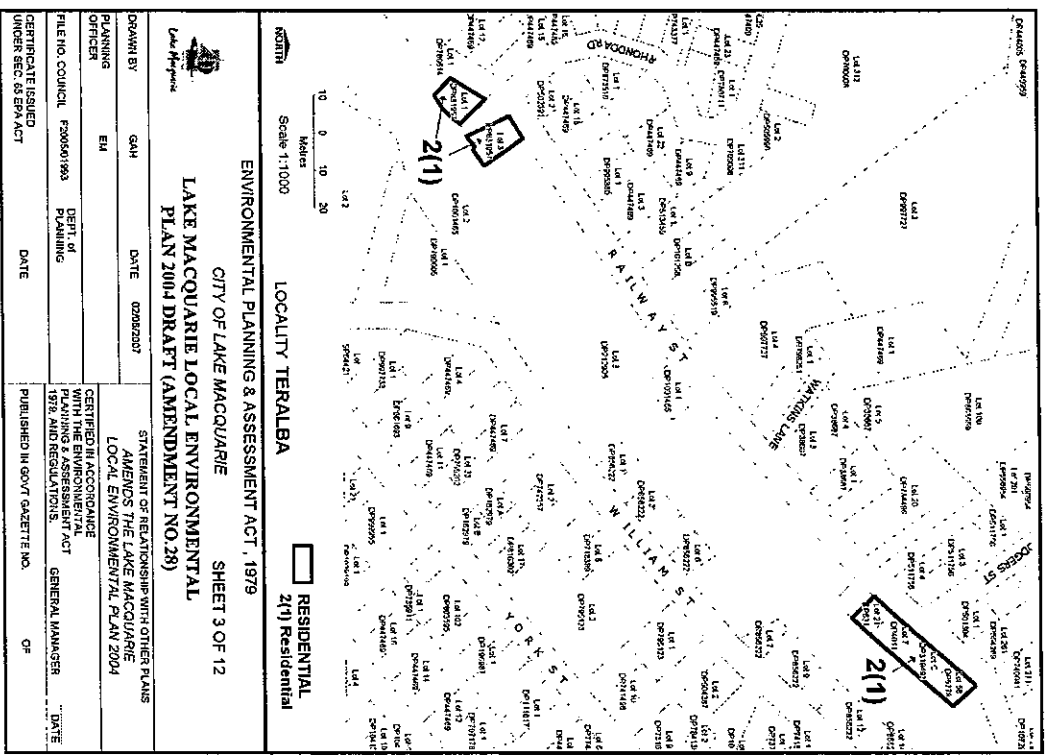
Proposed change

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	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.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	

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: <ul style="list-style-type: none"> 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', 'floodinglighting (installed by an energy service provider or Council)' and 'temporary structures (tents)'. <p>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.</p>
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.
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.

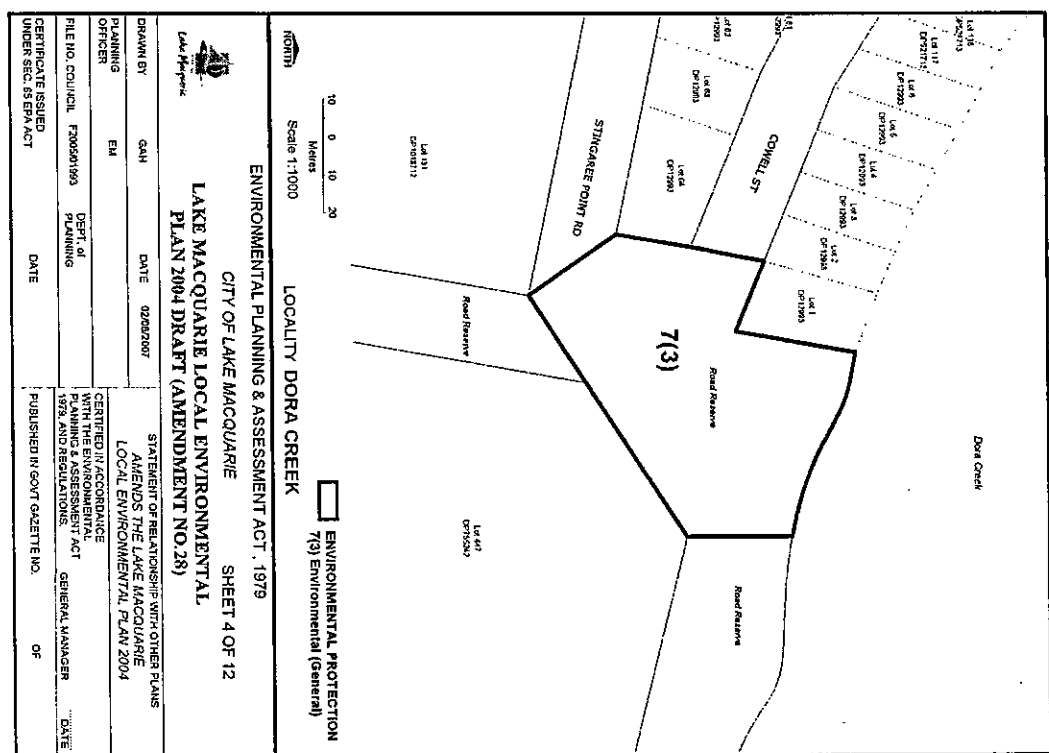
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCAL ENVIRONMENTAL PLAN 2004
 CITY OF LAKE MACQUARIE
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
 SHEET 3 OF 12
 LOCALITY TERALBA
 RESIDENTIAL 2(1) Residential

DRAWN BY	GAM	DATE	02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	E300501993	DEPT. of	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		GENERAL MANAGER
				DATE
				PUBLISHED IN GOVT GAZETTE NO.
				OF

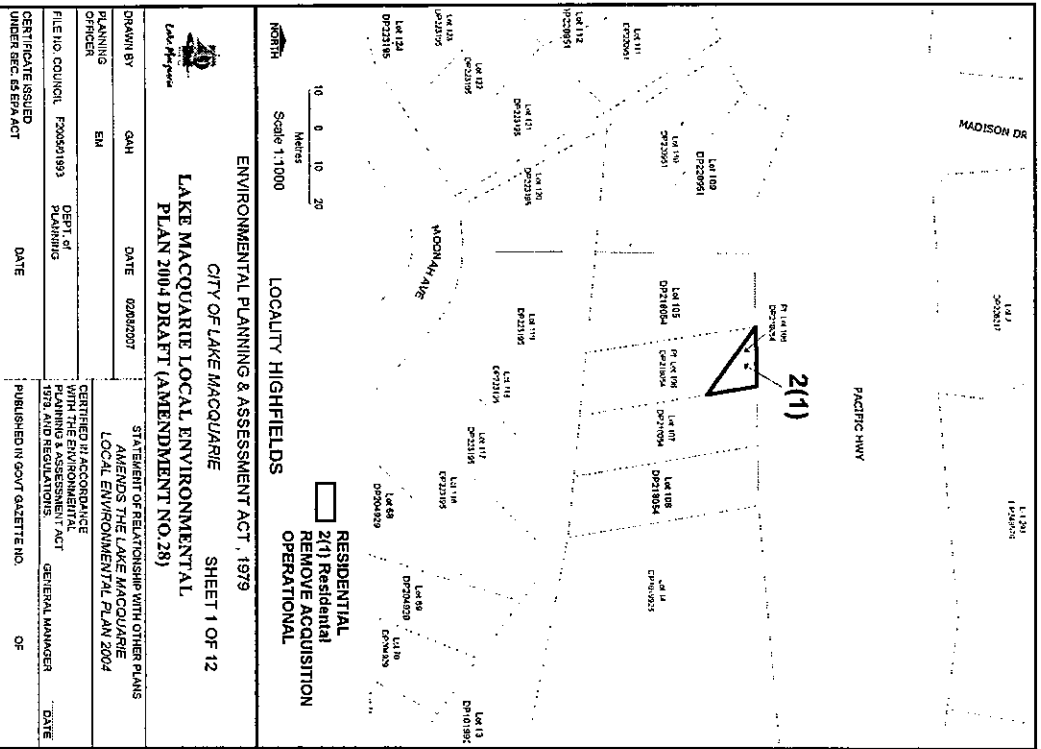
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



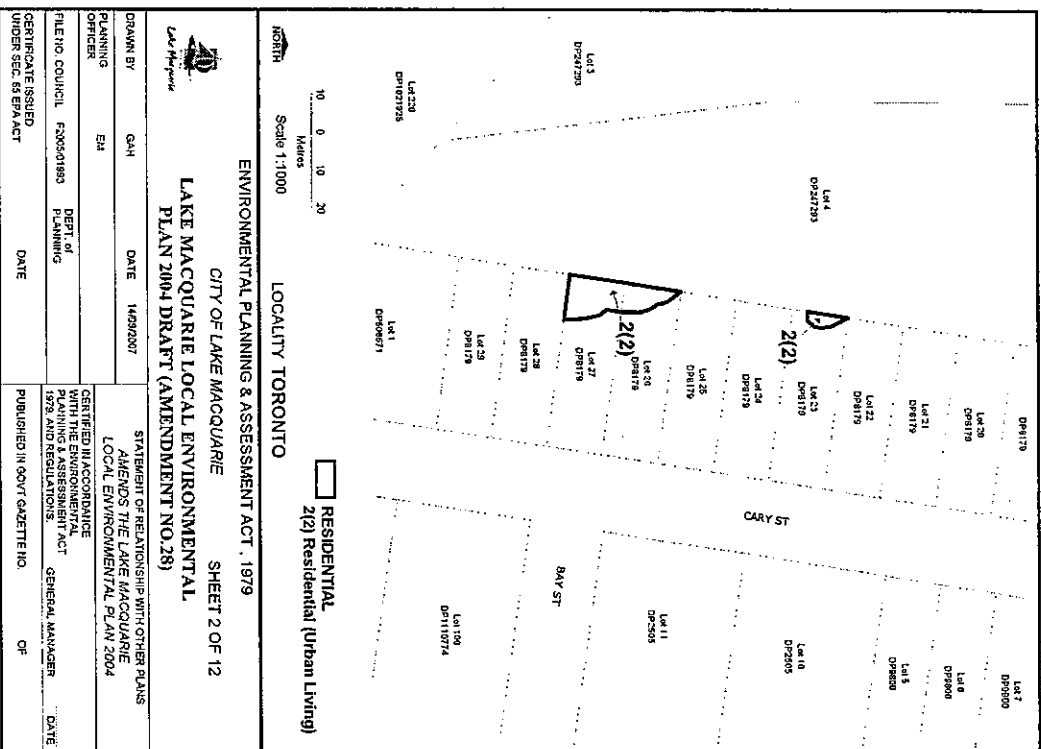
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 LOCAL ENVIRONMENTAL PLAN 2004
 CITY OF LAKE MACQUARIE
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
 SHEET 4 OF 12
 LOCALITY DORA CREEK
 ENVIRONMENTAL PROTECTION 7(3) Environmental (General)

DRAWN BY	GAM	DATE	02/08/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	EM			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	E300501993	DEPT. of	PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		GENERAL MANAGER
				DATE
				PUBLISHED IN GOVT GAZETTE NO.
				OF

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

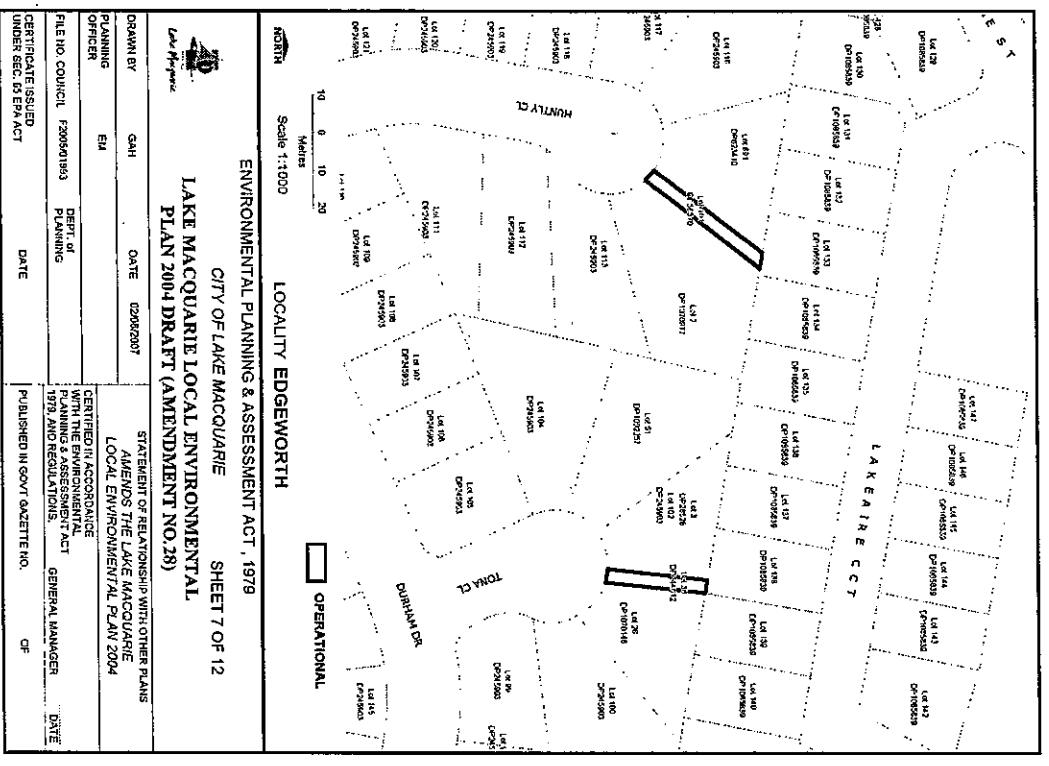


<p>LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)</p>	
<p>ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979</p> <p>CITY OF LAKE MACQUARIE</p> <p>SHEET 1 OF 12</p>	<p>LOCALITY HIGHFIELDS</p> <p><input type="checkbox"/> RESIDENTIAL REMOVE ACQUISITION OPERATIONAL</p>
<p>DESIGNED BY: GAH</p> <p>PLANNING OFFICER: EM</p> <p>FILE NO. COUNCIL: E200501893</p> <p>CERTIFICATE ISSUED UNDER SEC. 58(1) EPA ACT</p>	<p>DATE: 02/02/2007</p> <p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004</p> <p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.</p> <p>GENERAL MANAGER: DATE</p>



<p>LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)</p>	
<p>ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979</p> <p>CITY OF LAKE MACQUARIE</p> <p>SHEET 2 OF 12</p>	<p>LOCALITY TORONTO</p> <p><input type="checkbox"/> RESIDENTIAL 2(2) Residential (Urban Living)</p>
<p>DESIGNED BY: GAH</p> <p>PLANNING OFFICER: EM</p> <p>FILE NO. COUNCIL: E200501893</p> <p>CERTIFICATE ISSUED UNDER SEC. 58(1) EPA ACT</p>	<p>DATE: 14/02/2007</p> <p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004</p> <p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.</p> <p>GENERAL MANAGER: DATE</p>

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

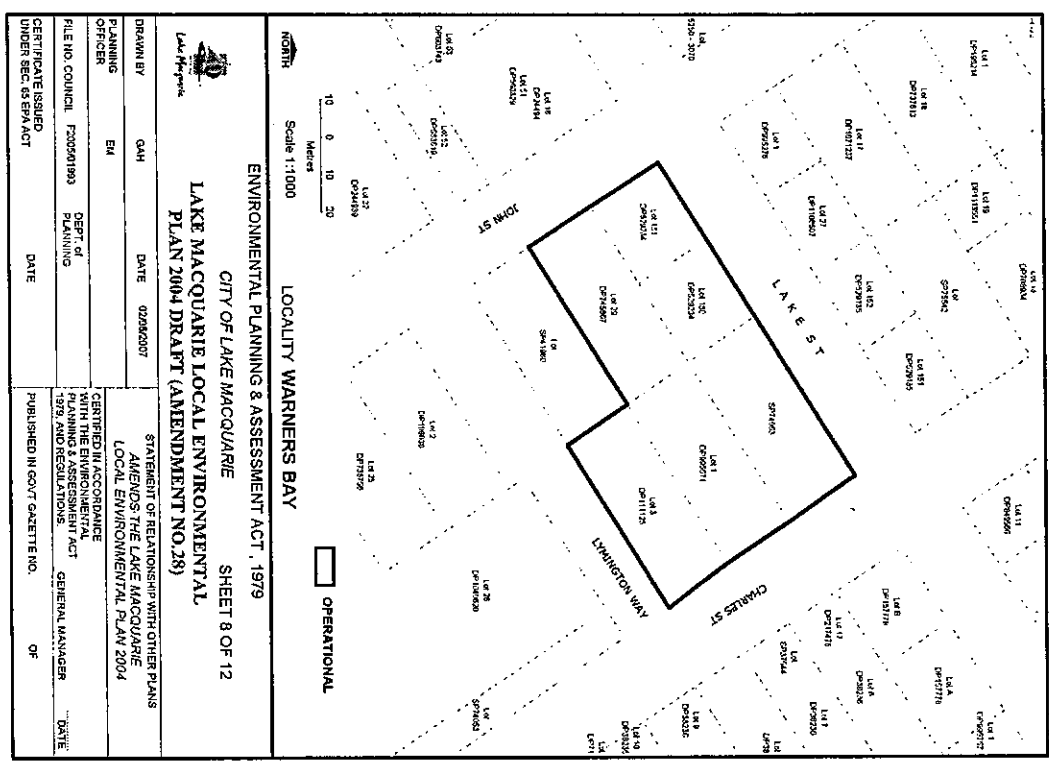


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 CITY OF LAKE MACQUARIE
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
 SHEET 7 OF 12

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	T300601903	DEPT. of	PLANNING
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.		GENERAL MANAGER	
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		PUBLISHED IN GOVT GAZETTE NO.	OF

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

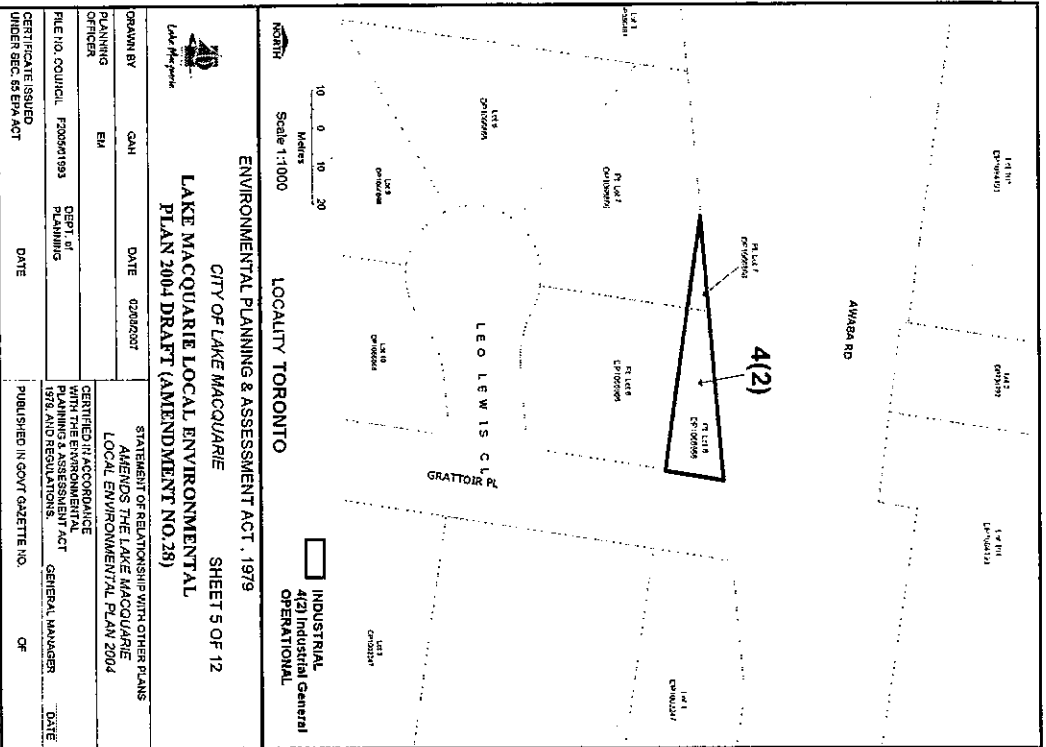


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
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 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
 SHEET 8 OF 12

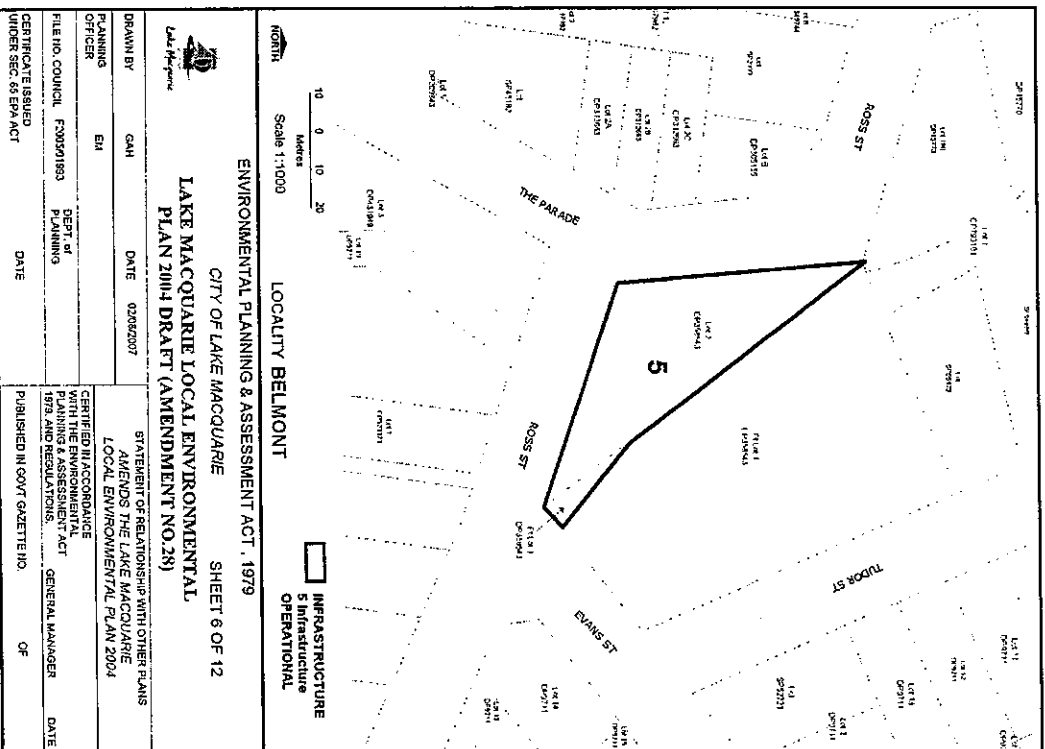
STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	T300601903	DEPT. of	PLANNING
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.		GENERAL MANAGER	
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE	
		PUBLISHED IN GOVT GAZETTE NO.	OF

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



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



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



OPEN SPACE
6(2) Tourism and Recreation
- OPERATIONAL

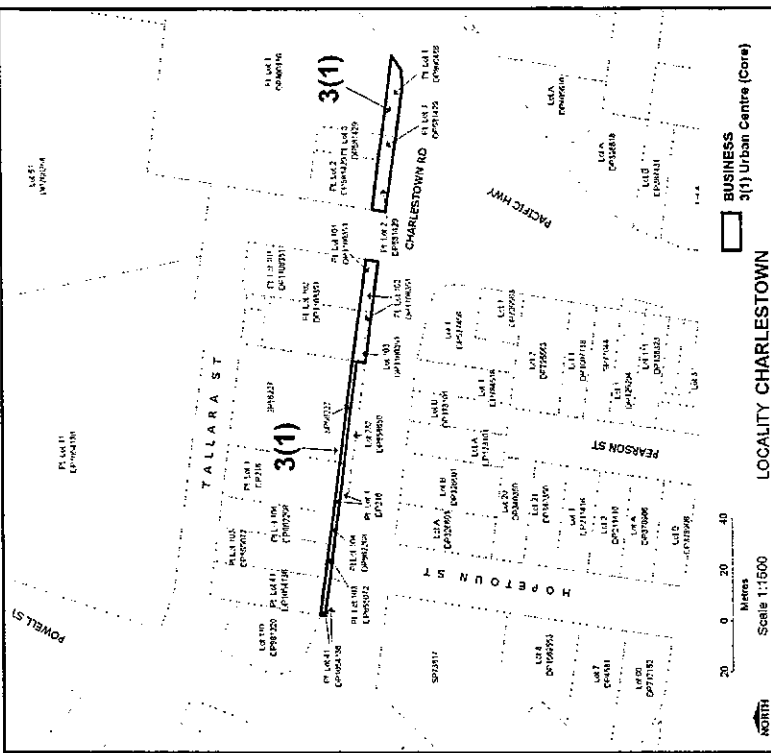
LEGEND
[Symbol] BUSINESS
[Symbol] 3(1) Urban Centre (Core)

LOCALITY SWANSEA
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

LOCALITY CHARLESTOWN
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
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.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF
				GENERAL MANAGER

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

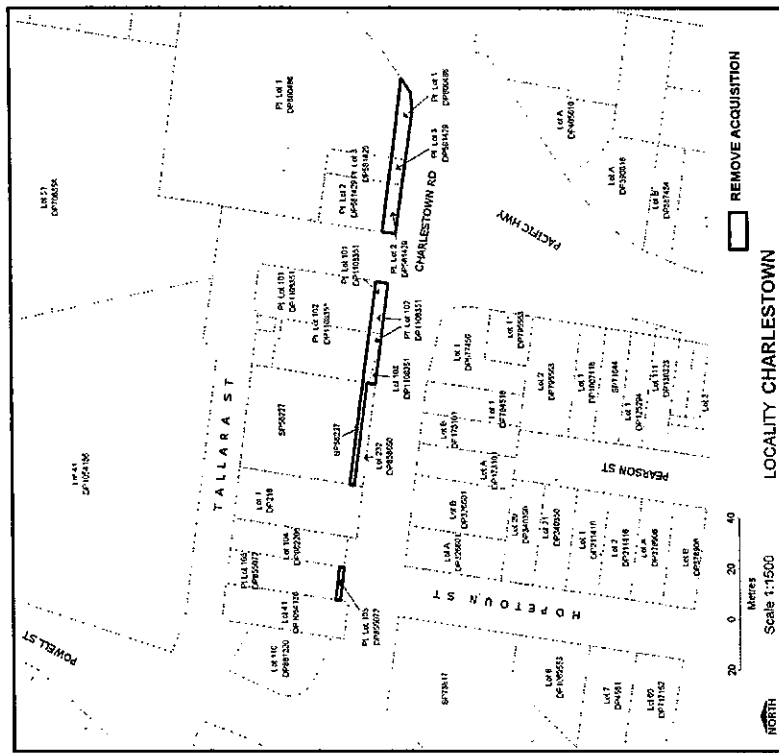


LEGEND
[Symbol] BUSINESS
[Symbol] 3(1) Urban Centre (Core)

LOCALITY CHARLESTOWN
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
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.
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF
				GENERAL MANAGER

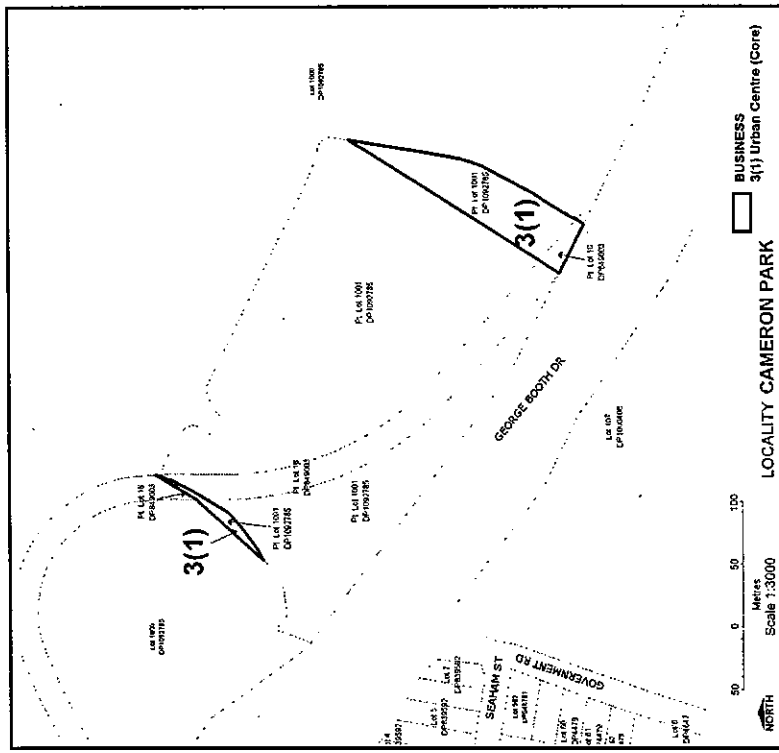
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



Scale 1:1500
 NORTH
 REMOVE ACQUISITION

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY CHARLESTOWN	
CITY OF LAKE MACQUARIE			
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		SHEET 11 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/26/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2006/01863	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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



Scale 1:3000
 NORTH
 BUSINESS 3(1) Urban Centre (Core)

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY CAMERON PARK	
CITY OF LAKE MACQUARIE			
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		SHEET 12 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)			
DRAWN BY	GAH	DATE	02/26/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2006/01863	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

Attachment E

Sewer Reference Sheets



SERVICE LOCATION PLAN



APPLICATION NUMBER: 8463613142

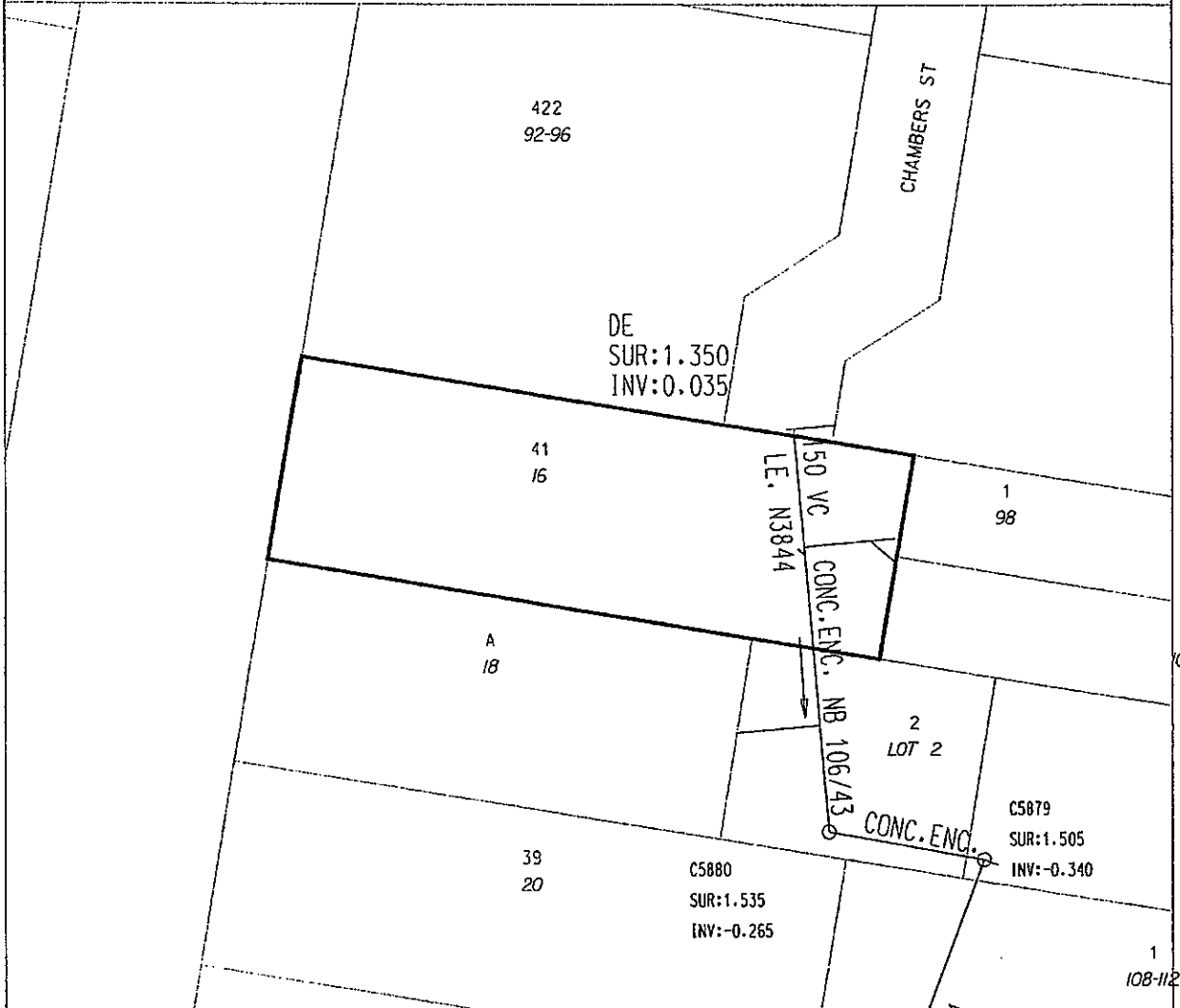
APPLICANT REF: 0001065051 ANTHONY CASTRO

APPLICANT NAME: CORR'S CHAMBERS WESTGARTH C/-ESPREON

PREMISE NO.: 3492700943

PROPERTY ADDRESS: 16 JOSEPHSON ST SWANSEA 2281

LOT/SECTION/DP: 41/5688



SEWER POSITION APPROXIMATE ONLY.
 SUBJECT PROPERTY BOLDDED.
 ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAID WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A COMMERCIAL DEVELOPMENT (RETAIL, MEDIUM DENSITY, RESIDENTIAL, ETC) IS UNDERTAKEN. IN THESE CASES, IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS PRIOR TO PURCHASE. PHONE 1300 657 657

IMPORTANT:

IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNERS RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

Drafted
 02 APR 2002
 Checked
 05 APR 2002
 Approved

Ⓢ CADASTRAL/CONTOUR DATA
 LAND INFORMATION CENTRE

Ⓢ SEWER/WATER UTILITY DATA
 HUNTER WATER CORPORATION



SERVICE LOCATION PLAN



APPLICATION NUMBER: 9816380690

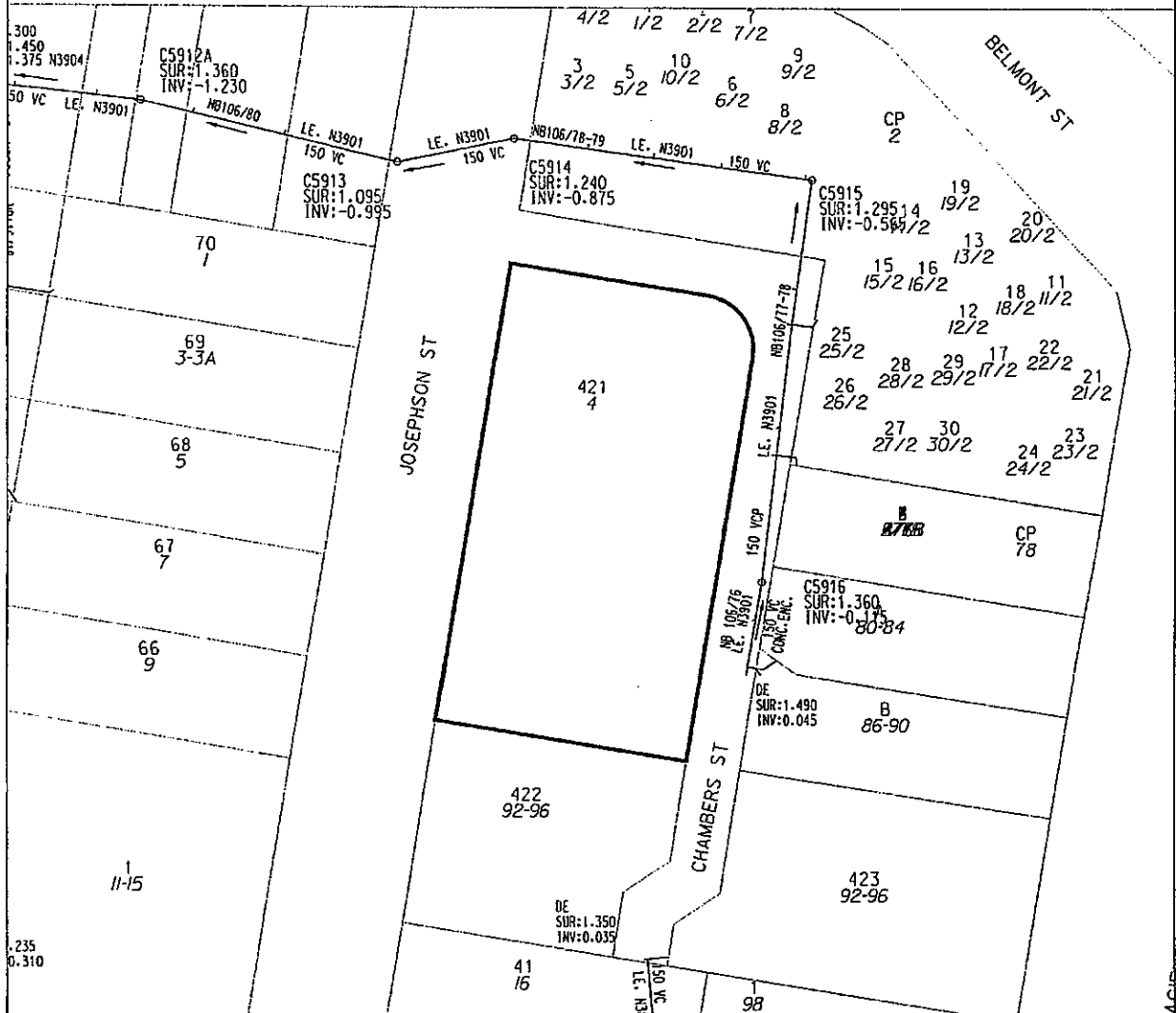
APPLICANT REF: 0001063044 ANTHONY CASTRO

APPLICANT NAME: CORRIS CHAMBERS WESTGARTH C/-ESPREEN

PREMISE NO.: 4492700944

PROPERTY ADDRESS: 4 JOSEPHSON ST SWANSEA 2281

LOT/SECTION/DP: 421/785216



SEWER POSITION APPROXIMATE ONLY.
 SUBJECT PROPERTY HOLED.
 ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAN IS LAID WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAN APPLY IF A COMMERCIAL DEVELOPMENT (RETAIL, MEDIUM DENSITY, RESIDENTIAL, ETC.) IS UNDERTAKEN. IN THESE CASES, IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS PRIOR TO PURCHASE. PHONE 1300 657 657

IMPORTANT:

IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNER'S RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

DATE: 02-JUN-2006
 DRAWN BY: GPO

Ⓒ CADASTRAL/CONTOUR DATA
 LAID INFORMATION CENTRE

Ⓒ SEWER/WATER UTILITY DATA
 HUNTER WATER CORPORATION

Attachment F

Plan of Subdivision

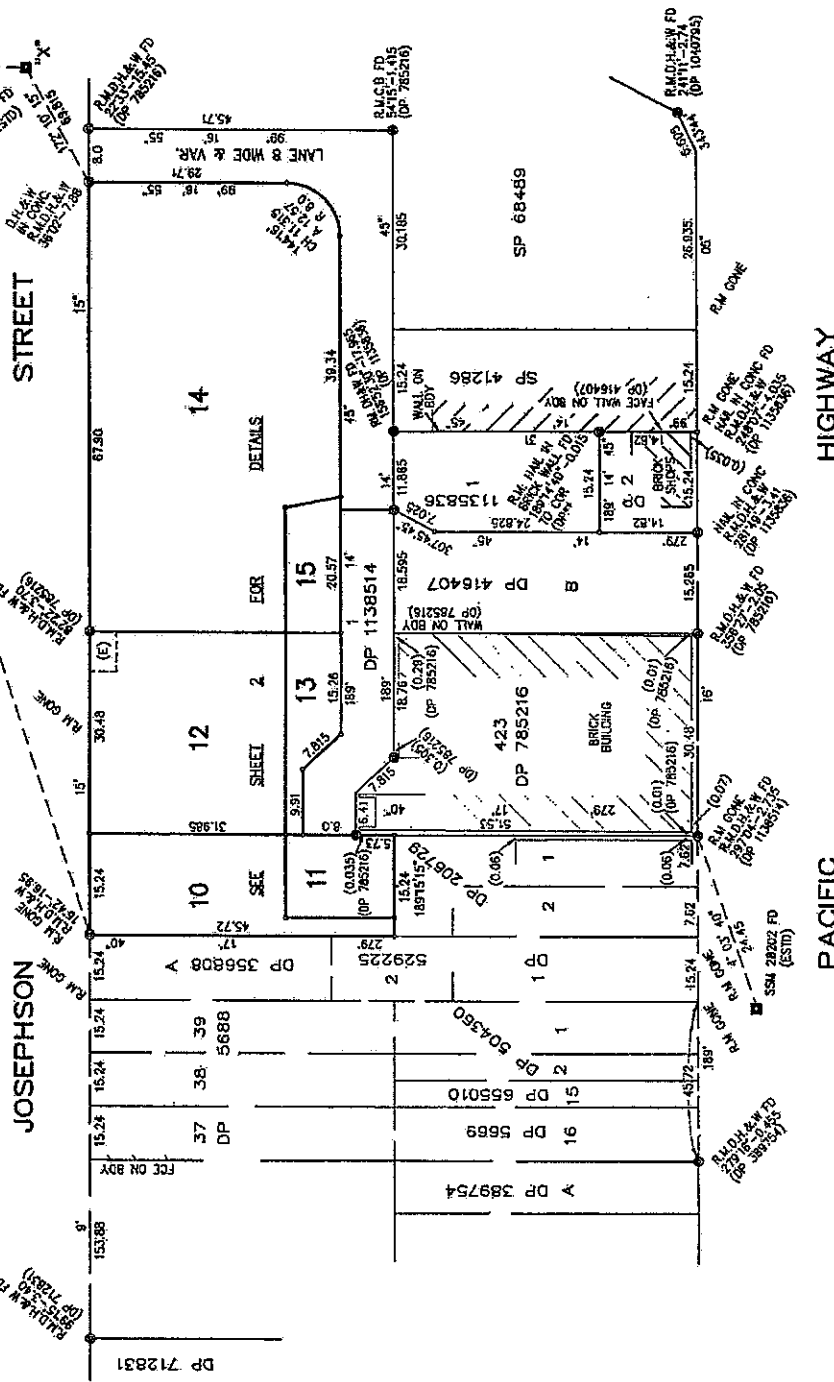
C

O

MARK	SURVEYING REGULATION ZONE CLAUSE 61(2)		
	N.G.A. CO-ORDINATES	ZONE	CLASS ORDER
EW 22636	372851.357	NORTING	58 B 2
EW 22621	372862.131	NORTING	58 A 1
SSM 28202	372944.420	NORTING	58 B 2

SOURCE: S.C.M.S. 18-03-08 C.S.F. 0.899789

SSM 28202 - PW 22621
 3397005" - 221324 (MGA GND)
 3387020" - 221285 (SURVEY)



(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES
 4.0 MIDE (WIDE AS76573)

Surveyor: DAVID JOSEPH MACQUARIE
 Date of Survey: 20-3-09
 Surveyor's Ref: 30142/31883DP

PLAN OF SUBDIVISION OF LOT 41 DP5688
 & LOTS 421 & 422 DP 785216

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No. -
 Lengths are in meters. Reduction Ratio: 1:500

Registered:

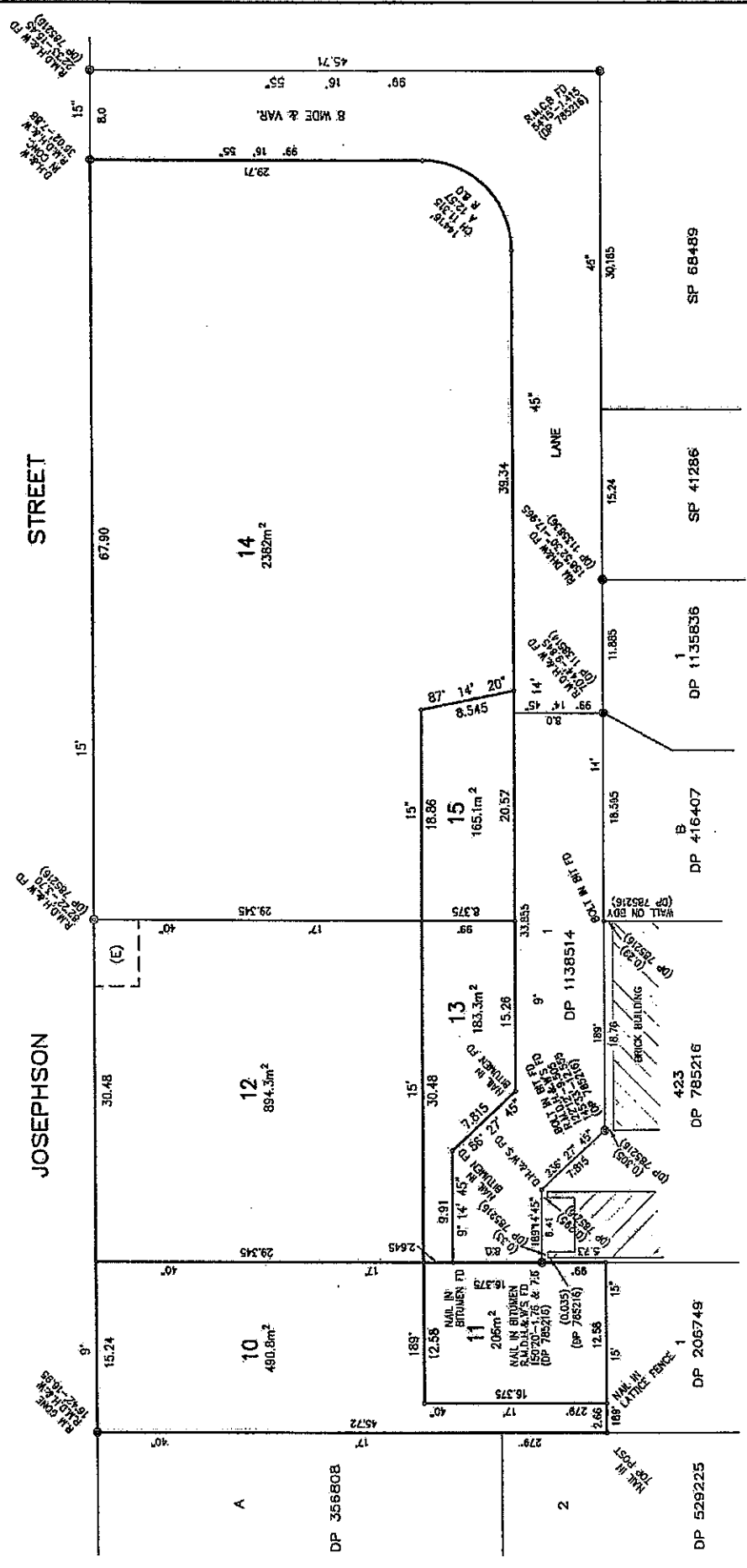
DP1142583





JOSEPHSON STREET

STREET



(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES
4.0 MIDE (NOTE A5376823)

SURVEYOR: DAKHAN JOSEPH MACGUAIRE
Date of Survey: 20-3-09
Surveyor's Ref: 30142 / 318683DP

PLAN OF SUBDIVISION OF LOT 41 DP6588
& LOTS 421 & 422 DP 765216

LGA: LAKE MACQUARIE
Locality: SWANSEA
Subdivision No. -
Lengths are in metres. Reflection Ratio: 1: 200

Registered:

DP1142583

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:-

Registered:

Title System:

Purpose:

PLAN OF SUBDIVISION LOT 41 DP5688 AND LOTS 421 AND 422 DP785216

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN MAGUIRE of Lockley Land Title Solutions PO Box 400 Gladesville 1675 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on: 20-3-09

The survey relates to LOTS 10-15

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature: [Signature] Dated: 20-3-09

Surveyor registered under the Surveying Act, 2002

Datum: []
Type: []

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

..... in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:
Date:
File Number:
Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed Subdivision set out herein (Insert 'subdivision' or 'new road')

[Signature] * Authorised Person/General Manager/Accredited Certifier

Consent Authority: Lake Macquarie City Council
Date of Endorsement: 15 April 2009
Accreditation no:
Subdivision Certificate no: 201213009
File no: DS 11612 2008

Plans used in the preparation of survey/compilation:

- DP5688 DP712831
- DP1040795 DP389754
- DP416407 DP785216
- DP206729
- DP356808

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-318830P

* Delete whichever is inapplicable.

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF SUBDIVISION OF LOT 41 DP5688 AND LOTS 421 AND 422 DP785216

Registered:

Subdivision Certificate No: SC112/2009

Date of Endorsement: 15.04.2009

EXECUTED by
FABCOT PTY LIMITED
ACN 002 960 983
in accordance with Section 127
of the Corporations Act

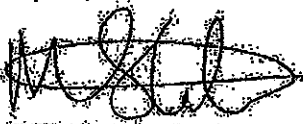
Signature of Director

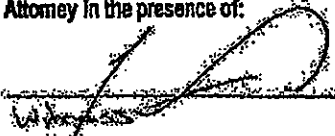
Signature of Director/secretary

NAME (please print)

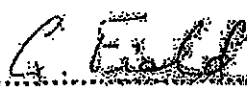
NAME (please print)

Signed by Fabcot Pty Limited Acn 002 960 983
by its Attorney MARK HADRIAN STUDD
pursuant to Power of Attorney registered AK 1506 No 749
who has no notice of revocation of the said Power of
Attorney in the presence of:


Attorney



STEVEN CHESHER
Solicitor
1 Woolworths Way
Bella Vista NSW 2153


Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142/31883 DP

* OFFICE USE ONLY

Attachment G

Plan of Consolidation and Section 88B Instrument



DEPOSITED PLAN ADMINISTRATION SHEET

* OFFICE USE ONLY

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919:

1. EASEMENT FOR CAR PARKING VARIABLE WIDTH (F)
2. EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE (D).
3. EASEMENT TO DRAIN WATER 3.0 WIDE (E).
4. RESTRICTION AS TO USER.

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

.....in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:
Date:
File Number:
Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:
Date of Endorsement:
Accreditation no:
Subdivision Certificate no:
File no:

* Delete whichever is inapplicable.

Registered: *
Title System:
Purpose:

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

LGA: LAKE MACQUARIE
Locality: SWANSEA
Parish: WALLARAH
County: NORTHUMBERLAND

Surveying Regulation, 2006
I, DAMIAN MAGUIRE
of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE 1875
a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on:

The survey relates to LOTS 1 AND 2
.....
(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated:
Surveyor registered under the *Surveying Act, 2002*

Datum Line:
Type: Urban/Rural

Plans used in the preparation of survey/compilation

- | | |
|-----------|-----------|
| DP356808 | DP206729 |
| DP529225 | DP1135816 |
| DP5688 | DP1138514 |
| DP1142583 | DP1142583 |
| DP785216 | DP416407 |
| DP1135816 | DP1142583 |
| DP1138514 | |

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-32275DP

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

*

Registered:

*

* OFFICE USE ONLY

Subdivision Certificate No:

Date of Endorsement:

EXECUTED by FABCOT PTY LIMITED)
ACN 002 960 983 accordance with)
section 127 of the Corporations Act:)

.....
Signature of director

.....
Signature of director/secretary

.....
Name (please print)

.....
Name (please print)

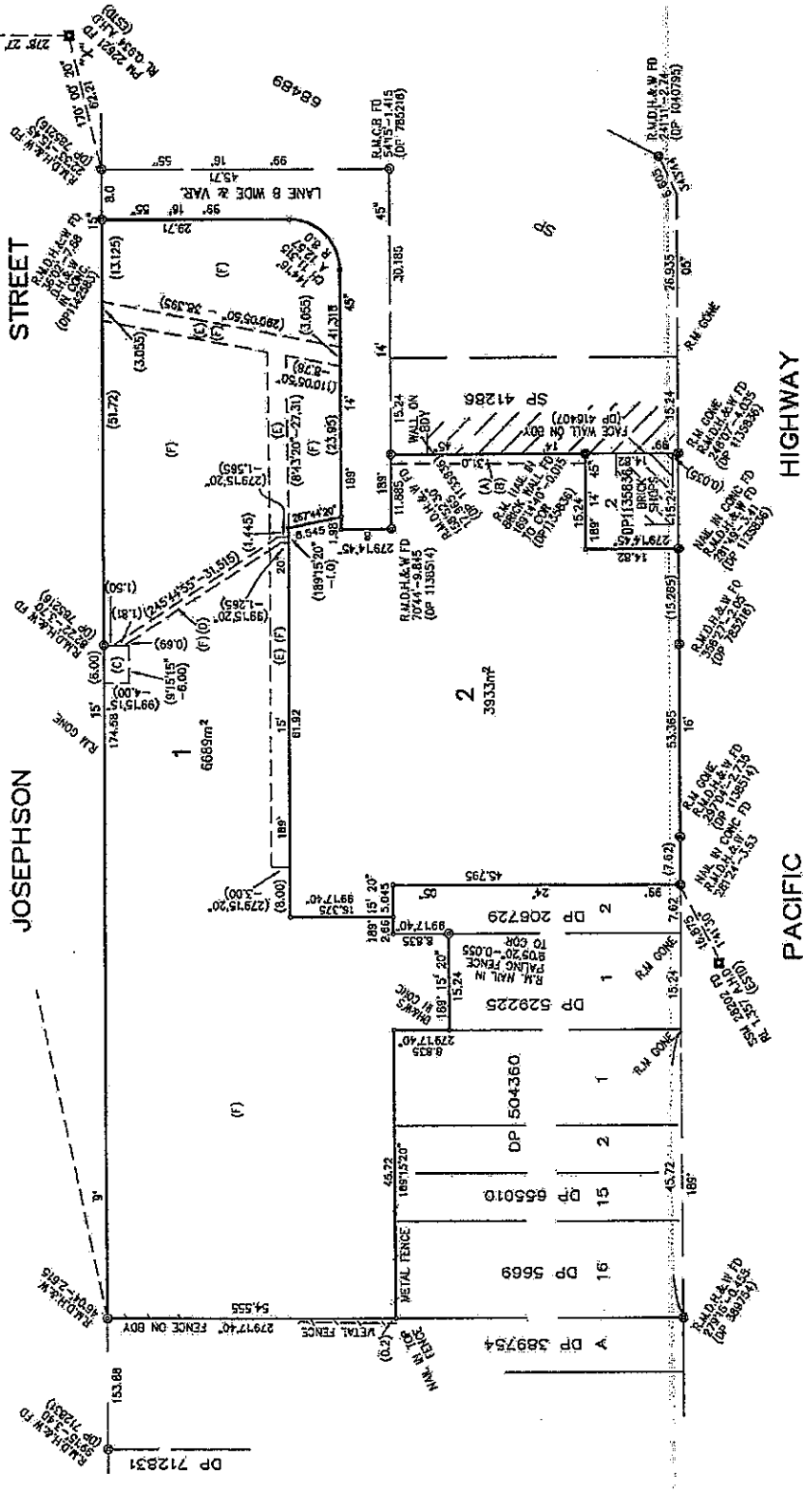
.....
Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142-32275.DP

SURVEYING REGULATION 2006: CLAUSE 61(2)				
MARK	M.G.A. CO-ORDINATES	ZONE	CLASS	ORDER
PM 22636	632843.5379	56	B	2
PM 22637	632843.5379	56	B	2
PM 22631	632840.4844	56	A	1
SSM 28202	632844.4510	56	B	2
SSM 28202	632844.4510	56	B	2

SOURCE: S.G.M.A.S. 19-8-09 C.S.F. 0.993789

SSM 28202 - PM 22621
 3381005' - 221.314 (MGA 6HD)
 3381020' - 221.255 (SURVEY)



144° 49' 39"
 333.77

- (A) EASEMENT FOR SERVICES 1.5 WIDE (DP 1136826)
- (B) RIGHT OF ACCESS: 1.5 WIDE (DP 1136830)
- (C) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (NDE AED7822)
- (D) EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE
- (E) EASEMENT TO DRAIN WATER 3.0 WIDE
- (F) EASEMENT FOR CAR PARKING VARIABLE WIDTH

Surveyor: DAMIAN JOSEPH MAGUIRE
 Date of Survey: 24-8-09
 Surveyor's Ref: 30142 / 32275DP

PLAN OF CONSOLIDATION OF LOT ADP 958808, LOT 2 DP 529225, LOT 37-39 DP 5698 & LOTS 10, 12 & 14 DP 1142653 AND CONSOLIDATION OF LOT 423 DP 783216, LOT 8 DP 416407, LOT 1 DP 206729, & LOT 1, DP 1136836 LOT 1 DP 1138514 & LOTS 11, 13 & 15 DP 1142653

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No: -

Registered:

DP

Lengths are in meters. Reduction, Ready to 500

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

Instrument setting out terms of Easements or Profits à Pendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 11 sheets)

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for car parking variable width (F)	1	2
2	Easement for Electricity Purposes 1 wide (D)	1	2 Energy Australia
3	Easement to Drain Water 3 wide (E)	1	Lake Macquarie City Council 2
4	Restriction as to User	2	Lake Macquarie City Council

.....
Council Authorised Person

Plan:	Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583 No of
Full name and address of the owner of the land:	Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 2 (Terms)

1. Interpretation

1.1 Definitions

In this Instrument, unless the contrary intention appears, the following terms have the following meanings:

Act means the *Environmental Planning and Assessment Act, 1979* (NSW).

Authorised Users means persons authorised by the Grantee and members of the public.

Authority means any government or governmental, semi-governmental, quasi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes the Council.

At grade means on the finished surface.

Council means the Council of the City of Lake Macquarie Council.

Council Future Development means the development of Lot 1 by the Grantor as permitted by clause 3.5.3.

Development has the meaning given in the Act.

Grantee means the owner or mortgagee in possession of the Lot Benefited.

Grantor means the owner or mortgagee in possession of the Lot Burdened.

Grantee's Development is the development of a shopping centre by the Grantee pursuant to development consent in the records of the Grantor numbered DA/1313/2007, as may be modified from time to time in accordance with law.

.....
Council Authorised Person

Plan:	Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583 No of
Full name and address of the owner of the land:	Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Instrument means this section 88B instrument.

Lot Benefited means the whole or any part of a lot having the benefit of an Easement.

Lot Burdened means the whole or any part of a lot having the burden of an Easement.

VPA means the Voluntary Planning Agreement between the Council and Fabcot Pty Limited registered as dealing number [] or such other dealing number as may be allocated by the Registrar-General, over the land described in the Plan as Lot 2 (comprising Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 and Lot 1 DP1135836, Lot 1 DP1138514 and Lots 11, 13 and 15 DP 1142583) on the titles to that land, in accordance with Section 93H of the Environmental Planning and Assessment Act 1979 NSW.

1.2 Unless a contrary intention appears, a reference in this Instrument to:

- (a) **(reference to anything)** a reference to anything is a reference to the whole or each part of it; and
- (b) **(references to statute)** a law, ordinance or code includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of them; and
- (c) **(singular includes plural)** the singular includes the plural and vice versa; and
- (d) **(meaning not limited)** the words "include", "including", "for example", "amongst other things" or "such as" are not used as, nor are they to be interpreted as, words of limitation and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
- (e) **(gender)** a reference to one gender includes a reference to the other genders.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

1.3 Headings do not affect the interpretation of this Instrument.

2. Covenants and agreements between Grantee and Grantor

The conditions, covenants and restrictions in this Instrument are covenants and agreements between:

- (a) the Grantee for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Benefited or any part of it with which the right is capable of enjoyment; and
- (b) the Grantor for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Burdened or any part of it with which the right is capable of enjoyment;

to the intent that the benefit and burden of those covenants and agreements are annexed to and pass with the benefits and burdens of the easement.

3. Terms of Easement for Car Parking numbered 1 in the Plan.

3.1 The Grantee and Authorised Users may, subject to the:

- (a) provisions of clause 3.5 relating to the Council Future Development that exclude and restrict the rights hereby granted, and
- (b) regulation of the Lot Burdened by the Grantor as a free parking area pursuant to clause 3.6,

by any reasonable means and at any time pass across the Lot Burdened to get to or from the Lot Benefited and at any time be permitted to park 192 motor vehicles (including cars, trucks, vans and the like) at grade on the Lot Burdened.

3.2 The Grantee shall, at its cost, maintain the Lot Burdened and, as and when it thinks necessary or when required by written notice given to it by the Grantor's General Manager or his delegate, acting reasonably, keep it in good and trafficable repair, by

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

including the carrying out of work relating to constructing, placing, repairing, draining or maintaining trafficable surfaces and driveways, line-marking, lighting, and landscaping structures to a reasonably trafficable standard, except where such repair is the responsibility of the Grantor under clause 3.5.2(d) below.

3.3 In performing its obligations under clause 3.2 or 3.5.2(d), a party must ensure:

- (a) all work is done in a good and workmanlike manner; and
- (b) all work is done in accordance with all approvals and consents required and obtained, if necessary, under the Act and any other legislation.

3.4 A party carrying out any work on the Lot Burdened under the obligations imposed by this instrument does so at its own risk, and the party carrying out that work releases the other party from and indemnifies the other party against all claims and demands of every kind and from all liabilities which may arise in respect of any accident or damage to property or death or injury to any person arising out of the carrying out of any work on the Lot Burdened under the obligations created by this instrument, other than to the extent caused or contributed to by the act or omission of the other party, its contractors, representatives, officers, employees, licensees and lessees.

3.5 Council Future Development

3.5.1 The rights granted by clause 3.1 do not extend to the Council Future Development.

3.5.2 If the Grantor commences the construction of the Council Future Development, then the rights of the Grantee and the Authorised Users granted under clause 3.1 hereof are modified to the extent reasonably necessary to carry out the construction works for the Council Future Development but the Grantor must, during construction of the Council Future Development, take reasonable steps to ensure that:

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

- (a) access for trucks (including 19.3 metre articulated vehicles) to the Supermarket's loading docks is not obstructed by construction vehicles and/or construction materials at any time; and
- (b) access to the Grantee's Development is not unreasonably hindered at any time by construction vehicles and/or construction materials; and
- (c) construction of the Council Future Development proceeds so that a minimum of 146 at grade public car spaces (instead of the number required by clause 3.1) on the Lot Burdened is maintained at all times for use by the Grantee's tenants, customers, employees and invitees, and
 - (i) each car space is to have minimum dimensions of 2.6 metres x 5.5 metres; and
 - (ii) aisle widths for vehicle access on the Lot Burdened must be a minimum of 6.4 metres; and
- (d) it repairs, at its cost and to the reasonable satisfaction of the owner of the Lot Burdened, all damage caused to the Lot Burdened resulting from the construction of the Council Future Development; and
- (e) ramps or lobbies associated with the Council Future Development must be designed so as not to compromise the entry and egress points to the Development's pedestrian entry and loading dock; and
- (f) on completion of the Council Future Development, and in accordance with the Easement, 192 ground level car parking spaces must be available for the Grantee and Authorised Users on the Lot Burdened at all times; and
- (g) during the construction of and at all times following the completion of the Council Future Development, it will be responsible for the repair, maintenance and upkeep of that part of the Lot Burdened that is not at grade in the areas marked "A" and "B" on Annexure 3 of the VPA; and

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

- (h) it will not transfer its interest in the Lot Burdened without first obtaining from the transferee a deed binding the transferee to such of the Grantor's obligations as remain unperformed in this clause and otherwise the terms of the Easement; and
- (i) it indemnifies the Grantee in respect of all loss, cost and expense suffered by the latter arising in any way from the Grantor's breach of this clause or otherwise of the terms of this Easement.

3.5.3

- (a) Subject to (d) below, the Grantor may develop in the airspace from 3.2 metres above finished ground level of the Lot Burdened in the area marked "A" on Annexure 3 of the VPA.
- (b) Subject to (d) below, the Grantor may develop in the airspace from 4.6 metres above finished ground level of the Lot Burdened in the area marked "B" on Annexure 3 of the VPA.
- (c) The Grantor may develop on ground level to the street frontage to Josephson Street within the area marked "C" on Annexure 3 of the VPA.
- (d) The Grantor must comply with all of its development controls and codes applying to car parking in designing the Council Future Development without counting the car parking spaces the subject of the Easement.
- (e) For the avoidance of doubt, those parts of Lot 1 referred to in subclauses (a), (b) and (c) above are no longer burdened by the grant of rights to the Grantee and Authorised Users under this instrument after the development of those parts by the Grantor commences.

.....
Council Authorised Person

Plan:	Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583 No of
Full name and address of the owner of the land:	Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

3.6 Regulation by Grantor of Lot Burdened

3.6.1 The Grantee and Authorised Users will not object if:

- (a) the Grantor resolves to make the Lot Burdened and/or the car park thereon a free parking area under section 650 of the *Local Government Act 1993 (NSW)*;
- (b) the Grantor marks the spaces for car parking in that free parking area; and
- (c) the Grantor regulates parking in such free parking area and erects notices or signs so as to permit vehicles to park in that free parking area for 2 hours each 24 hours, except that there shall be no such limitation on vehicles displaying a notice or card issued by the Roads and Traffic Authority of NSW showing that the driver of the vehicle is disabled.

3.6.2. The Grantor will take all steps necessary to make the Lot Burdened and/or the car park thereon a free parking area on terms referred to in this clause 3.6 and in accordance with section 650 of the *Local Government Act 1993 (NSW)*, prior to the issue of a final Occupation Certificate for the Development.

3.6.3. The Grantor will use its reasonable endeavours to exercise and enforce the powers given to it pursuant to section 650 of the *Local Government Act 1993 (NSW)* in respect of management of the Lot Burdened.

3.6.4. The Grantee will, as agent of the Grantor, carry out, without cost to the Grantor, the marking of the car parking spaces and preparing and erecting the signs and notices in and near the Lot Burdened that the Grantor considers necessary for the purposes of section 650 of the *Local Government Act 1993 (NSW)*.

3.7 No charge or fee to be imposed by the Grantee

The Grantee will not impose a charge or fee for the use of the Lot Burdened.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

4. **Terms of Restriction as to User numbered 4 on the Plan**

The proprietor of the lot burdened and every person authorised by him to occupy the building erected upon the land hereby burdened shall:

- (a) install a "Floodgate" mechanism to effectively seal the shop tenancies flood-proof to a minimum level of 2.37m AHD to the satisfaction of Council.
- (b) Implement a "Floodplain Risk Management Plan" which demonstrates a process for installation, preparedness, failsafe management/activation and maintenance of the "Floodgate" system.

Name of person or Authority empowered to release vary or modify Easement numbered 1 in the Plan:

The registered proprietor from time to time of the Lot Benefited.

Name of Authority empowered to release, vary or modify Restriction as to User numbered 4 in the plan.

Lake Macquarie City Council.

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808,
Lot 2 DP529225, Lot 37-39 DP5688 & Lots
10, 12 & 14 DP1142583 and Consolidation
of Lot 423 DP785216, Lot B DP416407,
Lot 1 DP206729 & Lot 1 DP1135836, Lot 1
DP1138514 & Lots 11, 13 and 15
DP1142583
No of

**Full name and address of the owner of
the land:** Council of the City of Lake Macquarie of
126 – 138 Main Road, Speers Point, NSW
2284 and
Fabcot Pty Limited of 1 Woolworths Way,
Bella Vista, NSW 2153

Signed for and on behalf of **Fabcot Pty
Limited** ACN 002 960 983 under s.127 of
the Corporations Act:


Signature of witness

Name of witness

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153


The Common Seal of Council of the City of Lake Macquarie was hereunto affixed pursuant to resolution made on before

General Manager

Mayor

.....
Council Authorised Person

Annexure 8



DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

* OFFICE USE ONLY

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919:

- 1. EASEMENT FOR CAR PARKING VARIABLE WIDTH (F)
- 2. EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE (D).
- 3. EASEMENT TO DRAIN WATER 3.0 WIDE (E).
- 4. RESTRICTION AS TO USER.

Registered: *

Title System:

Purpose:

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN MAGUIRE

of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE 1676 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on:

The survey relates to LOTS 1 AND 2

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated: Surveyor registered under the Surveying Act, 2002

Datum Line: Type: Urban/Rural

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: Date: File Number: Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed..... set out herein (insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: Date of Endorsement: Accreditation no: Subdivision Certificate no: File no:

* Delete whichever is inapplicable.

Plans used in the preparation of survey/compilation

- DP356808 DP206729
- DP529225 DP1135816
- DP5688 DP1138514
- DP1142583 DP1142583
- DP785216 DP416407
- DP1135816 DP1142583
- DP1138514

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-32275 DP

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

*

Registered:

*

Subdivision Certificate No:

Date of Endorsement:

EXECUTED by **FABCOT PTY LIMITED**)
ACN 002 960 983 accordance with)
section 127 of the Corporations Act:)

.....
Signature of director

.....
Signature of director/secretary

.....
Name (please print)

.....
Name (please print)

.....
Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142-32275 DP

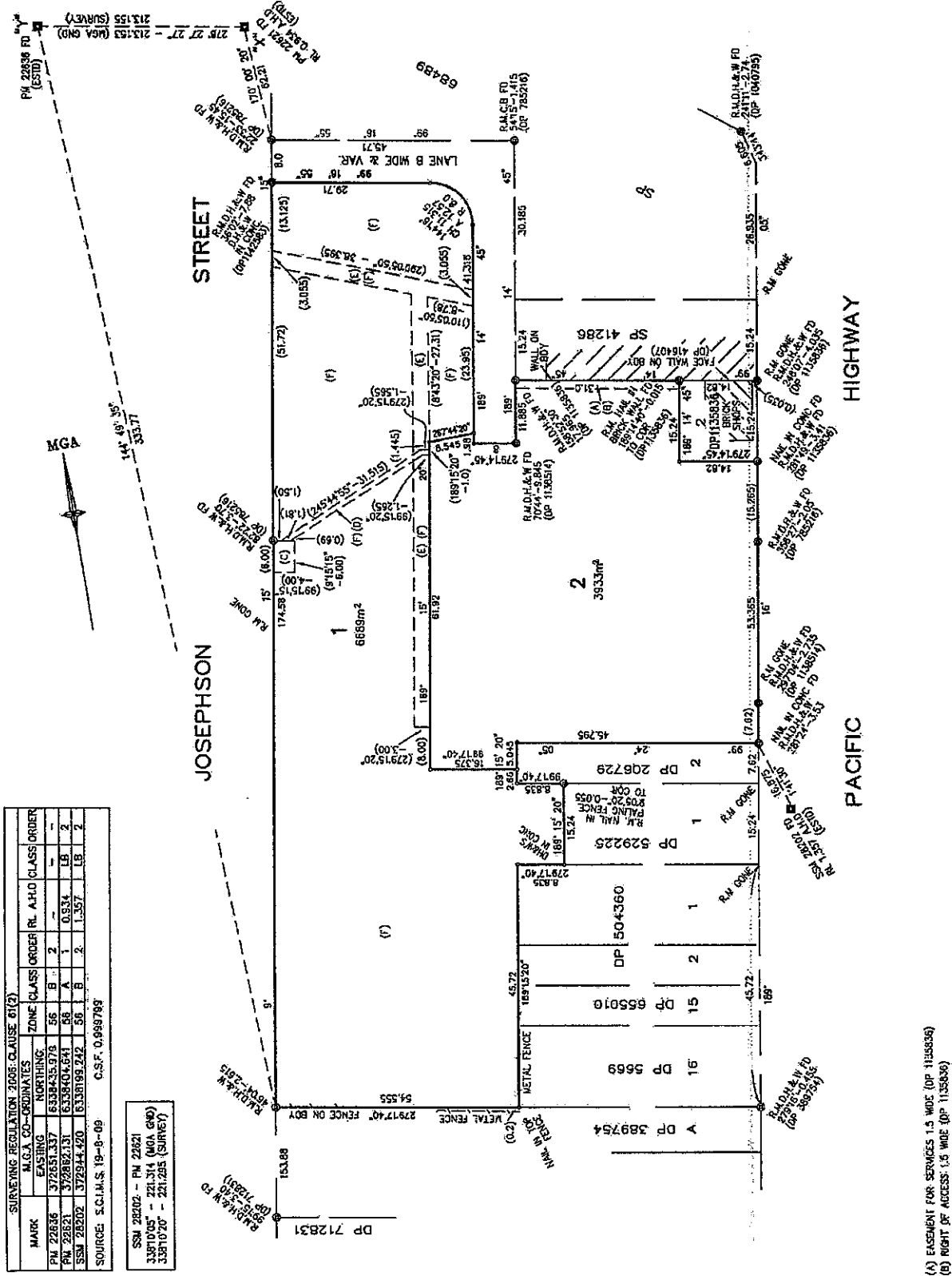
* OFFICE USE ONLY

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

SURVEYING REGULATION 2006 - CLAUSE 61(2)			
MARK	A.G.A. CO-ORDINATES	ZONE CLASS	ORDER RL A+D CLASS ORDER
PM 22636	EASTING	NORTHING	B 2
PM 22637	6328433.573	66	B 2
PM 22638	6328404.641	68	A 1
PM 22639	6328404.641	68	A 1
PM 22640	6328404.641	68	A 1
PM 22641	6328404.641	68	A 1
PM 22642	6328404.641	68	A 1
PM 22643	6328404.641	68	A 1
PM 22644	6328404.641	68	A 1
PM 22645	6328404.641	68	A 1
PM 22646	6328404.641	68	A 1
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PM 22648	6328404.641	68	A 1
PM 22649	6328404.641	68	A 1
PM 22650	6328404.641	68	A 1
PM 22651	6328404.641	68	A 1
PM 22652	6328404.641	68	A 1
PM 22653	6328404.641	68	A 1
PM 22654	6328404.641	68	A 1
PM 22655	6328404.641	68	A 1
PM 22656	6328404.641	68	A 1
PM 22657	6328404.641	68	A 1
PM 22658	6328404.641	68	A 1
PM 22659	6328404.641	68	A 1
PM 22660	6328404.641	68	A 1
PM 22661	6328404.641	68	A 1
PM 22662	6328404.641	68	A 1
PM 22663	6328404.641	68	A 1
PM 22664	6328404.641	68	A 1
PM 22665	6328404.641	68 </tr	

SOURCE: S.C.I.M.S. 19-B-09 C.S.F. 0.999793
 SSM 22602 - PM 22621
 3387105° - 221314 (MGA GPD)
 33871070° - 221255 (SURVEY)



- (A) EASEMENT FOR SERVICES 1.5 WIDE (DP 1155506)
- (B) RIGHT OF ACCESS: 1.5 WIDE (DP 1155506)
- (C) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (MIE AED76873)
- (D) EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE
- (E) EASEMENT TO DRAIN WATER 3.0 WIDE
- (F) EASEMENT FOR CAR PARKING VARIABLE WIDTH

Surveyor/DAMIAN JOSEPH MAQUIRE
 Date of Survey: 24-8-09
 Surveyor's Ref: 30142/32275DP

PLAN OF CONSOLIDATION OF LOT 1 DP 355888, LOT 2 DP 529225, LOT 3 DP 5688 & LOTS 10, 12 & 14 DP 142593 AND CONSOLIDATION OF LOT 423 DP 78216, LOT 5 DP 416407, LOT 1 DP 206729, & LOT 1 DP 1195506 LOT 1 DP 1138514 & LOTS 11, 13 & 15 DP 1142593

Registered: LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No: -
 Lengths are in metres. Reduction Ratio: 1: 500

DP

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919:

1. EASEMENT FOR CAR PARKING VARIABLE WIDTH (F)
2. EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE (D).
3. EASEMENT TO DRAIN WATER 3.0 WIDE (E).
4. RESTRICTION AS TO USER.

Use PLAN FORM 6A

for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I.....in approving this plan certify
 (Authorised Officer)
 that all necessary approvals in regard to the allocation of the land shown herein have been given
 Signature:.....
 Date:.....
 File Number:.....
 Office:.....

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed..... set out herein
 (insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:
 Date of Endorsement:
 Accreditation no:
 Subdlvision Certificate no:
 File no:

* Delete whichever is inapplicable.

DP1151430

Registered:  07-05-2010

Title System: TORRENS

Purpose: CONSOLIDATION

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

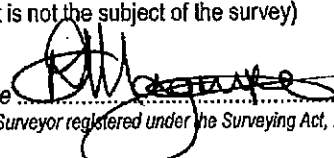
Surveying Regulation, 2006

I, DAMIAN MAGUIRE

of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE 1675 a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on: 24-08-09

The survey relates to LOTS 1 AND 2

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature  Dated: 24-8-09
 Surveyor registered under the *Surveying Act, 2002*

Datum Line:
 Type: Urban/Rural

Plans used in the preparation of survey/compilation

- | | |
|-----------|-----------|
| DP356808 | DP206729 |
| DP529225 | DP1135816 |
| DP5688 | DP1138514 |
| DP1142583 | DP1142583 |
| DP785216 | DP416407 |
| DP1135816 | DP1142583 |
| DP1138514 | |

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-32275 DP

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF CONSOLIDATION OF LOT A DP356808,
LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 &
14 DP1142583 AND CONSOLIDATION OF LOT 423
DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1
DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15
DP1142583

DP1151430

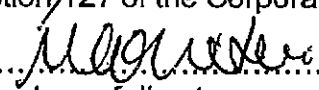
Registered:  07-05-2010

* OFFICE USE ONLY

Subdivision Certificate No: _____

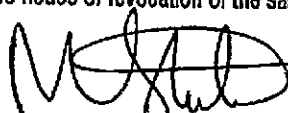
Date of Endorsement: _____

EXECUTED by FABCOT PTY LIMITED)
ACN 002 960 983 accordance with)
section 127 of the Corporations Act:)




Signature of director

MARIA LIU
1 Woolworths Way
Bella Vista NSW 2153
Name (please print)

Signed by..... FABCOT PTY LTD
by its Attorney MARK HADRIAN STUDD
pursuant to Power of Attorney registered..... Book 4506
who has no notice of revocation of the said Power of NO. 749
Attorney.


Signature of director/secretary

Name (please print)

THE COMMON SEAL of the COUNCIL
of the CITY of LAKE MACQUARIE
was hereto affixed in pursuance
of a Council Resolution passed
on 25 day of February, 2008.

MAYOR

GENERAL MANAGER

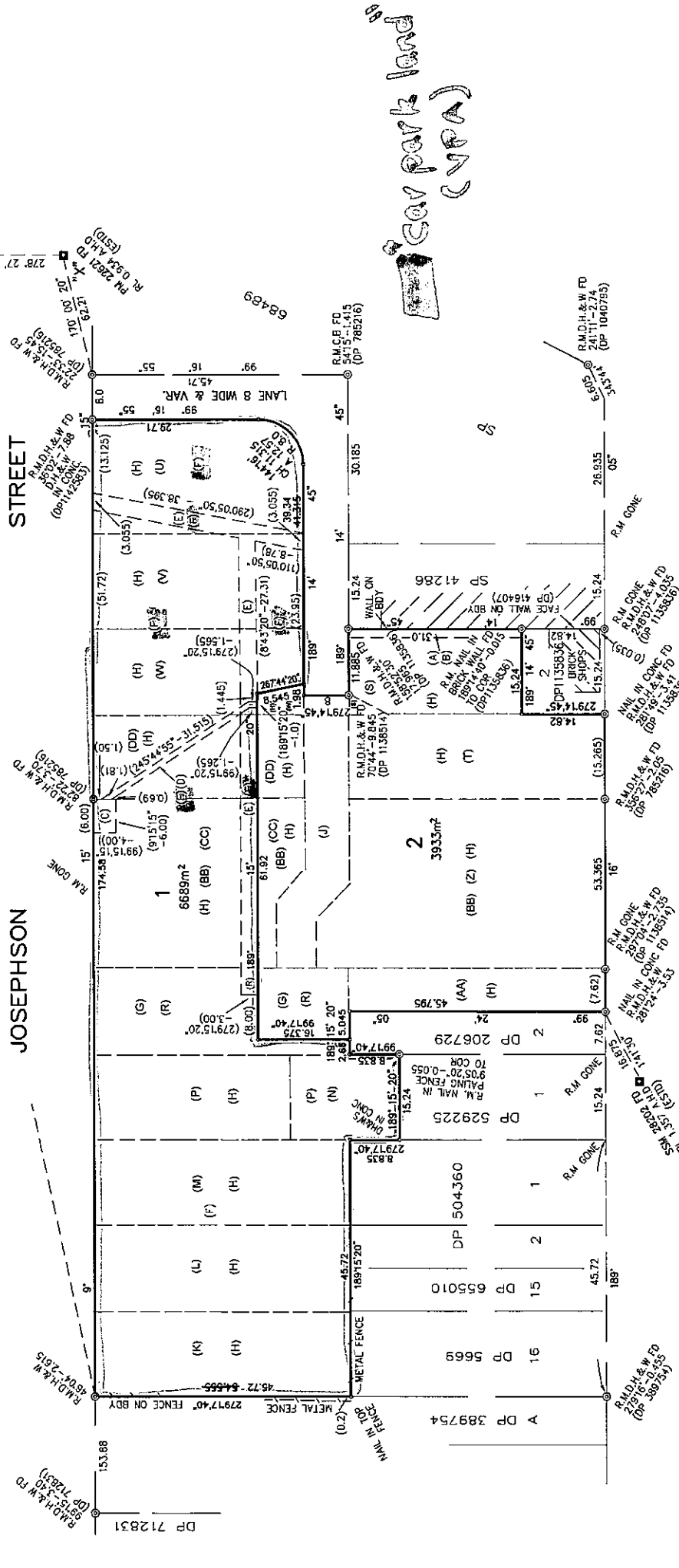


Executed by:
The Council of the City of Lake Macquarie

SURVEYING REGULATION 2006 CLAUSE 61(2)			
MARK	M.G.A. CO-ORDINATES	ZONE CLASS	ORDER RL A.H.D CLASS ORDER
PM 22636	372651.337	NORTHING	56 B 2
PM 22621	6338435.979	EASTING	56 A 1
SSM 28202	372882.131	NORTHING	56 B 2
SSM 28202	6338404.641	EASTING	56 A 1
SSM 28202	372894.420	NORTHING	56 B 2
SSM 28202	6338199.742	EASTING	56 A 1

SOURCE: S.C.I.M.S. 19-8-09 C.S.F. 0.999799

SSM 28202 - PM 22621
 33810.05' - 221.314 (MGA GND)
 33810.20' - 221.295 (SURVEY)



LAND EXCLUDES & RIGHTS TO MINE - (K) A353173
 (L) A353171
 (M) A116619
 (N) 655923
 (P) A225193
 (R) A243505
 (S) 551007
 (T) 550523

RIGHTS TO MINE - (BB) A185047
 (CC) A318987
 (DD) A649739

LAND EXCLUDES MINERALS - (U) A199161
 (V) 644131
 (W) 644120
 (Z) 610886
 (AA) 630366

RESERVATIONS & CONDITIONS - SEE CROWN GRANT
 (H) LAND EXCLUDES MINERALS & IS SUBJECT TO RESERVATIONS & CONDITIONS - SEE CROWN GRANT
 (J) LAND EXCLUDES MINERALS - SEE S.171 CROWN LANDS ACT 1989

EASEMENT FOR SERVICES 1.5 WIDE (DP 1135836)
 (C) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (VIDE A6376873)

EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE
 (D) EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE

EASEMENT TO DRAIN WATER 3.0 WIDE
 (E) EASEMENT TO DRAIN WATER 3.0 WIDE

EASEMENT FOR CAR PARKING VARIABLE WIDTH
 (F) EASEMENT FOR CAR PARKING VARIABLE WIDTH

PLAN OF CONSOLIDATION OF LOT A DP 356808, LOT 2 DP 529225, LOT 37-39 DP 9688 & LOTS 10, 12 & 14 DP 1142563 AND CONSOLIDATION OF LOT 423 DP 785216, LOT 1 B DP 416407, LOT 1 DP 206728, & LOT 1 DP 1135836 LOT 1 DP 1138514 & LOTS 11, 13 & 15 DP 1142563

Surveyor: DAMIAN JOSEPH MACQUAIRE
 Date of Survey: 24-8-09
 Surveyor's Ref: 30142 / 32275DP

Registered:
 07-05-2010

LGA: LAKE MACQUAIRE
 Locality: SWANSEA
 Subdivision No: -
 Longlights are in metres. Reduction Ratio 1: 500

DP1151430

COUNCIL OF THE CITY OF LAKE MACQUARIE

TO

FABCOT PTY LIMITED

CONTRACT FOR SALE OF LAND

VOLUME 1 OF 1

CORRS CHAMBERS WESTGARTH

Lawyers

Governor Phillip Tower

1 Farrer Place

SYDNEY NSW 2000

AUSTRALIA

Tel: (02) 9210 6500

Fax: (02) 9210 6611

Ref: 9041641

Contract for the sale of land - 2005 edition

MEANING OF TERM

TERM		
Vendor's agent	N/A	
Co-agent	N/A	
Depositholder	N/A	
Vendor	COUNCIL OF THE CITY OF LAKE MACQUARIE ABN 81 065 027 868 126-138 Main Road, Speers Point, NSW 2284	
Vendor's solicitor	Grant Long Lake Macquarie City Council, 126-138 Main Road, Speers Point, NSW 2284	Phone (02) 4921 0405 Fax (02) 4921 0345 Ref Grant Long
Completion date	See clause 31.1 (clause 15)	
Land (Address, plan details and title reference)	Lot 11 (being part of Lot 41 in DP 5688) having an area of 206m ² on the <i>Plan of Subdivision</i> attached to this contract as attachment F and lodged for registration at the Department of Lands as DP1142583, Lot 15 (being part of Lot 421 in DP 785216) having an area of 165.1m ² on the <i>Plan of Subdivision</i> and Lot 1 in DP 1138514 having an area of 412.6m ² (all of which will form part of Lot 2 in the <i>Plan of Consolidation</i> attached to this contract as attachment G) Folio Identifiers Part 41/5688, Part 421/785216 and 1/1138514	
Improvements	<input checked="" type="checkbox"/> VACANT POSSESSION <input type="checkbox"/> subject to existing tenancies <input type="checkbox"/> house <input type="checkbox"/> garage <input type="checkbox"/> carport <input type="checkbox"/> home unit <input type="checkbox"/> carspace <input checked="" type="checkbox"/> NONE <input type="checkbox"/> other:	
Attached copies	Documents in the List of Documents as marked with a <input checked="" type="checkbox"/>	
Guarantor		

A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.

Inclusions	<input type="checkbox"/> blinds <input type="checkbox"/> curtains <input type="checkbox"/> insect screens <input type="checkbox"/> stove <input type="checkbox"/> built-in wardrobes <input type="checkbox"/> dishwasher <input type="checkbox"/> light fittings <input type="checkbox"/> pool equipment <input type="checkbox"/> clothes-line <input type="checkbox"/> fixed floor coverings <input type="checkbox"/> range hood <input type="checkbox"/> TV antenna <input type="checkbox"/> other:
Exclusions	NIL
Purchaser	FABCOT PTY LIMITED ACN 002 960 963 1 Woolworths Way, Bella Vista, NSW, 2153
Purchaser's solicitor	CORRS CHAMBERS WESTGARTH Level 32, Governor Phillip Tower, 1 Farrer Place Sydney NSW 2000 Phone (02) 9210 6500 Fax (02) 9210 6611 Ref Christine Covington
Price	\$See clause 41
Deposit	\$ NIL (10% of the price, unless otherwise stated)
Balance	\$
Contract date	25 February 2010 (if not stated, the date this contract was made)

SEE ATTACHMENT FOR EXECUTIONS

Vendor		Witness
	GST AMOUNT (optional) The price includes GST of \$NIL	
Purchaser	<input type="checkbox"/> JOINT TENANTS <input type="checkbox"/> tenants in common <input type="checkbox"/> in unequal shares	Witness

Tax information (the parties promise this is correct as far as each party is aware)

Vendor duty is payable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes in full	<input type="checkbox"/> yes to an extent
Deposit can be used to pay vendor duty	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	
Land tax is adjustable	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> yes	

HOLDER OF STRATA OR COMMUNITY TITLE RECORDS –

List of Documents

General	Strata or community title (clause 23 of the contract)
<input checked="" type="checkbox"/> property certificate for the land	<input type="checkbox"/> property certificate for strata common property
<input checked="" type="checkbox"/> plan of the land	<input type="checkbox"/> plan creating strata common property
<input checked="" type="checkbox"/> unregistered plan of the land	<input type="checkbox"/> strata by-laws not set out in <i>legislation</i>
<input checked="" type="checkbox"/> plan of land to be subdivided	<input type="checkbox"/> strata development contract or statement
<input type="checkbox"/> document that is to be lodged with a relevant plan	<input type="checkbox"/> strata management statement
<input checked="" type="checkbox"/> section 149(2) certificate (Environmental Planning and Assessment Act 1979)	<input type="checkbox"/> leasehold strata - lease of lot and common property
<input checked="" type="checkbox"/> section 149(5) information included in that certificate	<input type="checkbox"/> property certificate for neighbourhood property
<input type="checkbox"/> sewerage connections diagram	<input type="checkbox"/> plan creating neighbourhood property
<input checked="" type="checkbox"/> sewer mains diagram	<input type="checkbox"/> neighbourhood development contract
<input checked="" type="checkbox"/> document that created or may have created an easement, profit à prendre, restriction on use or positive covenant disclosed in this contract	<input type="checkbox"/> neighbourhood management statement
<input type="checkbox"/> section 88G certificate (positive covenant)	<input type="checkbox"/> property certificate for precinct property
<input type="checkbox"/> survey report	<input type="checkbox"/> plan creating precinct property
<input type="checkbox"/> section 317A certificate (certificate of compliance)	<input type="checkbox"/> precinct development contract
<input type="checkbox"/> building certificate given under <i>legislation</i>	<input type="checkbox"/> precinct management statement
<input type="checkbox"/> insurance certificate (Home Building Act 1989)	<input type="checkbox"/> property certificate for community property
<input type="checkbox"/> brochure or note (Home Building Act 1989)	<input type="checkbox"/> plan creating community property
<input type="checkbox"/> section 24 certificate (Swimming Pools Act 1992)	<input type="checkbox"/> community development contract
<input type="checkbox"/> lease (with every relevant memorandum or variation)	<input type="checkbox"/> community management statement
<input type="checkbox"/> other document relevant to tenancies	<input type="checkbox"/> document disclosing a change of by-laws
<input type="checkbox"/> old system document	<input type="checkbox"/> document disclosing a change in a development or management contract or statement
<input type="checkbox"/> Crown tenure card	<input type="checkbox"/> document disclosing a change in boundaries
<input type="checkbox"/> Crown purchase statement of account	<input type="checkbox"/> certificate under Management Act – section 109 (Strata Schemes) or section 26 (Community Land)
<input type="checkbox"/> Statutory declaration regarding <i>vendor duty</i>	

WARNINGS

- Various Acts of Parliament and other matters can affect the rights of the parties to this contract. Some important matters are actions, claims, decisions, licences, notices, orders, proposals or rights of way involving:

AGL Gas Networks Limited	Government Business & Government Procurement	Public Works Dept
Council	Heritage Office	Roads & Traffic Authority
County council	Infrastructure Planning and Natural Resources	Rural Lands Protection Board
East Australian Pipeline Limited	Land & Housing corporation	Sustainable Energy Development
Education & Training Dept	Mine Subsidence Board	Telecommunications authority
Electricity authority	Owner of adjoining land	Water, sewerage or drainage authority
Environment & Conservation Dept	Primary Industries Department	
Fair Trading	RailCorp	

If you think that any of these matters affects the property, tell your solicitor.
- A lease may be affected by the Agricultural Tenancies Act 1990, the Residential Tenancies Act 1987 or the Retail Leases Act 1994.
- If any purchase money is owing to the Crown, it may become payable when the transfer is registered.
- If a consent to transfer is required under legislation, see clause 27 as to the obligations of the parties.
- The vendor should continue the vendor's insurance until completion. If the vendor wants to give the purchaser possession before completion, the vendor should first ask the insurer to confirm this will not affect the insurance.
- The purchaser will usually have to pay stamp duty on this contract. The sale will also usually be a vendor duty transaction. If duty is not paid on time, a party may incur penalties.
- If the purchaser agrees to the release of deposit any rights in relation to the land (for example, the rights mentioned in clause 2.8) may be subject to the rights of other persons such as the vendor's mortgagee.
- The purchaser should arrange insurance as appropriate.

DISPUTES

If you get into a dispute with the other party, the Law Society and Real Estate Institute encourage you to use informal procedures such as negotiation, independent expert appraisal or mediation (for example mediation under the Law Society Mediation Guidelines).

AUCTIONS

Regulations made under the Property, Stock and Business Agents Act 2002 prescribe a number of conditions applying to sales by auction.

Contract for the sale of land - 2005 edition

TERM

MEANING OF TERM

Vendor's agent

Co-agent

Vendor

Vendor's solicitor

Completion date 42nd

day after the contract date (clause 15)

Land
(Address, plan details and title reference)

Improvements

- VACANT POSSESSION subject to existing tenancies
 HOUSE garage carport home unit carspace none
 other:

Attached copies

- Documents in the List of Documents as marked or as numbered:
 Other documents:

A real estate agent is permitted by legislation to fill up the items in this box in a sale of residential property.

Inclusions

- blinds curtains insect screens stove
 built-in wardrobes dishwasher light fittings pool equipment
 clothes line fixed floor coverings range hood TV antenna
 other:

Exclusions

Purchaser

Purchaser's solicitor

Price \$

Deposit \$

Balance \$

Contract date

(10% of the price, unless otherwise stated)

(if not stated, the date this contract was made)

Vendor

Witness

GST AMOUNT (optional)
The price includes
GST of: \$

Purchaser

- JOINT TENANTS tenants in common in unequal shares

Witness

Tax information (the parties promise this is correct as far as each party is aware)

- Vendor duty** is payable NO yes in full yes to an extent
Deposit can be used to pay vendor duty NO yes
Land tax is adjustable NO yes
GST: Taxable supply NO yes in full yes to an extent
Margin scheme will be used in making the taxable supply NO yes

This sale is not a taxable supply because (one or more of the following may apply) the sale is:

- not made in the course or furtherance of an enterprise that the vendor carries on (section 9-5(b))
 by a vendor who is neither registered nor required to be registered for GST (section 9-5(d))
 GST-free because the sale is the supply of a going concern under section 38-325
 GST-free because the sale is subdivided farm land or farm land supplied for farming under Subdivision 38-O
 input taxed because the sale is of eligible residential premises (sections 40-65, 40-75(2) and 195-1)

HOLDER OF STRATA OR COMMUNITY TITLE RECORDS - Name, address and telephone number

**WARNING
SMOKE ALARMS**

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the Environmental Planning and Assessment Act 1979. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

IMPORTANT NOTICE TO VENDORS AND PURCHASERS

Before signing this contract you should ensure that you understand your rights and obligations, some of which are not written in this contract but are implied by law.

For example, as purchaser you should be satisfied that finance will be available at the time of completing the purchase (even if settlement might occur many months after signing this contract - in particular, if you are buying off the plan).

COOLING OFF PERIOD (PURCHASER'S RIGHTS)

1. This is the statement required by section 66X of the Conveyancing Act 1919 and applies to a contract for the sale of residential property.
2. The purchaser may rescind the contract at any time before 5 p.m. on the fifth business day after the day on which the contract was made, EXCEPT in the circumstances listed in paragraph 3.
3. There is NO COOLING OFF PERIOD:
 - (a) if, at or before the time the contract is made, the purchaser gives to the vendor (or the vendor's solicitor or agent) a certificate that complies with section 66W of the Act; or
 - (b) if the property is sold by public auction; or
 - (c) if the contract is made on the same day as the property was offered for sale by public auction but passed in; or
 - (d) if the contract is made in consequence of the exercise of an option to purchase the property, other than an option that is void under section 66ZG of the Act.
4. A purchaser exercising the right to cool off by rescinding the contract will forfeit to the vendor 0.25% of the purchase price of the property. The vendor is entitled to recover the amount forfeited from any amount paid by the purchaser as a deposit under the contract and the purchaser is entitled to a refund of any balance.

The vendor sells and the purchaser buys the *property* for the price under these provisions instead of Schedule 3 Conveyancing Act 1919, subject to any *legislation* that cannot be excluded.

1 Definitions (a term in italics is a defined term)

In this contract, these terms (in any form) mean -

<i>adjustment date</i>	the earlier of the giving of possession to the purchaser or completion;
<i>bank</i>	a bank as defined in the Banking Act 1959, the Reserve Bank or a State bank;
<i>business day</i>	any day except a bank or public holiday throughout NSW or a Saturday or Sunday;
<i>cheque</i>	a cheque that is not postdated or stale;
<i>depositholder</i>	vendor's agent (or if no vendor's agent is named in this contract, the vendor's <i>solicitor</i>);
<i>document of title</i>	document relevant to the title or the passing of title;
<i>GST Act</i>	A New Tax System (Goods and Services Tax) Act 1999;
<i>GST rate</i>	the rate mentioned in section 4 of A New Tax System (Goods and Services Tax Imposition - General) Act 1999 (10% as at 1 July 2000);
<i>legislation</i>	an Act or a by-law, ordinance, regulation or rule made under an Act;
<i>normally</i>	subject to any other provision of this contract;
<i>party</i>	each of the vendor and the purchaser;
<i>property</i>	the land, the improvements, all fixtures and the inclusions, but not the exclusions;
<i>requisition</i>	an objection, question or requisition (but the term does not include a claim);
<i>rescind</i>	rescind this contract from the beginning;
<i>serve</i>	serve in writing on the other <i>party</i> ;
<i>settlement cheque</i>	an unendorsed <i>cheque</i> made payable to the person to be paid and drawn on its own funds by - <ul style="list-style-type: none"> ● a <i>bank</i>; or ● a building society, credit union or other FCA institution as defined in Cheques Act 1986; that carries on business in Australia; or if authorised in writing by the vendor or the vendor's <i>solicitor</i> , some other <i>cheque</i> ;
<i>solicitor</i>	in relation to a <i>party</i> , the <i>party's</i> solicitor or licensed conveyancer named in this contract or in a notice <i>served</i> by the <i>party</i> ;
<i>terminate</i>	terminate this contract for breach;
<i>vendor duty</i>	vendor duty imposed under Chapter 4 of the Duties Act 1997;
<i>within</i>	in relation to a period, at any time before or during the period;
<i>work order</i>	a valid direction, notice or order that requires work to be done or money to be spent on or in relation to the <i>property</i> or any adjoining footpath or road.

7 Claims by purchaser

The purchaser can make a claim (including a claim under clause 6) before completion only by *servicing* it with a statement of the amount claimed, and if the purchaser makes one or more claims before completion -

- 7.1 the vendor can *rescind* if in the case of claims that are not claims for delay -
- 7.1.1 the total amount claimed exceeds 5% of the price;
 - 7.1.2 the vendor *serves* notice of intention to *rescind*; and
 - 7.1.3 the purchaser does not *serve* notice waiving the claims *within* 14 days after that *service*; and
- 7.2 if the vendor does not *rescind*, the *parties* must complete and if this contract is completed -
- 7.2.1 the lesser of the total amount claimed and 10% of the price must be paid out of the price to and held by the *depositholder* until the claims are finalised or lapse;
 - 7.2.2 the amount held is to be invested in accordance with clause 2.9;
 - 7.2.3 the claims must be finalised by an arbitrator appointed by the *parties* or, if an appointment is not made *within* 1 month of completion, by an arbitrator appointed by the President of the Law Society at the request of a *party* (in the latter case the *parties* are bound by the terms of the Conveyancing Arbitration Rules approved by the Law Society as at the date of the appointment);
 - 7.2.4 the purchaser is not entitled, in respect of the claims, to more than the total amount claimed and the costs of the purchaser;
 - 7.2.5 net interest on the amount held must be paid to the *parties* in the same proportion as the amount held; and
 - 7.2.6 if the *parties* do not appoint an arbitrator and neither *party* requests the President to appoint an arbitrator *within* 3 months after completion, the claims lapse.

Vendor's right to rescind

The vendor can *rescind* if -

- 8.1 the vendor is, on reasonable grounds, unable or unwilling to comply with a *requisition*;
- 8.2 the vendor *serves* a notice of intention to *rescind* that specifies the *requisition* and those grounds; and
- 8.3 the purchaser does not *serve* a notice waiving the *requisition within* 14 days after that *service*.

9 Purchaser's default

If the purchaser does not comply with this contract (or a notice under or relating to it) in an essential respect, the vendor can *terminate* by *servicing* a notice. After the *termination* the vendor can -

- 9.1 keep or recover the deposit (to a maximum of 10% of the price);
- 9.2 hold any other money paid by the purchaser under this contract as security for anything recoverable under this clause-
 - 9.2.1 for 12 months after the *termination*; or
 - 9.2.2 if the vendor commences proceedings under this clause *within* 12 months, until those proceedings are concluded; and
- 9.3 sue the purchaser either -
 - 9.3.1 where the vendor has resold the *property* under a contract made *within* 12 months after the *termination*, to recover -
 - the deficiency on resale (with credit for any of the deposit kept or recovered and after allowance for any capital gains tax or goods and services tax payable on anything recovered under this clause); and
 - the reasonable costs and expenses arising out of the purchaser's non-compliance with this contract or the notice and of resale and any attempted resale; or
 - 9.3.2 to recover damages for breach of contract.

10 Restrictions on rights of purchaser

- 10.1 The purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of -
- 10.1.1 the ownership or location of any fence as defined in the Dividing Fences Act 1991;
 - 10.1.2 a service for the *property* being a joint service or passing through another property, or any service for another property passing through the *property* ('service' includes air, communication, drainage, electricity, garbage, gas, oil, radio, sewerage, telephone, television or water service);
 - 10.1.3 a wall being or not being a party wall in any sense of that term or the *property* being affected by an easement for support or not having the benefit of an easement for support;
 - 10.1.4 any change in the *property* due to fair wear and tear before completion;
 - 10.1.5 a promise, representation or statement about this contract, the *property* or the title, not set out or referred to in this contract;
 - 10.1.6 a condition, exception, reservation or restriction in a Crown grant;
 - 10.1.7 the existence of any authority or licence to explore or prospect for gas, minerals or petroleum;
 - 10.1.8 any easement or restriction on use the substance of either of which is disclosed in this contract or any non-compliance with the easement or restriction on use; or
 - 10.1.9 anything the substance of which is disclosed in this contract (except a caveat, charge, mortgage or writ).
- 10.2 The purchaser cannot *rescind* or *terminate* only because of a defect in title to or quality of the inclusions.
- 10.3 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* or require the vendor to change the nature of the title disclosed in this contract (for example, to remove a caution evidencing qualified title, or to lodge a plan of survey as regards limited title).

14 Adjustments

- 14.1 *Normally*, the vendor is entitled to the rents and profits and will be liable for all rates, water, sewerage and drainage service and usage charges, land tax and all other periodic outgoings up to and including the *adjustment date* after which the purchaser will be entitled and liable.
- 14.2 The *parties* must make any necessary adjustment on completion.
- 14.3 If an amount that is adjustable under this contract has been reduced under *legislation*, the *parties* must on completion adjust the reduced amount.
- 14.4 The *parties* must adjust land tax for the year current at the *adjustment date* -
- 14.4.1 only if land tax has been paid or is payable for the year (whether by the vendor or by a predecessor in title) and this contract says that land tax is adjustable;
- 14.4.2 by adjusting the amount that would have been payable if at the start of the year -
- the person who owned the land owned no other land;
 - the land was not subject to a special trust or owned by a non-concessional company; and
 - if the land (or part of it) had no separate taxable value, by calculating its separate taxable value on a proportional area basis.
- 14.5 If any other amount that is adjustable under this contract relates partly to the land and partly to other land, the *parties* must adjust it on a proportional area basis.
- 14.6 *Normally*, the vendor can direct the purchaser to produce a *settlement cheque* on completion to pay an amount adjustable under this contract and if so -
- 14.6.1 the amount is to be treated as if it were paid; and
- 14.6.2 the *cheque* must be forwarded to the payee immediately after completion (by the purchaser if the *cheque* relates only to the *property* or by the vendor in any other case).
- 14.7 If on completion the last bill for a water, sewerage or drainage usage charge is for a period ending before the *adjustment date*, the vendor is liable for an amount calculated by dividing the bill by the number of days in the period then multiplying by the number of unbilled days up to and including the *adjustment date*.
- 14.8 The vendor is liable for any amount recoverable for work started on or before the contract date on the *property* or any adjoining footpath or road.

15 Completion date

The *parties* must complete by the completion date and, if they do not, a *party* can serve a notice to complete if that *party* is otherwise entitled to do so.

16 Completion

● Vendor

- 16.1 On completion the vendor must give the purchaser any *document of title* that relates only to the *property*.
- 16.2 If on completion the vendor has possession or control of a *document of title* that relates also to other property, the vendor must produce it as and where necessary.
- 16.3 *Normally*, on completion the vendor must cause the legal title to the *property* (being an estate in fee simple) to pass to the purchaser free of any mortgage or other interest, subject to any necessary registration.
- 16.4 The legal title to the *property* does not pass before completion.
- 16.5 If the vendor gives the purchaser a document (other than the transfer) that needs to be lodged for registration, the vendor must pay the lodgment fee to the purchaser, plus another 20% of that fee.
- 16.6 If the purchaser *serves* a land tax certificate showing a charge on any of the land, on completion the vendor must give the purchaser a land tax certificate showing the charge is no longer effective against the land.

● Purchaser

- 16.7 On completion the purchaser must pay to the vendor, by cash (up to \$2,000) or *settlement cheque*, the price (less any deposit paid) and any other amount payable by the purchaser under this contract (less any amount payable by the vendor to the purchaser under this contract).
- 16.8 If the vendor requires more than 5 *settlement cheques*, the vendor must pay \$10 for each extra *cheque*.
- 16.9 If any of the deposit is not covered by a bond or guarantee, on completion the purchaser must give the vendor an order signed by the purchaser authorising the *depositholder* to account to the vendor for the deposit.
- 16.10 On completion the deposit belongs to the vendor.

● Place for completion

- 16.11 *Normally*, the *parties* must complete at the completion address, which is -
- 16.11.1 if a special completion address is stated in this contract - that address; or
- 16.11.2 if none is stated, but a first mortgagee is disclosed in this contract and the mortgagee would usually discharge the mortgage at a particular place - that place; or
- 16.11.3 in any other case - the vendor's *solicitor's* address stated in this contract.
- 16.12 The vendor by reasonable notice can require completion at another place, if it is in NSW, but the vendor must pay the purchaser's additional expenses, including any agency or mortgagee fee.
- 16.13 If the purchaser requests completion at a place that is not the completion address, and the vendor agrees, the purchaser must pay the vendor's additional expenses, including any agency or mortgagee fee.

17 Possession

- 17.1 *Normally*, the vendor must give the purchaser vacant possession of the *property* on completion.
- 17.2 The vendor does not have to give vacant possession if -

- 21.3 The time for one thing to be done or to happen does not extend the time for another thing to be done or to happen.
- 21.4 If the time for something to be done or to happen is the 29th, 30th or 31st day of a month, and the day does not exist, the time is instead the last day of the month.
- 21.5 If the time for something to be done or to happen is a day that is not a *business day*, the time is extended to the next *business day*, except in the case of clause 2 (deposit).
- 21.6 *Normally*, the time by which something must be done is fixed but not essential.
- 22 Foreign Acquisitions and Takeovers Act 1975**
- 22.1 The purchaser promises that the Commonwealth Treasurer cannot prohibit and has not prohibited the transfer under the Foreign Acquisitions and Takeovers Act 1975.
- 22.2 This promise is essential and a breach of it entitles the vendor to *terminate*.
- 23 Strata or community title**
- 23.1 This clause applies only if the land (or part of it) is a lot in a strata, neighbourhood, precinct or community scheme (or on completion is to be a lot in a scheme of that kind).
- 23.2 In this contract -
- 'change', in relation to a scheme, means -
 - a registered or registrable change from by-laws set out in this contract or set out in *legislation* and specified in this contract;
 - a change from a development or management contract or statement set out in this contract; or
 - a change in the boundaries of common property;
 - 'common property' includes association property for the scheme or any higher scheme;
 - 'contribution' includes an amount payable under a by-law;
 - 'normal expenses', in relation to an owners corporation for a scheme, means normal operating expenses usually payable from the administrative fund of an owners corporation for a scheme of the same kind;
 - 'owners corporation' means the owners corporation or the association for the scheme or any higher scheme;
 - 'the *property*' includes any interest in common property for the scheme associated with the lot;
 - 'special expenses', in relation to an owners corporation, means its actual, contingent or expected expenses, except to the extent they are normal expenses, due to fair wear and tear, disclosed in this contract or covered by moneys held in the sinking fund.
- 23.3 Clauses 11, 14.8 and 18.4 do not apply to an obligation of the owners corporation, or to property insurable by it.
- 23.4 Clauses 14.4.2 and 14.5 apply but on a unit entitlement basis instead of an area basis.
- 23.5 The *parties* must adjust under clause 14.1 -
- 23.5.1 a regular periodic contribution;
 - 23.5.2 a contribution which is not a regular periodic contribution but is disclosed in this contract; and
 - 23.5.3 on a unit entitlement basis, any amount paid by the vendor for a normal expense of the owners corporation to the extent the owners corporation has not paid the amount to the vendor.
- 23.6 If a contribution is not a regular periodic contribution and is not disclosed in this contract -
- 23.6.1 the vendor is liable for it if it was levied before the contract date (unless it relates to work not started by that date), even if it is payable by instalments;
 - 23.6.2 the vendor is also liable for it to the extent it relates to work started by the owners corporation before the contract date; and
 - 23.6.3 the purchaser is liable for all other contributions levied after the *contract date*.
- 23.7 The vendor must pay or allow to the purchaser on completion the amount of any unpaid contributions for which the vendor is liable under clause 23.6.
- 23.8 *Normally*, the purchaser cannot make a claim or *requisition* or *rescind* or *terminate* in respect of -
- 23.8.1 an existing or future actual, contingent or expected expense of the owners corporation;
 - 23.8.2 a proportional unit entitlement of the lot or a relevant lot or former lot, apart from a claim under clause 6; or
 - 23.8.3 a past or future change in the scheme or a higher scheme.
- 23.9 However, the purchaser can *rescind* if -
- 23.9.1 the special expenses of the owners corporation at the later of the contract date and the creation of the owners corporation when calculated on a unit entitlement basis (and, if more than one lot or a higher scheme is involved, added together), less any contribution paid by the vendor, are more than 1% of the price;
 - 23.9.2 in the case of the lot or a relevant lot or former lot in a higher scheme -
 - a proportional unit entitlement for the lot is not disclosed in this contract; or
 - a proportional unit entitlement for the lot is disclosed in this contract but the lot has a different proportional unit entitlement at the contract date or at any time before completion; or
 - 23.9.3 a change before the contract date or before completion in the scheme or a higher scheme substantially disadvantages the purchaser and is not disclosed in this contract.
- 23.10 The purchaser must give the vendor 2 copies of a proper form of notice of the transfer of the lot addressed to the owners corporation and signed by the purchaser.
- 23.11 The vendor must complete and sign 1 copy of the notice and give it to the purchaser on completion.
- 23.12 Each *party* can sign and give the notice as agent for the other.
- 23.13 The vendor must *serve* a certificate under section 109 Strata Schemes Management Act 1996 or section 26 Community Land Management Act 1989 in relation to the lot, the scheme or any higher scheme at least 7 days before the completion date.

25 Qualified title, limited title and old system title

- 25.1 This clause applies only if the land (or part of it) -
 25.1.1 is under qualified, limited or old system title; or
 25.1.2 on completion is to be under one of those titles.
- 25.2 The vendor must *serve* a proper abstract of title *within 7* days after the contract date.
- 25.3 If an abstract of title or part of an abstract of title is attached to this contract or has been lent by the vendor to the purchaser before the contract date, the abstract or part is *served* on the contract date.
- 25.4 An abstract of title can be or include a list of documents, events and facts arranged (apart from a will or codicil) in date order, if the list in respect of each document -
 25.4.1 shows its date, general nature, names of parties and any registration number; and
 25.4.2 has attached a legible photocopy of it or of an official or registration copy of it.
- 25.5 An abstract of title -
 25.5.1 must start with a good root of title (if the good root of title must be at least 30 years old, this means 30 years old at the contract date);
 25.5.2 in the case of a leasehold interest, must include an abstract of the lease and any higher lease;
 25.5.3 *normally*, need not include a Crown grant; and
 25.5.4 need not include anything evidenced by the Register kept under the Real Property Act 1900.
- 25.6 In the case of land under old system title -
 25.6.1 in this contract 'transfer' means conveyance;
 25.6.2 the purchaser does not have to *serve* the form of transfer until after the vendor has *served* a proper abstract of title; and
 25.6.3 each vendor must give proper covenants for title as regards that vendor's interest.
- 25.7 In the case of land under limited title but not under qualified title -
 25.7.1 *normally*, the abstract of title need not include any document which does not show the location, area or dimensions of the land (for example, by including a metes and bounds description or a plan of the land);
 25.7.2 clause 25.7.1 does not apply to a document which is the good root of title; and
 25.7.3 the vendor does not have to provide an abstract if this contract contains a delimitation plan (whether in registrable form or not).
- 25.8 The vendor must give a proper covenant to produce where relevant.
- 25.9 The vendor does not have to produce or covenant to produce a document that is not in the possession of the vendor or a mortgagee.
- 25.10 If the vendor is unable to produce an original document in the chain of title, the purchaser will accept a photocopy from the Registrar General of the registration copy of that document.

26 Crown purchase money

- 26.1 This clause applies only if purchase money is payable to the Crown, whether or not due for payment.
- 26.2 The vendor is liable for the money, except to the extent this contract says the purchaser is liable for it.
- 26.3 To the extent the vendor is liable for it, the vendor is liable for any interest until completion.
- 26.4 To the extent the purchaser is liable for it, the *parties* must adjust any interest under clause 14.1.

27 Consent to transfer

- 27.1 This clause applies only if the land (or part of it) is restricted title land (land that cannot be transferred without consent under *legislation*).
- 27.2 The purchaser must properly complete and then *serve* the purchaser's part of an application for consent to transfer of the land (or part of it) *within 7* days after the contract date.
- 27.3 The vendor must apply for consent *within 7* days after *service* of the purchaser's part.
- 27.4 If consent is refused, either *party* can *rescind*.
- 27.5 If consent is given subject to one or more conditions that will substantially disadvantage a *party*, then that *party* can *rescind within 7* days after receipt by or *service* upon the *party* of written notice of the conditions.
- 27.6 If consent is not given or refused -
 27.6.1 *within 42* days after the purchaser *serves* the purchaser's part of the application, the purchaser can *rescind*;
 or
 27.6.2 *within 30* days after the application is made, either *party* can *rescind*.
- 27.7 If the *legislation* is the Western Lands Act 1901 each period in clause 27.6 becomes 90 days.
- 27.8 If the land or part is described as a lot in an unregistered plan, each time in clause 27.6 becomes the later of the time and 35 days after creation of a separate folio for the lot.
- 27.9 The completion date becomes the later of the completion date and 14 days after *service* of the notice granting consent to transfer.

28 Unregistered plan

- 28.1 This clause applies only if some of the land is described as a lot in an unregistered plan.
- 28.2 The vendor must do everything reasonable to have the plan registered *within 6* months after the contract date, with or without any minor alteration to the plan or any document to be lodged with the plan validly required or made under *legislation*.

These are the additional clauses to the contract for sale of land between COUNCIL OF THE CITY OF LAKE MACQUARIE (as vendor) and FABCOT PTY LIMITED (as purchaser) in respect of the Land being Part of Lot 41 in DP5688, Part of Lot 421 in DP785216 and Lot 1 in DP1138514

30 Amendments to printed clauses

The printed **clauses 1** to **29** of this contract are amended as follows:

- (a) **clause 1** is amended by:
 - (i) amending the definition of "*depositholder*" to mean "*vendor*"; and
 - (ii) deleting from the definition of "*settlement cheque*" the words: "a building society, credit union or other FCA institution as defined in the Cheques Act 1986; or";
- (b) **clause 7.1.1** is replaced with:

"7.1.1 the total amount claimed exceeds 3% of the price;";
- (c) the first line of **clause 10.1** is replaced with:

"10.1 The purchaser cannot make a claim, *requisition*, delay completion, *rescind* or terminate in respect of:";
- (d) add further subclauses to **clause 10.1**:

"10.1.10 any environmental hazard in or contamination of the property; or;

10.1.11 any latent or patent defect in the property."
- (e) **clause 10.2** is amended by adding the words "make a claim, *requisition*, delay completion," before the word "*rescind*";
- (f) **clause 13** is deleted; and
- (g) **clauses 28** and **29** are deleted.

31 Interpretation

31.1 Definitions

In this document, unless expressed to the contrary:

completion means completion of this contract.

Completion date means the latest of the following dates:

- (a) twenty eight (28) days after the date of this contract;
- (b) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Subdivision* has been registered at the Department of Lands; and

- (c) fourteen (14) days from the date on which the *Developer's* solicitor notifies the *Council's* solicitor in writing that the *Plan of Consolidation* has been registered at the Department of Lands.

Council means the vendor as referred to in the cover page to this contract;

Council's Exchange Land means the land owned by the *Council* shown and referred to in the *Planning Agreement*, to be transferred to the *Developer* under this contract.

default rate means 10% per annum calculated on a daily basis;

Developer means the *purchaser* as referred to in the cover page to this contract.

Developer's Contributions has the same meaning as referred to in the *Planning Agreement*.

Developer's Contract means that contract facilitating the transfer of the *Developer's Exchange Land* pursuant to the *Planning Agreement*,

Developer's Exchange Land means the land owned by the *Developer* shown and referred to in the *Planning Agreement*, to be transferred to the *Council* under this contract.

Development Application DA/1313/2007 means the application for development as a defined term and as otherwise described in the *Planning Agreement*.

includes means includes without limitation.

Plan of Subdivision means the draft Plan attached to this contract as **attachment F** and lodged for registration at the Department of Lands as DP1142583.

Plan of Consolidation means the draft Plan and the draft Section 88B Instrument attached to this contract as **attachment G** including:

- (a) Lot 1 in the *Plan of Consolidation* will comprise:
- (i) Lots 37, 38 and 39 in DP5688;
 - (ii) Lot A in DP356808;
 - (iii) Lot 2 in DP529225;
 - (iv) Part Lot 41 in DP5688 having an area of 490.5m² shown as 10 on **attachment F**;
 - (v) Part Lot 422 in DP785216 having an area of 894.5m² shown as 12 on **attachment F**; and
 - (vi) Part Lot 421 in DP785216 having an area of 2382m² shown as 14 on **attachment F**.
- (b) Lot 2 in the *Plan of Consolidation* will comprise:
- (i) Lot 1 in DP206729;

- (ii) Part Lot 41 in DP5688 having an area of 206m² shown as 11 on **attachment F**;
- (iii) Lot 423 in DP785216;
- (iv) Lot B in DP416407;
- (v) Lot 1 in DP1135836;
- (vi) Lot 1 in DP1138514
- (vii) Part Lot 421 in DP785216 of area 165.1m² shown as 15 on **attachment F**; and
- (viii) Part Lot 422 in DP785216 having an area of 183.3m² shown as 13 **attachment F**.

Planning Agreement means the Agreement dated _____ between the *Council* and the *Developer* entered into by the parties for the purposes of *Development Application 1313/2007* and which sets out the *Developer's Contributions* to be provided by the *purchaser* and which are set out in that Agreement.

Sunset Date means the date which is twenty four (24) months after the date of exchange of this contract or such other date as is agreed by the *Council* and the *Developer* in writing.

31.2 **Construction**

Unless expressed to the contrary:

- (a) words in the singular include the plural and vice versa;
- (b) if a word or phrase is defined its other grammatical forms having corresponding meanings;
- (c) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, body corporate and a government or statutory body or authority;
 - (ii) a person includes its legal personal representatives, successors and assigns;
 - (iii) time is to local time in New South Wales;
 - (iv) "\$" or "dollars" is a reference to the lawful currency of Australia;
 - (v) this or any other document includes the document as varied or replaced and notwithstanding any change in the identity of the parties;
 - (vi) any thing (including any amount) is a reference to the whole or any part of it;
 - (vii) a group of things or persons is a reference to any one or more of them; and

- (viii) a day in this contract (other than a *business day*) means a day, whether or not a Saturday, Sunday, public or religious holiday; and
- (d) if a period of time is specified to start from a certain day, the period is to be calculated exclusive of that day.

31.3 **Inconsistency**

If there is any inconsistency between the printed clauses of this contract and these additional clauses, the additional clauses prevail to the extent of that inconsistency.

31.4 **Rules of construction**

No rule of construction will apply to disadvantage the vendor on the basis that the vendor puts forward this contract.

31.5 **Severability**

If a clause of this contract is illegal or unenforceable, it may be severed without affecting the enforceability of other clauses in this contract.

32 **Notice to complete**

32.1 **Reasonable time**

If a *party* is entitled to *serve* a notice to complete then 14 days will be a reasonable time to allow for completion in the notice.

32.2 **Withdrawal of notice to complete**

Each time a *party serves* a notice to complete they may:

- (a) at any time prior to its expiry, withdraw the notice by further notice to the other *party*, and
- (b) issue a further notice to complete.

33 **GST**

33.1 **Planning Agreement**

The parties agree that clause 31 of the *Planning Agreement* applies in relation to this contract and any transaction contemplated by this contract.

34 **Additional rights to rescind**

34.1 **For a body corporate**

If the purchaser (or, if more than one, any one of them) is a body corporate and:

- (a) an application is made to a court for an order, or an order is made, for it to be wound up;

- (b) any action is taken to appoint an external administrator in respect of it, or an external administrator is appointed; or
- (c) any proposal is made to take advantage of any law for the relief of debtors in adverse financial circumstances,

then the vendor may *rescind* this contract. **Clause 19.2.1** will not apply and the vendor may forfeit the deposit and any interest which has accrued on it.

34.2 For a natural person

If a *party* (or if the *party* consists of more than one person, one of them):

- (a) dies; or
- (b) becomes intellectually, physically or psychologically disabled so as, in the reasonable opinion of the other *party*, to be unable to complete this contract on time,

the other *party* may *rescind* this contract by notice to the *party's solicitor*.

35 Attachments

35.1 Documents attached on behalf of vendor

The purchaser acknowledges that any person attaching documents to this contract at the request of the vendor or the vendor's *solicitor* does so as the agent of the vendor.

35.2 No warranty

Subject to Part IV of the *Conveyancing Act 1919*, the vendor does not warrant the accuracy or completeness of the documents attached to this contract.

36 Encumbrances

If a caveat or mortgage is noted on the folio of the Register, the purchaser must accept, on completion a withdrawal of that caveat or discharge of that mortgage in registrable form so far as it relates to the property.

37 Notices

37.1 Deemed receipt

A document under or relating to this contract is taken to be *served*:

- (a) if *served* by prepaid post:
 - (i) within Australia, on the third *business day* after the day of posting;
or
 - (ii) in any other case, on the tenth *business day* after posting;
- (b) if *served* by facsimile, on transmission unless the sender is aware that the transmission is impaired; or

- (c) if served on a day which is not a *business day* or after 5.00 pm on a *business day*, on the next *business day*.

37.2 Address for service

A document under or relating to this contract is taken to be served if sent by certified post, fax or hand delivered to:

the vendor:

Address: City Solicitor
Lake Macquarie City Council
126-138 Main Road
SPEERS POINT NSW 2283
Attention: Grant Long
Fax: 4921 0345 (Attention: Grant Long)

the purchaser:

Address: Corrs Chambers Westgarth, Lawyers,
Level 32, Governor Phillip Tower, 1 Farrer Place,
Sydney NSW 2000
Attention: Christine Covington
Fax: (02) 9210-6611 (Attention: Christine Covington).

38 Vendor owns adjoining land

The purchaser cannot require the vendor to contribute to fencing work as defined in the *Dividing Fences Act 1991* (NSW) in relation to any land adjoining the property owned by the vendor.

39 Interdependent Contract

39.1 Completion conditional upon interdependent contract

- (a) The parties expressly acknowledge that completion of this contract is subject to and conditional upon the simultaneous completion of the *Developer's contract* for the land contained and comprised in the whole of Folio Identifiers 39/5688, A/356808 and that part of Lot 422 in Deposited Plan 785216 indicated by the number 12 on the *Plan of Subdivision* having an area of ~~894.3m²~~ ^{894.3m²} (*Interdependent Contract*).
- (b) The parties agree that should any condition of this contract or a breach of this contract occur that gives rise to a party's right to rescind or terminate this contract, such condition or breach shall also give rise to the right to rescind or terminate the *Interdependent Contract* and should such party exercise its right to rescind or terminate this contract it shall simultaneously rescind or terminate the *Interdependent Contract* as the case may be.

- (c) In the event that the *completion date* of this contract is extended for whatever reason, the *completion date* of the *Interdependent Contract* will also be extended and if the *completion date* of the *Interdependent Contract* is extended for whatever reason, the *completion date* in this contract is also extended to such date.

39.2 Termination of Planning Agreement

If the *Planning Agreement* is terminated under the provisions of clause 21(a)(i), (ii), (iii) or (v) of that document, unless the parties agree in writing to the contrary within ten (10) Business Days after termination of the *Planning Agreement*, then either party may by notice in writing to the other rescind this contract.

40 Plan of Subdivision and Plan of Consolidation

40.1 Preparation and lodgment of Plan of Subdivision and Plan of Consolidation

Subject to the provisions contained in this contract, *completion* of this contract is conditional on the *Developer* at its cost and expense arranging for the preparation, execution and lodgment for registration at the Department of Lands of the *Plan of Subdivision* and the *Plan of Consolidation*.

40.2 Titles in the name of the Council of the City of Lake Macquarie

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Council* as registered proprietor together with the titles set out in **clause 40.3**:

- (a) Lot 37 in DP5688;
- (b) Lot 38 in DP5688;
- (c) Lot 2 in DP529225;
- (d) Lot 41 in DP5688;
- (e) Lot 421 in DP785216; and
- (f) Lot 1 in DP1138514.

40.3 Titles in the name of Fabcot Pty Limited

The *Plan of Subdivision* and the *Plan of Consolidation* will be made up of the following titles in the name of the *Developer* as registered proprietor together with the titles set out in **clause 40.2**:

- (a) Lot 1 in DP206729;
- (b) Lot 39 in DP5688;
- (c) Lot A in DP356808;
- (d) Lot 422 in DP785216;
- (e) Lot 423 in DP785216;

- (f) Lot B in DP416407; and
- (g) Lot 1 in DP1135836.

40.4 Council to produce

The *Council* will arrange for the production of the title deeds set out in **clause 40.2** at the Department of Lands within seven (7) days of a written request by the *Developer* or its lawyers to do so. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Developer's* lawyers.

40.5 Fabcot Pty Limited to produce

The *Developer* will arrange for the production of the title deeds set out in **clause 40.3** at the Department of Lands at approximately the same time as the title deeds set out in **clause 40.4**. The production slip for each title must indicate that the title is being produced for the purposes of lodgment of a *Plan of Subdivision* and a *Plan of Consolidation* and a copy of each production slip must be forwarded to the *Council's* lawyers.

40.6 Council's and Developer's obligations

The *Council* and the *Developer* must use their best endeavours to carry out their respective obligations as required by this **clause 40** including compliance with any requisitions raised by the Department of Lands within seven (7) days of a written request for such compliance.

40.7 Dual entitlement

On registration of the *Plan of Subdivision* and the *Plan of Consolidation*, it is likely that the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* will issue in the joint names of the *Council* and the *Developer* and will remain in the dual entitlement press of the Department of Lands.

40.8 No title deeds at completion

If the certificates of title for Lots 1 and 2 in the *Plan of Consolidation* remain in the dual entitlement press of the Department of Lands, the *Council* and the *Developer* acknowledge that the title deed for Lot 2 in the *Plan of Consolidation* will not be available at completion of this contract.

40.9 Letter of authority

On completion of this contract, the *Council* and the party which produced the title deeds in accordance with **clause 40.2** will provide to the *Developer* a letter addressed to the Department of Lands authorising and directing delivery to the *Developer* of the title deed for Lot 2 in the *Plan of Consolidation* so that the transfer contemplated by this contract can be lodged for registration.

40.10 Essential term

Compliance with **clause 40.9** is an essential term of this contract and the *Developer* need not complete this contract unless the letters in the terms set out in **clause 40.9** are handed to the *Developer*.

40.11 **Sunset date**

If registration of the, *Plan of Subdivision* and registration of the *Plan of Consolidation* have not taken place by the *Sunset Date* then either party may rescind this contract by notice in writing to the other party.

40.12 **Rescission**

In the event this contract and the *Interdependent Contract* are validly rescinded after registration of the *Plan of Subdivision* and/or the *Plan of Consolidation*:

- (a) the *Council* and the *Developer* agree that title to the following lands will revert to the *Council*:
 - (i) Lot 41 in Deposited Plan 5688;
 - (ii) Lot 421 in Deposited Plan 785216; and
 - (iii) Lot 1 in DP1138514;
- (b) neither party will be entitled to make any claim against the other arising out of rescission of this contract or the *Interdependent Contract*; and;
- (c) both parties must, at their own cost, diligently do all things necessary including executing instruments, producing and delivering titles, obtaining all necessary consents and approvals as may be required to give effect to **clause 40.12(a)**.

40.13 **Notification**

The *Developer's* (purchaser's) solicitor shall notify the *Council's* (vendor's) solicitor in writing of the registration of the *Plan of Subdivision* and of the registration of the *Plan of Consolidation* as soon as it or the *Developer* is advised of such by the Department of Lands.

41 **Price**

41.1 **Calculation of Price**

The Price for the purchase of the Land to be paid by the *Developer* is the sale and transfer of the land referred to in the *Interdependent Contract* namely:

- (a) Lot 39 in Deposited Plan 5688;
- (b) Lot A in Deposited Plan 356808; and
- (c) Lot 12 in the *Plan of Subdivision*.

WARNING

SMOKE ALARMS

The owners of certain types of buildings and strata lots must have smoke alarms (or in certain cases heat alarms) installed in the building or lot in accordance with regulations under the *Environmental Planning and Assessment Act 1979*. It is an offence not to comply. It is also an offence to remove or interfere with a smoke alarm or heat alarm. Penalties apply.

EXECUTIONS

THE COMMON SEAL of COUNCIL OF)
THE CITY OF LAKE MACQUARIE)
was hereunto affixed pursuant to a
resolution made on _____ day of

.....
.....
General Manager

.....
.....
Mayor

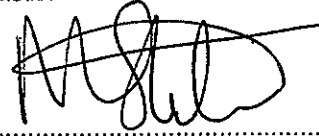
Executed by **FABCOT PTY LIMITED**
pursuant to Section 127 Corporations
Act 2001


.....
Company Secretary/Director

.....
Name of Company Secretary/Director
(print)

MARIA LIU
1 Woolworths Way
Bella Vista NSW 2153

Signed by..... **Fabcot Pty Limited**
by its Attorney **MARK HADRIAN STUDD**
pursuant to Power of Attorney registered..... **Book 4506 No. 74**
who has no notice of revocation of the said Power of
Attorney.


.....
Director

.....
Name of Director (print)

**SCHEDULE 1
ATTACHMENTS**

(Some documents are required by *legislation*)

Documents	Attachment
Property certificates for the land – Folio Identifiers 41/5688, 421/785216 and 1/1138514	A
Deposited Plans 5688, 785216 and 1138514	B
Dealings A243505, 644130, 644131, A199161, A649739	C
Section 149(2) & (5) certificates (x 3)	D
Sewer reference sheets (x 2)	E
<i>Plan of Subdivision</i>	F
<i>Plan of Consolidation and Section 88B Instrument</i>	G

Attachment A

Property Certificates

8

8

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 41/5688

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	-	-

VOL 14266 FOL 161 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 41 IN DEPOSITED PLAN 5688
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP5688

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF LAKE MACQUARIE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A243505 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO MINE

NOTATIONS

UNREGISTERED DEALINGS: DP1142583.

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
Warning: The information appearing under notations has not been formally recorded in the register.

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



Vol. 14266 Fol. 161

Crown Grant Vol. 483 Fol. 21

Prior Titles Vol. 7868 Fols. 64 & 65



EDITION ISSUED

7 11 1988

I certify that I am the registered proprietor of the undermentioned estate in the land within described subject to the provisions of the Real Property Act, 1900 and the provisions of the Second Schedule.

B130

/Req: C046905
/Doc: CT 14266-161
/Prt: 16-Sep-2008

CANCELLED

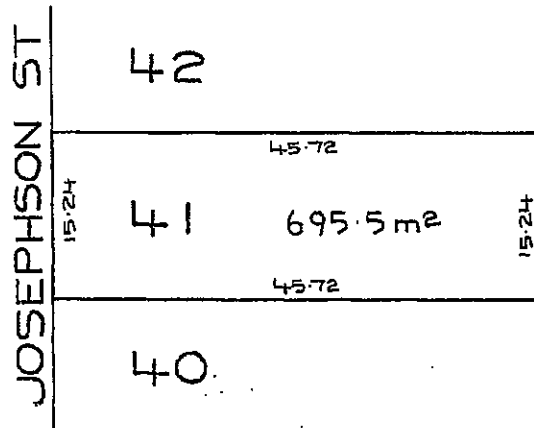
Registrar General.



PLAN 5688 DEPOSITION OF LAND

LENGTHS ARE IN METRES

SEE AUTO FOLIO



S 72954

REDUCTION RATIO 1:500

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 41 in Deposited Plan 5688 in the Municipality of Lake Macquarie Parish of Wallarah County of Northumberland. EXCEPTING THEREOUT the minerals reserved by the Crown grant and the mines and minerals excepted by Transfer A243505.

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF LAKE MACQUARIE.

SECOND SCHEDULE

- 1. Reservations and conditions, if any, contained in the Crown grant above referred to.
- 2. A243505 Rights to mine.

GRY

XE

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT		REGISTERED	Signature of Registrar General
	NATURE	NUMBER		
<p>CANCELLED</p> <p>SEE AUTO FOLIO</p>				

SECOND SCHEDULE (continued)

PARTICULARS	REGISTERED	Signature of Registrar General	CANCELLATION

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 421/785216

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	3	11/2/2009

LAND

LOT 421 IN DEPOSITED PLAN 785216
AT SWANSEA
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP785216

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LAKE MACQUARIE

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS BY NO 644130, NO 644131 AND A199161 AFFECTING PART OF THE LAND SHOWN IN TITLE DIAGRAM
- 3 RIGHT TO MINE-SEE A649739 AFFECTING PART OF THE LAND SHOWN IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: DP1142583.

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.
Warning: The information appearing under notations has not been formally recorded in the register.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1138514

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2009	4:25 PM	1	1/9/2009

LAND

LOT 1 IN DEPOSITED PLAN 1138514
AT SWANSEA
LOCAL GOVERNMENT AREA LAKE MACQUARIE
PARISH OF WALLARAH COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP1138514

FIRST SCHEDULE

LAKE MACQUARIE CITY COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS - SEE SECTION 171 CROWN LANDS ACT 1989

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

MJJ 9041641

PRINTED ON 5/11/2009

Espreon hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B(2) of the Real Property Act, 1900.

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title.

Warning: The information appearing under notations has not been formally recorded in the register.

Attachment B

Deposited Plans

8

8

S. LAKE MACQUARIE

PLAN

DP5 688

5688

6

showing Subdivision of part of Portion 2
SHIRE OF LAKE MACQUARIE

Parish of Wallarah County of Northumberland

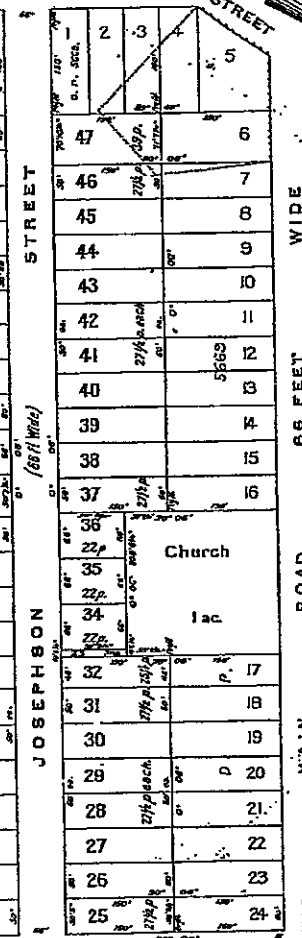
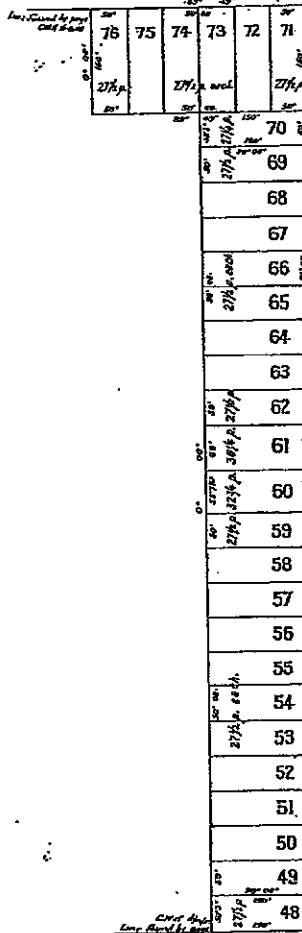
Scale: 100 ft to an Inch.

LAKE MACQUARIE

BELMONT (66ft Wide) ST

CHANNEL (Variable width)

STREET



WIDE ROAD 66 FEET MAIN ROAD

ROAD 66 FEET WIDE

CONVERSION TABLE ADDED BY REGISTRAR GENERAL'S DEPARTMENT

FEET	METRES
10	3.048
20	6.096
30	9.144
40	12.192
50	15.240
60	18.288
70	21.336
80	24.384
90	27.432
100	30.480
110	33.528
120	36.576
130	39.624
140	42.672
150	45.720
160	48.768
170	51.816
180	54.864
190	57.912
200	60.960
210	64.008
220	67.056
230	70.104
240	73.152
250	76.200
260	79.248
270	82.296
280	85.344
290	88.392
300	91.440
310	94.488
320	97.536
330	100.584
340	103.632
350	106.680
360	109.728
370	112.776
380	115.824
390	118.872
400	121.920
410	124.968
420	128.016
430	131.064
440	134.112
450	137.160
460	140.208
470	143.256
480	146.304
490	149.352
500	152.400
510	155.448
520	158.496
530	161.544
540	164.592
550	167.640
560	170.688
570	173.736
580	176.784
590	179.832
600	182.880
610	185.928
620	188.976
630	192.024
640	195.072
650	198.120
660	201.168
670	204.216
680	207.264
690	210.312
700	213.360
710	216.408
720	219.456
730	222.504
740	225.552
750	228.600
760	231.648
770	234.696
780	237.744
790	240.792
800	243.840
810	246.888
820	249.936
830	252.984
840	256.032
850	259.080
860	262.128
870	265.176
880	268.224
890	271.272
900	274.320
910	277.368
920	280.416
930	283.464
940	286.512
950	289.560
960	292.608
970	295.656
980	298.704
990	301.752
1000	304.800

DECLARATION
I Charles William King King of NORTHAMPTON, do hereby solemnly and sincerely declare that the boundaries and measurements shown on this Plan are correct for the purposes of the said Act, and that the said Plan and the survey of the land to which the same relate, have been prepared and made by me, or under my business supervision, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the said Act 1900.

Signed and sealed before me as Registrar General
this 7 day of September A.D. 1900

Registrar General

Approved Map of the Parish of Wallarah


I, Bruce Richard Deane, Registrar General for the South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 11th day of September, 1979

OFFICE USE ONLY

DP 785216

Project: PA 28-3-1989
 THIS IS PART 2 of my plan as shown
 dated 24th MARCH, 1988.
 P. Thompson

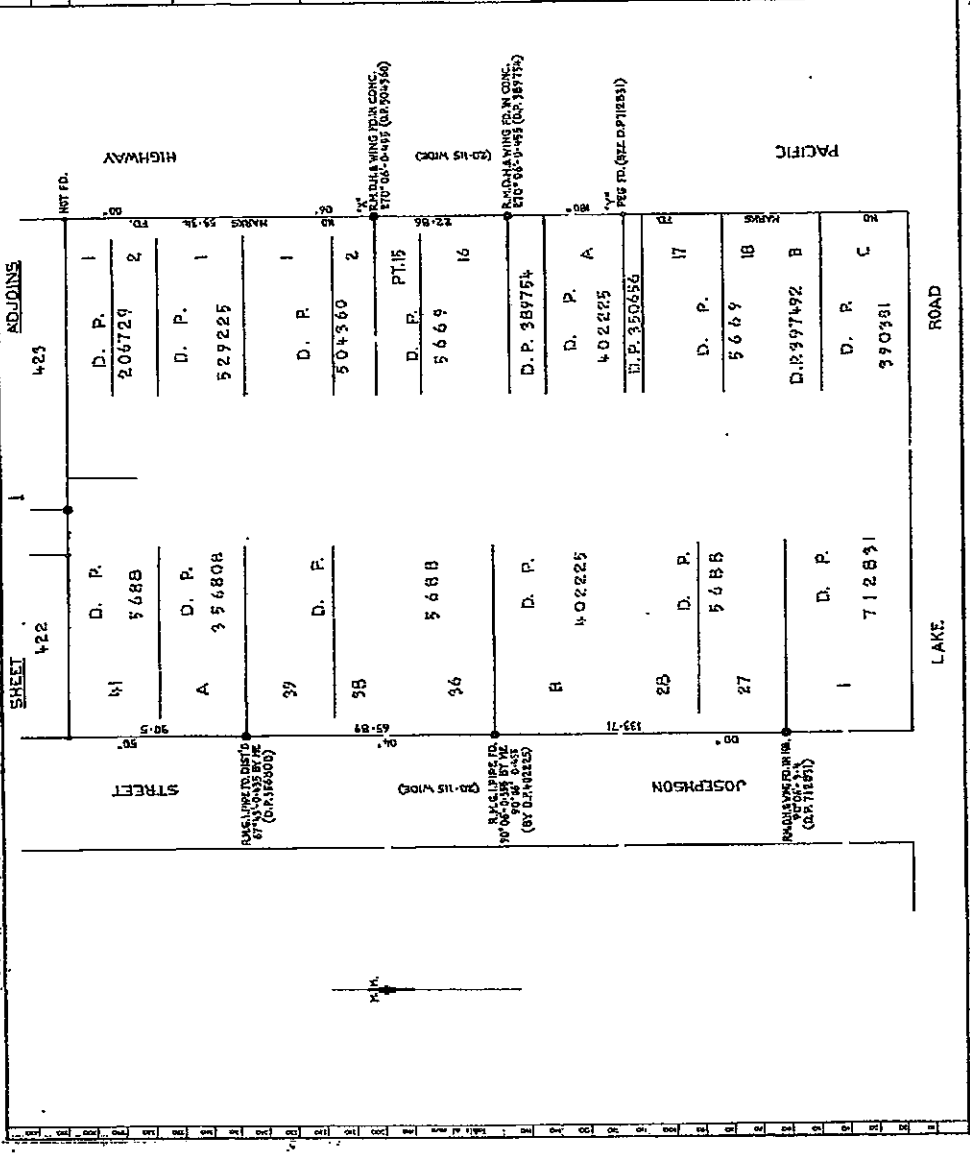
Surveyor registered under Surveyors Act 1958.
 The above is a true and correct copy of
 the original plan as shown to me on
 27th AUGUST, 1988.

Signature of the Surveyor
 David Clark


Revision Rule 1:500
 Length and Perimeter
 SURVEYORS REFERENCE (1983/1987)

PLAN FORM 3 To be used in conjunction with Plan Form 2

WARNING: CREATING OR FOLDING WILL LEAD TO REJECTION



Plan Drawing only to appear in this space

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 28th March, 1989.

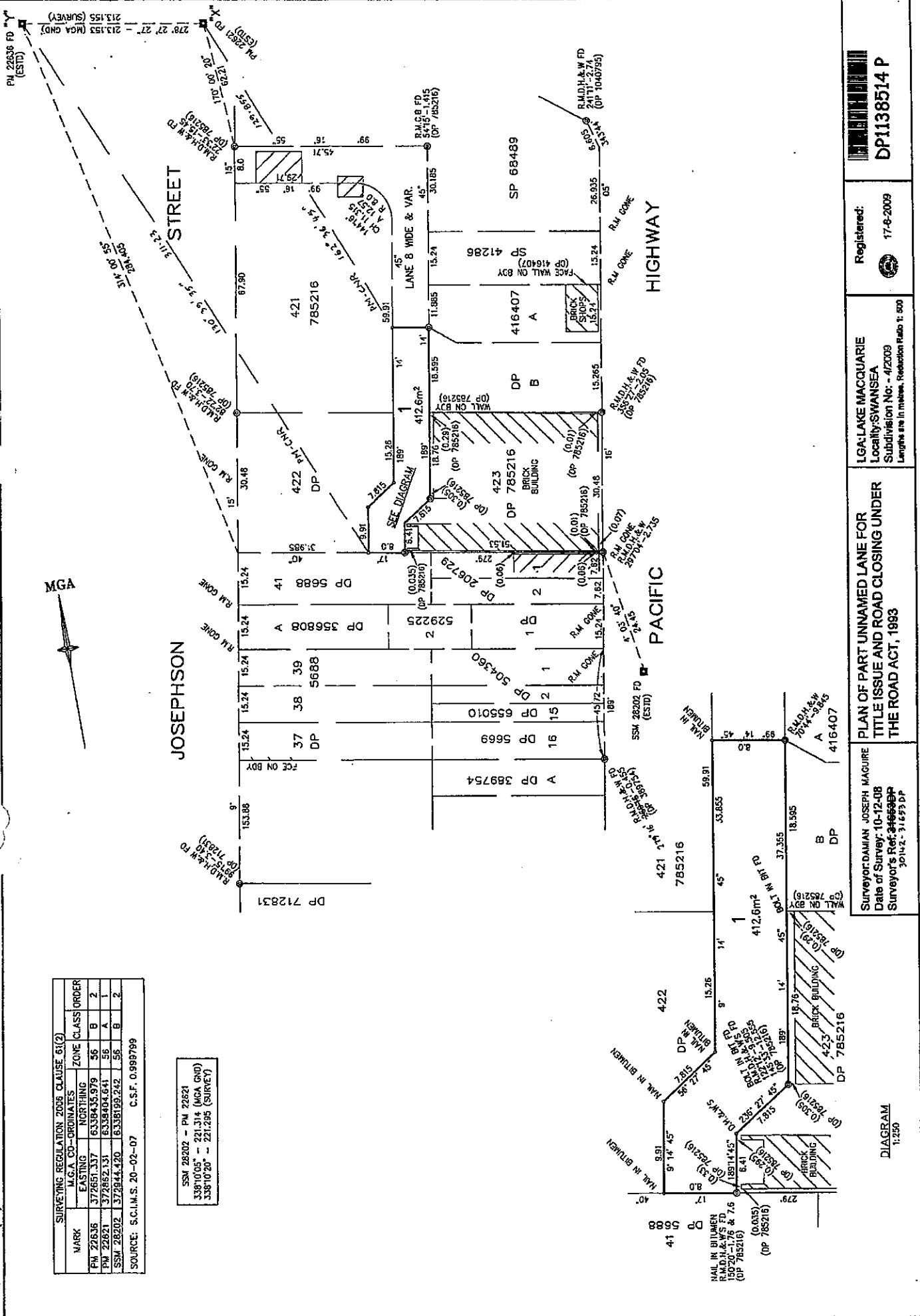
10 20 30 40 50 60 70 Table of mm 110 120 130 140

2

SURVEYING REGULATION 2005 CLAUSE 61(2)			
MARK	M.G.A. CO-ORDINATES		ZONE CLASS ORDER
	EASTING	NORTHING	
PM 22636	372857.337	633843.5979	56 B 2
PM 22621	372852.131	6338404.641	55 A 1
SSM 28202	372844.420	6338199.242	55 B 2

SOURCE: S.C.I.M.S. 20-02-07 C.S.F. 0.999799

SSM 28202 - PM 22621
 33971005 - 221.214 (MGA GND)
 3387020 - 221.295 (SURVEY)



Registered:
 17-6-2009
 DP1138514 P

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No.: 4/2009
 Lengths are in metres, Reduction Ratio 1: 500

PLAN OF PART UNNAMED LANE FOR
 TITLE ISSUE AND ROAD CLOSING UNDER
 THE ROAD ACT, 1983

Surveyor: DAMIAN JOSEPH MAGUIRE
 Date of Survey: 10-12-08
 Surveyor's Ref: 24653BP
 30142-31623 DP

DIAGRAM
 1:250

DEPOSITED PLAN ADMINISTRATION SHEET Sheet 1 of 1 sheet(s)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.



DP1138514 S

Registered: 17-6-2009
 Title System: TORRENS
 Purpose: ROADS ACT, 1993

PLAN OF PART UNNAMED LANE FOR TITLE ISSUE AND ROAD CLOSURE UNDER THE ROADS ACT 1993

THE COMMON SEAL of the COUNCIL of the CITY of LAKE MACQUARIE was hereto affixed in pursuance of a Council Resolution passed on ___ day of _____, 20__

MAYOR *Brian Piper*

 GENERAL MANAGER *Brian Bell*

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Parish: WALLARAH
 County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN JOSEPH MAGUIRE of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE NSW 1675 a surveyor registered under the *Surveying Act, 2002*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveying Regulation, 2006* and was completed on: 10/12/08

The survey relates to LOT 1

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature: Dated: 10-12-08
 Surveyor registered under the *Surveying Act, 2002*

Datum Line: 'X' - 'Y'
 Type: Urban/Rural

Plans used in the preparation of survey/compilation

DP5688	DP1040798
DP206729	DP416407
DP356808	DP785216
DP712831	
DP389754	

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-31653 DP

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

DEPARTMENT OF LANDS APPROVAL

I, SAMUEL FALLICO in approving this plan certify (Authorised Officer)

that all necessary approvals in regard to all allocation of the land shown hereon has been given

Signature:
 Date: 9 March 2009
 File Number: 07/1124
 Office: MAITLAND

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed subdivision set out herein (insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: Lake Macquarie City Council
 Date of Endorsement: 19 February 2009
 Accreditation no: _____
 Subdivision Certificate no: 4/2009
 File no: DA/2116/2008

* Delete whichever is inapplicable.

* OFFICE USE ONLY

Attachment C

Dealings

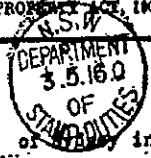
REC'D 5-MAY 15 6 3 1918
New South Wales, 2821

MEMORANDUM OF TRANSFER

MAY 18 1918 2210

PROPERTY ACT, (1900.)

A243505



SEE SIMPLER

Name, residence, occupation, or other designation, in full, of transferee.

J. ARTHUR WIGRAM ALLEN of New South Wales Solicitor

A243505

- b If a lease estate, strike out "in fee simple" and interline the required alteration.
- c All existing encumbrances must be noted hereon. (See page 2.)
- d If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of £ TWENTY ONE POUNDS TEN SHILLINGS (£ 21;10:0)

Name, residence, occupation, or other designation, in full, of transferee.

paid to me by MICHAEL HOPE of Wallsend in the said State Farmer

If a minor, state of what age, and forward certificate of discharge up to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Michael Hope

Area in acres, rods, or perches.

All my Estate and Interest, as such registered proprietor, in that piece of land containing

Parish or town and county.

situate in The Parish of Wallarah County of Northumberland

"The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

"Crown grant," or "Certificate of Title."

dated 25th January 1912 registered volume No. 2222 folio 84

Strike out if not appropriate.

and being Laid on Deposited Plan No. 5688.

These references will suffice, if they refer to the land in the certificate transferred.

And also in the block of land as follows:

But if a part only of a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient, a description or plan will be required and may be either enclosed in this transfer or annexed thereto, with an explanatory note. As stipulated in the "plan" section for "surveyed" blocks of "described as follows," etc.

RESERVING nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the original Grant (including coal) in or under the land hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the land hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.

Any structure must be signed by the parties and their signatures witnessed. There also should be set forth any right of way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

[Rule up all blanks before signing.]

Any provision in a bill of sale, or instrument, of the contents implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Price, 6d.]

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "a," page 1
A very short note of
the particulars will
suffice.

RESERVATION as in Crown Grant mentioned.

[Rule up all blanks before signing.]

If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, or J.P., or Commissioner for A.M. & V.L., to whom the Transferor is known, no further authentication is required. Otherwise the attesting witness must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at *Spencey*
the *twelfth* day of *April* in the year
of our Lord one thousand nine hundred and *twelve*

Signed in my presence by the said
ARTHUR WIGRAM ALLAN
WHO IS PERSONALLY KNOWN TO ME

Arthur Wigram Allan
Transferor.

Signed *Frank to Allen Allen & Henley*
Solicitors Spencey

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special ceremony by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

Michael Hope
MICHAEL HOPE

WHO IS PERSONALLY KNOWN TO ME

By Paul
Clerk to Mayor Hobbs
Police No. Newcastle

Anthony Castro
Transferee

Deloitte & Touche
whose signature cannot be procured without difficulty
and delay

FORM OF DECLARATION BY ATTESTING WITNESS

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the same purporting to be such signature of the said

in his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- 1 May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- 2 Not required if the instrument itself bears the acknowledgment before one of these parties.
- 3 Name of witness and residence.
- 4 Name of Transferee.
- 5 Name of Transferee.

Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

No. **A243505** Memorandum of Transfer of

*Lot 41.D.P. 5688,
 Shine Lake Macquarie
 Psh. Wallarah*

Receiving Mines & Minerals

A. W. Allen

Transferor

Michael Hope

Transferee

Particulars entered in the Register Book, Vol. **2222**

Folio **84**

the **13th** day of **May**, 19**16**,
 at **10** o'clock
 in the **fore** noon.



	DATE	INITIALS
SENT TO SURVEY BRANCH	MAY 13 AM	AK
REMOVED FROM RECORDS	MAY 15 PM	AK
DRAFT WRITTEN	MAY 17 1916	AK
DRAFT EXAMINED	MAY 17 1916	AK
DRAFT COMPLETE	MAY 17 1916	AK
DRAFT EXAMINED	MAY 17 1916	AK
DRAFT FORWARDED		
SENT TO RECORDS		
RETURNED FROM RECORDS		
CERTIFICATE ENGROSSED		
SECT. OF ENGROSSERS	MAY 1916	AK
DEP. REGISTRAR GENERAL	23 MAY 1916	AK

2666 EDI 240

Lodged by
 (Name) **BRAY & COHEN**
 (Address) **NEWCASTLE**
By Buchanan & Co

SPECIAL ATTENTION IS DRAWN TO THE FOLLOWING INFORMATION:-
 No Transfer can be registered until the fees are paid.
 If a part only of the land is transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee, but no more than one person, if it be intended to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or until 1920, after which time it will be cancelled.
 Duplicate of the following Certificate. This will be required for each additional Certificate.
 Transfer to woman must receive separate Certificate. She will be required to be examined for the transfer. By the Amendment Act of 1917, the fee hereof is not required to take out a new Certificate of Title if the land is transferred, and he may have the original Certificate returned to him, with a receipt of his transfer returned hereto, at a cost of the fee.
 The Transfer is complete from the moment it is recorded.
 Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon application called before a Magistrate.

REC'D 5-MAY 1916 3.4.16

5/ New South Wales.

644130



MEMORANDUM OF TRANSFER.

(REAL PROPERTY ACT, 1900.)

RECEIVED 12 NOV 1912
N. S. W. DEPARTMENT
21.11.1911 G - 6
STAMP DUTY

Fees:

Transfer
Endorsement
Certificate

FEE SIMPLE

23/11/11

a Name, residence, occupation, or other designation, in full, of Transferor.

I, Arthur Wigram Allen, of Sydney, Solicitor

8 DEC 1911 4 1/2

b If a less estate, strike out "in fee simple," and interline the required alteration.
c All subsisting encumbrances must be noted hereon. (See page 2.)
d If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an "Estate in fee simple" in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of Twenty seven pounds

(£27.0.0)

e Name, residence, occupation, or other designation, in full, of transferee.

paid to me by Mary Ann Nord the wife of William James Nord of Lake Macquarie Miner

If a minor, state of what age, and forward certificate or Declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Mary Ann Nord for her separate use

g Area, in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

h Parish or town and county.

situate in the Parish of Wallarah County of Northumberland

i "The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

j "Crown Grant" or "Certificate of Title."

dated 13th May 1885 registered volume No. 740 folio 234

k Strike out if not appropriate.

These references will suffice, if the whole land in the grant or certificate is transferred.

And also in the pieces of land as follows: and being Lot 45 (Forty five) on Deposited Plan Number 5688

But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix:— "as delineated in the plan hereon [or "annexed hereto"] or "described as follows, viz:—"

Any annexure must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

Any provision in addition to, or modification of, the contents implied by the Act, may also be inserted.

[Rule up all blanks before signing.]

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signatures or initials in the margin, or noticed in the attestation.

[Price, 6d.]

How being part of a memorandum in Certificate of Title, Vol. 2222, Fol. 84

P. 12

20 570
94512

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p See note "c," page 1.
A very short note of
the particulars will
 suffice.

Reserving nevertheless to the Transferor and his heirs and assigns
all mines and minerals not included in the reservation in the
original grant (including coal) in or under the lands hereby
transferred and also in and under all sheds roads lanes or ways
laid out by the Transferor or his predecessors in title in the vicinity
of the said land hereby transferred with liberty for the Transferor his
heirs and assigns from the adjoining lands or otherwise to work for
mine and carry away all such minerals (including coal) and also
reserving to the Transferor his heirs and assigns the right to work
any other lands through the land hereby transferred and to carry under
the lands hereby transferred and in and under the said sheds roads
lanes or ways (including coal) gotten from such other lands

Memorandum of Encumbrances referred to

Reservations as contained in the original Conveyance

Transferor *[Signature]*

[Rule up all blanks before signing.]

21 If this instrument be
signed or acknowledged
before the Registrar-
General or Deputy
Registrar-General, or
a Notary Public, a
J.E., or Commissioner
for Affidavits, to whom
the Transferor is
known, no further
authentication is
required. Otherwise
the attesting witness
must appear before
one of the above
functionaries to make
a declaration in the
 annexed form.

This applies only to
instruments signed
within the State.

If the parties be
resident without the
State, but in any
British Possession, the
instrument must be
signed, acknowledged
before the Registrar-
General or Recorder of
Titles of such
Possession, or before
any Justice, Notary
Public, Governor,
Government Resident,
or Chief Secretary of
such Possession. If
resident in the
United Kingdom, then
before the Mayor or
Chief Officer of any
Corporation, or a
Notary Public. And if
resident at any foreign
place, then before the
British Consul
Officer at such place.

If the Transferor or
Transferee signs by a
mark, the attestation
must state "that the
instrument was read
"over and explained to
"him, and that he
"appeared fully to un-
"derstand the same."

22 Repeat attestation for
additional parties if
required.

21 2121

In witness whereof, I have hereunto subscribed my name, at Sydney
the *third* day of *November* in the year
of our Lord one thousand nine hundred and *eleven*

Signed in my presence by the said

Arthur William Allen

WHO IS PERSONALLY KNOWN TO ME

Fred W. Powell

Signed

Charles F. Allen Allen & Hemley
Solicitors Sydney

[Signature]
Transferor.*

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contain some special covenant by the Transferee, his signature will be dispensed with in case where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or impersonation, and for this reason it is essential that the signature should, if possible, be obtained.

*Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

Mary Ann Ford

WHO IS PERSONALLY KNOWN TO ME

Albert Johnson

Black

Walters

Mary Ann Ford
Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.¹

Appeared before me, at

, the

day of

, one thousand nine hundred and

the attesting witness to this instrument, and declared that he personally knew

the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said^t

is his own handwriting, and that he was of

sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- r Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferee.
- t Name of Transferee.

¹ Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

No. 644230 Memorandum of Transfer of

Lot 445. DP. 5688
Sh. Lake Macquarie
Pk Wallarah
Co Northumb'd

Lodged by Bruce Hobbs
Solicitor

(Name)

(Address)

By

B Keith Cohen
Solicitor

44 Moore Street
Sydney

Reservation of Mines & Minerals

A. W. Allen

Transferor

Mary Ann Wood

Transferee

Particulars entered in the Register Book, Vol. 2222

Folio 84

the 10th day of February, 1912

at _____ minutes _____ o'clock

the _____ noon.

B. Keith Cohen
Registrar General



	DATE.	INITIALS.
SENT TO DRAFTING BRANCH	FEB 23 1912	CB
RECEIVED FROM RECORDS	23.2.12	CB
DRAFT WRITTEN	26.2.12	
DRAFT EXAMINED	26-	
REQD. TO RECORDS		
REQUISITE REGISTR.		
DRAFT FORWARDED		
RETURNED FROM RECORDS		
CERTIFICATE ENCROSSED		
DIAGRAM COMPLETE		
CERTIFICATE EXAMINED	MAR 4 1912	J.
ACCOUNTANT	12.3.12	W.M.
DEP. REGISTRAR GENERAL	15 MAR 1912	J.P.

VOL. 2234 171

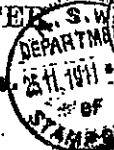
37827

Act South Wales.

644131

MEMORANDUM OF TRANSFER

REAL PROPERTY ACT, 1900.



11 DEC 1911 4 P.M.

SEE SIMPLER

Name, residence, occupation, or other designation, in full, of Transferor

I, Arthur Hygram Allen of Sydney in the State of New South Wales Solicitor

If a fee estate, strikes out "in fee simple," and interline the required alteration.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum

All subsisting encumbrances must be noted hereon. (See page 2.)

underwritten or endorsed hereon, in consideration of Twenty seven pounds

If the consideration be not pecuniary, state its nature concisely.

(£27 0-0)

Name, residence, occupation, or other designation in full, of transferee.

paid to me by Daniel Cain of Swansea in the said State Swansea

If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said Daniel Cain

Area, in acres, rods, or perches.

ALL my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

Parish or town and county.

situate in the Parish of Ballarah and County of Northumberland land

"The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

"Crown Grants" or "Certificates of Title."

dated 13th May 1885 registered volume No. 740 folio 234

Strikes out if not appropriate.

These references will suffice, if the whole land in the grant of certificate be transferred.

But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix.

"as defined in the 'Act hereon' or 'inserted hereon' or 'described as follows,' etc."

Any signature must be signed by the parties and their

attestations witness etc. It is also should be set forth any right, way or easement or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

Any provision in a condition, or modification of the covenant, implied by the Act, may also be inserted.

and also in the pieces of land as follows: *Jeffrey's* and being Lot Number 46 as shown in Deponent's Plan of 5688.

Reserving nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the Original grant (including coal) in or under the lands hereby transferred and also in and under all streets, roads, lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred, with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the lands hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.

[Rule up all blanks before signing.]

The form when filled in should be ruled up so that no erasures are possible. No alteration should be made by erasure. Devises suggested should be worked through with the pen, and those rubricated written over them, the attention being called by signature or initials in the margin, or noted in the attestation.

[Printed Ed.]

576C

Now being part of land comprised in Certificate of Title, Vol. 2222, Fol. 24

2007/6

94

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

p See note "c," page 1.
A very short note of
the particulars will
suffice.

Reservations as contained in the original Encumbrance

[Rule up all blanks before signing.]

10 If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the ATTESTING WITNESSES must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed and acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he approved fully to understand the same."

11 Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at *Sydney*
the *Twenty Third* day of *November* in the year
of our Lord one thousand nine hundred and *Eleven*.

Signed in my presence by the said

Arthur Digram Allen

WHO IS PERSONALLY KNOWN TO ME

Lieut. H. Powell

Signed

Clarks to Allen, Allen & Hemmley
Solicitors Sydney

[Signature]

Transferor.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or persecution, and for this reason it is essential that the signature should, if possible, be obtained.

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the said

Daniel Cairn
 WHO IS PERSONALLY KNOWN TO ME
Perjury

Daniel Cairn
 Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "c" in margin.)
 N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, the damages recoverable by parties injured.

Robert Arthur James
John W. ...

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me, at _____, the

day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said _____ is his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- a Name of Transferee.
- b Name of Transferee.

* Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

Transferee
Endorsment
Certificate



MEMORANDUM OF TRANSFER

9 SEP 1915 4 P.M.

REAL PROPERTY ACT 1900
DEPARTMENT OF STAMP DUTIES
3 9 15 K
OF STAMP DUTIES

A 199161



SEE SAMPLE

6-9-15

a Name, residence, occupation, or other designation, as that of transferor.

I, ARTHUR WIGRAM ALLEN of Sydney in the State of New South Wales Solicitor

A 199161

b If a less estate, strike out "in fee simple," and insert the required alteration.

being registered as the proprietor of an Estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of SEVENTY POUNDS

c All subsisting encumbrances must be noted hereon. (See page 2.)

(£ 70:0:0)

d If the consideration be not pecuniary, state its nature concisely.

e Name, residence, occupation, or other designation, as that of transferee.

paid to me by ANNIE McAULIFFE Wife of Richard McAuliffe of Newcastle in the said State Livery Stables Proprietor

If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

f If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said ANNIE McAuliffe

g Area in acres, rods, or perches.

All my Estate and Interest, as such registered proprietor, in ALL THAT piece of land containing

h Parish or town and county.

situate in Parish of Wallarah, County of Northumberland

i "The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

j "Crown grant," or "Certificate of Title."

dated 25th January 1912 registered volume No. 2222 folio 84 and being Lot 47 on Deposited Plan No. 5685

k Strike out if not appropriate.

Land also on the pieces of land as follows

These references will suffice, if the whole land in the grant or certificate is transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required, and may be either embodied in this transfer or annexed thereto, with an explanatory prefix: "as delineated in the plan hereon for annexed hereto" or "described as follows, viz."

Reserving nevertheless to the Transferor and his heirs and assigns all mines and minerals not included in the reservation in the original Grant (including coal) in or under the lands hereby transferred and also in and under all streets roads lanes or ways laid out by the Transferor or his predecessors in title in the vicinity of the said land hereby transferred with liberty for the Transferor his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such minerals (including coal) and also reserving to the Transferor his heirs and assigns the right to work any other lands through the land hereby transferred and to carry under the land hereby transferred and in and under the said streets roads lanes or ways all minerals (including coal) gotten from such other lands.

Any signature must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

[Rule up all blanks before signing.]

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noted in the attestation.

[Price, 8d.]

Me.

MEMORANDUM OF ENCUMBRANCES, &c., REFERRED TO.

See note "c," page 1.
A very short note of
the particulars will
suffice.

Reservation as in the Crown Grant mentioned.

[Rule up all blanks before signing.]

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferrer is known, no further authentication is required. Otherwise the ATTESTING WITNESS must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.

If the Transferrer or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at *Sydney* the *thirty first* day of *August* in the year of our Lord one thousand nine hundred and *Fifteen*

Signed in my presence by the said

ARTHUR WIGRAM ALLEN
WHO IS PERSONALLY KNOWN TO ME

Fred McPherson

Signed *Clerk to Allen, Allen & McPherson Solicitors Sydney*

Arthur Wigram Allen
Transferrer.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

correct for the purposes of the Real Property Act.

For the signature of the Transferor hereto an ordinary attestation is sufficient. Unless the instrument contain some special covenant by the Transferor, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said

ANNIE MCAULIFFE

WHO IS PERSONALLY KNOWN TO ME

A Baillie
Clarks to Prager Cohen
Solicitors,
Newcastle

Annie M McAuliffe
Transferee.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "a" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £30; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at *Newcastle*, the
day of *September*, one thousand nine hundred and *fifteen*
the attesting witness to this instrument, and declared that he personally knew
Arthur Baillie
Annie McAuliffe
the person signing the same, and whose signature thereto he has attested; and that the
Arthur Baillie name purporting to be such signature of the said *Annie*
Annie McAuliffe is his own handwriting, and that he was of
sound mind, and freely and voluntarily signed the same.

- 1. May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- 2. Name of witness and residence.
- 3. Name of Transferor.
- 4. Name of Transferee.

James D. Rennie
A Commissioner for affidavits

No. **A199161** Memorandum of Transfer of

31177

Lot 47
D.P. 56.88
Part of Lake Agassiz
Per Wallarah
Co. Northumberland
(Remaining Acre & Minerals)

Lodged by
(Name) *Prange & Co. Ltd.*
(Address) *Newcastle*
By: B. Keith Cohen & Walker
Solicitors
17 Moore St
Lydney

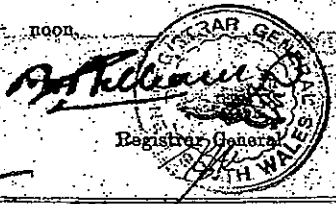
A. H. Allen Transferor
Annie McAuliffe Transferee

Particulars entered in the Register Book, Vol. *222*

Folio *824*

the *9th* day of *September*, 19*15*
at _____ minutes of _____ o'clock
in the *4th* noon

822 199111



App 56.88

	DATE	INITIALS
SENT TO SURVEY BRANCH	SEP 14 1915	[Signature]
RECEIVED FROM RECORDS	SEP 15 AM 1915	[Signature]
DRAFT WRITTEN	SEP 16 1915	[Signature]
DRAFT EXAMINED	SEP 16 1915	[Signature]
DIAGRAM COMPLETE	16.9.15	[Signature]
DIAGRAM EXAMINED	16.9.15	[Signature]
DRAFT FORWARDED		
RETD. TO RECORDS	REQUISIT.	
	REGISTR.	
RETURNED FROM RECORDS		
CERTIFICATE ENCLOSED		
SUPT. OF ENCROUSERS	SEP 1915	[Signature]
DEP. REGISTRAR GENERAL	22 SEP 1915	[Signature]

2606 215
VOL. FOL.

SEP 14 P.M.

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
No Transfer can be registered until the fees are paid.
If a part only of the land be transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee; but to save this expense, if it be intended to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate of the subsisting residue.
Fees in common with other separate Certificates. 5s. will be required for each additional Certificate.
The fees on transfer are 10s. and 2s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1912, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his transfer endorsed thereon, at a cost of 10s. only.
The Transfer is complete from the moment it is recorded.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

H.D. - ADVERTISERS GRANTED FROM THE GAZETTE SINCE 1st JANUARY, 1915, ACC. 1915/20, UNDER THE PROVISIONS OF THE REAL PROPERTY ACT 1909 MUST BE FILLED WITH IN THIS FORMS ENCLOSED BY THAT ACT.

REC'D - 6 SEP 1915 11.21 AM

Fee: _____
Transfer: _____
Endorsement: _____
Certificate: _____



New South Wales,

MEMORANDUM OF TRANSFER.
(REAL PROPERTY ACT, 1900.)



6 12 20 2

A649739

IN FEE SIMPLE.

10-12-20

Name, residence, occupation, or other designation, in full, of transferor.

I, *Arthur Wigram Allen of Sydney*

A649739

- If a less estate, strike out "in fee simple," and indicate the required alteration.
- All subsisting encumbrances must be noted hereon. (See page 2.)
- If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in *fee simple* in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of *Thirty Pounds* (£ 30)

Name, residence, occupation, or other designation, in full, of transferee.

paid to me by *John Dennis Murray Brown of West Wallerud miner and Margaret Brown his wife*

If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

the receipt whereof I hereby acknowledge,

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said *John Dennis Murray Brown and Margaret Brown as joint tenants*

Area in acres, rods, or perches.

All my Estate and Interest, as such registered proprietor, in All that piece of land containing

Parish or town and county.

situate in *the Shire of Lake Macquarie Parish of Wallerud and County of Northumberland*

"The whole" or "part," as the case may be.

being *part* of the land comprised in *Certificate of Title* dated *25th January 1912* registered volume No. *2222* folio *84*

"Crown grant," or "Certificate of Title."

Strike out if not appropriate.

These references will suffice, if the whole land in the grant is transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description or plan will be required and may be either embodied in the transfer or annexed thereto, with an explanatory prefix: "as delineated in the plan hereon (or annexed hereto)" or "described as follows:—"
Any easements must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

And being allotment number *forty-four (44)* in plan numbered *5688* deposited in the Land Titles Office *Sydney*

Reservations of Minerals to be reserved and by him assigned Reserving unto Arthur Wigram Allen all mines and minerals not included in the reservation in the original grant (including coal) in and under the land above described, and also in and under all streets roads lanes and ways laid out by the said Arthur Wigram Allen or his predecessors in title in the vicinity of the said land with liberty for the said Arthur Wigram Allen his heirs and assigns from the adjoining lands or otherwise to work for mine and carry away all such

[Rule up all blanks before signing.]

Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Price, 6d.]

WA

See note "c," page 1.
A very short note of the particulars will suffice.

such minerals (including coal) and also reserving to the said Arthur Wigram Allen his heirs and assigns the right to work any other lands through the said land and to carry under the said land and in and under the said streets roads lanes and ways all minerals (including coal) gotten from such other lands

Memorandum of Encumbrance to refer to
Reservation as in the Curia fiat mentioned

[Rule up all blanks before signing.]

If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

Repeat attestation for additional parties if required.

In witness whereof, I have hereunto subscribed my name, at Sydney the thirteenth day of November in the year of our Lord one thousand nine hundred and twenty

Signed in my presence by the said

Arthur Wigram Allen
WHO IS PERSONALLY KNOWN TO ME

Fred Maxwell

Signed Clk. to Allen, Allen & Maxwell
Solicitors Sydney

[Signature]
Transferor.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

John Dennis Murray Brown
Margaret Brown
 Transferees

Signed in my presence by the said
John Dennis Murray Brown
 and *Margaret Brown*

WHO IS PERSONALLY KNOWN TO ME

Samuel Holmes J.P.

(*The above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "o" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me, at _____, the _____ day of _____, one thousand nine hundred and _____

the attesting witness to this instrument, and declared that he personally knew the person signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said _____ is his own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.

- 1. May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits.
- 2. Not required if the instrument itself be made or acknowledged before one of these parties.
- 3. Name of witness and residence.
- 4. Name of Transferrer.
- 5. Name of Transferee.

1. Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

6649739

Memorandum of Transfer of

25/6/20 being Lot 44 in 19-A 5688

Office of Public Registrar
of the Land Office, Northumberland
(including all mines & minerals etc.)

Lodged by

(Name) John O. Bolton
(Address) 2 Jubilee St
Lewisham

CHECK SIGN.

Transferrer,
John Lewis Murray Brown
Joint
Transferees
Margaret Brown
John

Particulars entered in the Register Book, Vol 2222

Folio 844

the 22nd day of December, 1920,
at minutes 11 o'clock
in the fore noon.

INDEXED
Registral General
SOUTH

SEARCHED	11/12/20	OK
INDEXED	15-12-20	OK
DRAFT WRITTEN	15-12-20	OK
DRAFT EXAMINED	16/12/20	OK
AMOUNTS COMPLETE	17-12-20	OK
DIAGRAMS EXAMINED	18/12/20	OK
DRAFT FORWARDED		
RETS TO BE MADE		
RECEIVED BY		
DEPOSITED IN OFFICE		
SIGNATURE	28-12-20	AM
DEP. REGISTRAR		

3143 186

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
The transfer may be registered until the fee is paid.
If a part only of the land is transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee; but in any other case, if it is intended to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole is sold, or formal application be made for a Certificate of the remaining residue.
Summons to produce deed register register Certificate. 20s. will be required for each additional Certificate.
The fees for Certificates are 10s. and 20s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1873, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a receipt of his Transfer endorsed thereon, at a cost of 10s. only.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

Attachment D

Section 149(2) & (5) Certificates



6 November 2009

LMCC
C/- LMCC

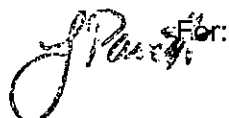
Our Ref:52702
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 16 Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 41 DP 5688
Parish: Wallarah
County: Northumberland

 **BRIAN BELL**
GENERAL MANAGER

ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is a flood control lot.

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 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.

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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
- help pads
- 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.

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Attachment B

Schedule 1 Exempt development

(Clause 8)

1 What is exempt development?

- 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 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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.

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,

Advertising structures (see below for additional requirements for particular kinds of advertising structures)

All zones

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and

one sign per premises, and

signs must not cover mechanical ventilation inlet or outlet vents, and

advertising structures over public road to be at least 600mm from kerb/roadway edge, and

signs must not be illuminated or use flashing lights or similar devices for illumination, and

must meet all applicable performance criteria in Part 2.7.7 (Signs) of *Lake Macquarie Development Control Plan No 1—Principles of Development*, and

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:

Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Satisfy general criteria above. Maximum area 1 square metre.

- (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 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 carparking 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.

Business identification signs Zones 3 (1) and 3 (2)

Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building.

Flush wall signs: satisfy general criteria above, and securely fixed.

Top hamper signs: satisfy general criteria above, and securely fixed.

Business identification signs in industrial areas Zones 4 (1), 4 (2), 4 (3) and 9

Securely fixed by metal supports. If over a public road, signs erected at a height no less than 2.6m above ground level.

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)

Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 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.

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

Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below) All zones

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 5dba 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.

Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted) All zones

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.

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)

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>. Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced. 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.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)</p>	<p>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.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p>	<p>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 <i>Building Code of Australia</i>, relevant Australian Standards and any requirements of the <i>Disability Discrimination Act 1992</i> of the Commonwealth. 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.</p>
<p>Bus shelters</p>	<p>All zones</p>	<p>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.</p>

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc)</p>	<p>Zones 3 (1), 3 (2) and 6 (2)</p>	<p>Located wholly within the subject premises. A total of no more than 5 devices are installed.</p>
<p>Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)</p>	<p>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 be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>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.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p>	<p>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 setback. Complies with front building setbacks for the zone.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.</p>

<p>Bush regeneration, beach cleaning and raking, and riparian, littoral and foreshore stabilisation works</p>	<p>All zones</p>	<p>Riparian and littoral foreshore stabilisation works must: be undertaken by the Council or public authorities or by others on their behalf, and 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 involve only minor earthworks and site improvements, and not cause or contribute to soil erosion or instability.</p>
<p>Cabanas/gazebos and greenhouses</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Carpports</p>	<p>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), 7 (5), 9 and 10</p>	<p>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.</p>
<p>Charity bins/clothing and recycling bins</p>	<p>Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)</p>	<p>Must not result in more than three bins in any one location. Located wholly on private property and not in a public place.</p>

<p>Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted</p>	<p>All zones</p>	<p>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.</p>
<p>Compost heaps</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Cubby houses (see also "playground equipment")</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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.</p>
<p>Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>	<p>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 (termitte 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.</p>

<p>Earthworks (rural)</p>	<p>Zone 1 (1)</p>	<p>Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.</p>
<p>Fences (all types)</p>	<p>All zones</p>	<p>General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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.</p>
<p>Fences—boundary (side, front and rear fences and on corner lots)</p>	<p>All zones</p>	<p>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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>. Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i>.</p>
<p>Fences—electric</p>	<p>Zones 1 (1), 1 (2), 7 (1), 7 (2), 7 (3) and 7 (5)</p>	<p>Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i>. Maximum height of 1.8 metres.</p>
<p>Fences—masonry or brick Fences—security</p>	<p>All zones Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9</p>	<p>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.</p>

<p>Demolition</p>	<p>All zones</p>	<p>Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i>. 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, <i>Demolition of structures</i>. 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.</p>
<p>Different use resulting from change of use of shop to an office (2) or other commercial premises, or vice versa</p>	<p>Zones 3 (1) and 3 (2)</p>	<p>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).</p>
<p>Different use resulting from change of use of an office to an office</p>	<p>Zones 3 (1) and 3 (2)</p>	<p>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).</p>
<p>Different use resulting from change of use of a shop to a shop (2)</p>	<p>Zones 3 (1) and 3 (2)</p>	<p>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).</p>
<p>Different warehouse use resulting from change from another warehouse use</p>	<p>Zones 4 (1), 4 (2) and 3 (2)</p>	<p>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).</p>

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	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.
Footway dining	Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)	Only if in accordance with a current footway dining licence issued by the Council under section 125 of the <i>Roads Act 1993</i> .
Fowl house (for the keeping of chickens)	Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)	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 <i>Guide for Keeping of Animals</i> . 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 environment. Design of structure to mitigate the effects of any noxious smell on the locality. Complies with Division 2 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (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 (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, <i>The storage and handling of flammable and combustible liquids</i> . 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.
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)	Zone 6 (1)	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.
Hall protection	Zones 1 (1) and 1 (2)	
Home occupation	All zones	

Maximum area of 20 square metres.
 Maximum height of 3 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 Zone 1 (1) keeping up to 4 horses

Horse stables and animal shelters Zones 1 (2), 7 (3) and 7 (5) keeping up to 2 horses

Internal alterations comprising office or shop fit-out
 Zones 3 (1) and 3 (2)
 Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*.
 Alterations must not cause the existing building in which they are carried out to contravene the *Building Code of Australia*.
 No alterations to bottle shop or to food premises where food is stored or prepared.
 May only be carried out in road reserves, parks or on land containing a dwelling house.
 Landscaping does not include earthworks or the construction of retaining walls or other structures.
 Maximum height of 1 metre above ground level.
 Only 1 letterbox per occupancy.
 Appropriate numbering for each letterbox.
 Structurally stable with adequate footings located wholly within the site.

Landscaping
 All zones

Letter box (freestanding or in "banks")
 All zones

Minor internal alterations to domestic single dwellings
 All zones in which a dwelling is permissible
 Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, 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.

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting
 All zones

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 or 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.

Playground equipment on land not controlled by the Council and not on school land

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

If for residential use:
Maximum height of 2.1 metres.
Maximum ground coverage of 10 square metres.
If for non-residential use:
Maximum height of 2.1 metres.
Maximum ground coverage of 10 square metres.

Provision of soft landing surfaces.

All equipment:
Designed, fabricated and installed in accordance with AS 1924 and AS 2155.
Installed in accordance with manufacturer's specifications.

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)

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.

Privacy screens or trellises

All zones

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*.

Public meetings—use of Class 9b buildings for this purpose

All zones

The Class 9b building has development consent or a building approval.
Where the meeting is conducted for a not-for-profit or other charity fundraiser:
Notice of event provided 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.

Effective erosion and sediment control provisions must be designed and implemented.

All zones

Road works in, on, under or above a road, being:
 maintenance of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,
 installation of traffic lights, traffic calming devices and pedestrian facilities,
 installation of kerb and gutter and associated drainage works,
 minor drainage works,
 making driveway crossings,
 linemarking,
 signposting,
 sealing of gravel roads and areas,
 footpaving and associated works,
 minor intersection improvements or minor road widening.

All zones

Satellite dishes

Residential, rural and conservation/environmental protection zones:
 Maximum diameter of 900mm.

Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:

Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

The installation does not obscure any landscaping required for the property.

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.
 Erected by or on behalf of the Council or the Roads and Traffic Authority.

All zones

Public signs (directional traffic advisory/warning and information signs)

Existing materials replaced with similar materials.
 Re-cladding not to involve structural alterations.
 Non-reflective materials used.
 Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.

All zones

Re-cladding of roofs or walls including repair/maintenance of damaged materials

Additional requirements for roof replacement: 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,
 if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding of the roof shall include installation of such an arrangement in accordance with AS 3000—1986.

Maximum height 1 metre.

All zones

Retaining walls

Masonry walls to comply with:
 AS 3700—Masonry Code.

AS 3600—Concrete Structures,

AS 1170—Loading Code.

Timber walls to comply with:

AS 1720—Timber Structures,

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.

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.

Shade structures (bird nets and the like)
 Zone 1 (1)

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)
 Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

Solar water heaters
 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.

Street signs comprising name plates, directional signs and advance traffic warning signs
 All zones

Subdivision:
 road widening,
 creating of public reserves,
 creating drainage reserves,
 consolidating allotments.
 All zones

Subdivision works:
 Zones 2 (1) and 2 (2)

Battleaxe driveways
 Zones 2 (1) and 2 (2)

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.

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	Generally: The tank and any stand to be installed in accordance with manufacturers' specifications. If within residential zones: Maximum diameter or width 3 metres. (Repeated) i Maximum height 2.4 metres. j 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. Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property. If within rural zones: Maximum diameter or width 4.5 metres. Minimum setback 5 metres to side and rear boundaries. i Maximum height 2.4 metres. j 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. Noise from pumps not to exceed 5dba 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: AS 1288, <i>Glass in buildings—Selection and installation</i> , and AS 2208, <i>Safety Glazing Materials for Use in Buildings (Human Impact Considerations)</i> . No reduction in the area provided for light and ventilation. No removal of structural support members in affected walls.

Interalotment drainage	Zones 2 (1) and 2 (2)	Where the interlotment drainage works will be only on the land being subdivided. Where the interlotment 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. Maximum area 20 square metres. Maximum height 2.7 metres. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance. Where a formal development consent or complying development certificate is not in force for the site. Located wholly within property boundary. Marquees and mini stages not in place longer than 1 week. Maximum gross floor area is 20 square metres.
Temporary site sheds—less than 6 months	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.
Temporary structures: portaloos, marquees, mini stages.	All zones	
Water heaters (excluding solar system)—new and replacement installations	All zones	

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)		Site area and lot size	Density
	Battle axe lot size	Other irregular shaped lot		
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 1,600m 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.	8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.

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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 one, 5 metres for (14 two, battle metres), axe lots. No more than two battle axe lots to share a single access way).	450m ² 12 metres for x 25	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).		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 ≥250m ² and <450m ² .	Prohibited.	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages)	1,500m ² (8 metres).	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,200m ² (30 metres—as width of the allotment).	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages)	2,000m ² (18 metres).	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,500m ² (30 metres—as width of the allotment).			
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>		
<p>8 National Park</p>	<p>No numeric standards.</p>	
<p>9 Natural Resources</p>	<p>No numeric standards.</p>	
<p>10 Investigation</p>	<p>Prohibited.</p>	
<p>Explanation of entries in Table</p>		
<p>Minimum area unless stated as a maximum.</p>	<p>Minimum area unless stated as a maximum.</p>	<p>The figure shown in brackets is the minimum road frontage.</p>
<p>All lots created are to have frontage to a public road.</p>	<p>The figure shown in brackets is the minimum lot frontage.</p>	<p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>
<p>Minimum area of access way where the access way provides the only street frontage.</p>	<p>To include a rectangular building site of the specified size.</p>	<p>The remainder of the site area not included in neighbourhood lots is the neighbourhood property.</p>
<p>All lots created are to have frontage to a public road.</p>	<p>All lots created front building setback. All lots created are to have frontage to a public road.</p>	<p>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.</p>

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Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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	533 Lake Rd	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	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L Speers Point Tram Route	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 630286
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 Bennalls"	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	
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 11, 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 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Cams Wharf				
CW-01	L	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354
Cardiff				
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789
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
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	Wailarah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wailarah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 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
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corrumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd 70 Central Rd 50 Central Rd 50 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533 Lot 1, DP 938761 Lot 18, DP 129134
CB-27	L	Sanitarium Dairy Farm	15 Central Rd	Lots 18 to 23, Section 3, DP 3533
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 201, DP 1059478
CB-29	L	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	16 Dora St	Lot 11, DP 533825

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 22B MR 217, Myuna Bay 22C MR 217, Myuna Bay 20A MR 217, Myuna Bay 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
Fassifern				
FF-01	L	Fassifern Railway Cottage	Wallisend 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 early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth				
KW-02	L	Eicom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 2, DP 619513
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 13, Section E, DP 4339
Kotara South				
KS-01	L	South Waratah Colliery	31 Kirkdale Dr (also see RT-06)	Lot 1, Section D, DP 4339

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 Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	S	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S	Morisset Hospital The Main Store	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S	Morisset Hospital Residence No 1	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	S	Morisset Hospital General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

MS-26	S L	Morisset Hospital 69a Fishing Point Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S L	Morisset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf"	PO 1970/126
Pelican			
PF-01	L	Cabbage Trees	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, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Styx 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 Rhondda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop	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 Eisdon 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	Minenwerfer (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 "Moria"	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	20 Pitt St	Lot 31, DP 858667
TA-16	L	Billygoat Hill Gartree Mine	159 Railway St	Lot 1, DP 780614

TA-17	L	Rhondda 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	Frith's Store Building	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587

Whitebridge

WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823

Wyee

WY-02	L	Wyee Channel	Extending north, from the Wyee Dam, passing under Summerhayes Rd	
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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	Wallerah East Pit	Flowers Dr, Catherine Hill Bay	

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 6, Section J, DP 2252, Lot 7, 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 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636

3	Newstan Colliery	Fassifern Rd, Fassifern
4	Lambton Colliery Redhead	Crown Land Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba
6	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

TH-01	S	Nature Reserve and being permian fossil insect horizon	Burton Rd	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</i> 1949 (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

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

Attachment E

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
Changes to the land use table	
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.
Administrative and policy changes	
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 after 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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	Introduce Part 8 and subsequent clauses to LML-EP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

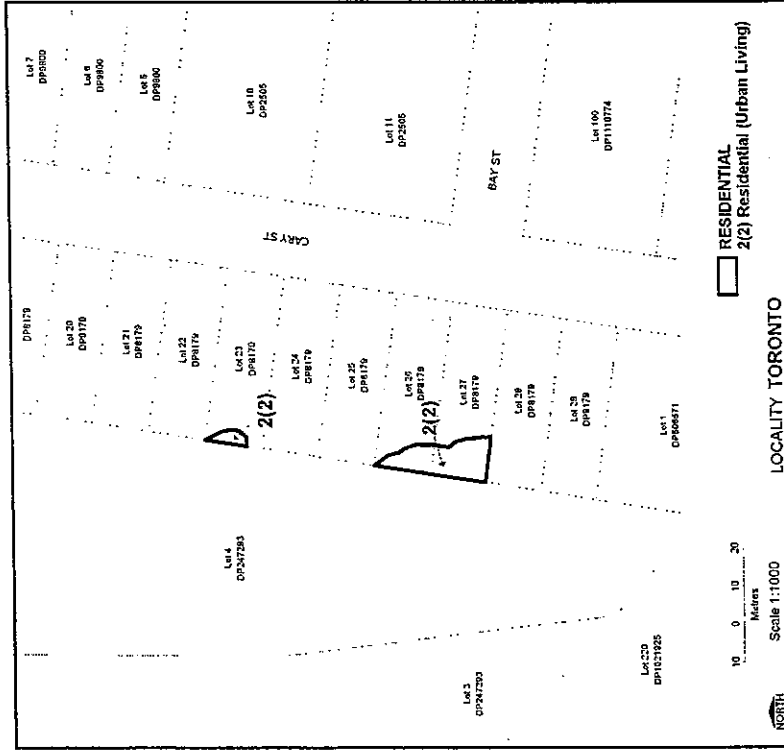
Amendment affects:	Proposed change
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
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	Rezoning 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	Rezoning 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	Rezoning Lots 2-4 DP 831958, Lot 1 DP 531966, 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.
Rezoning	Rezoning land known as 'road reserve' off Slingaree Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.

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

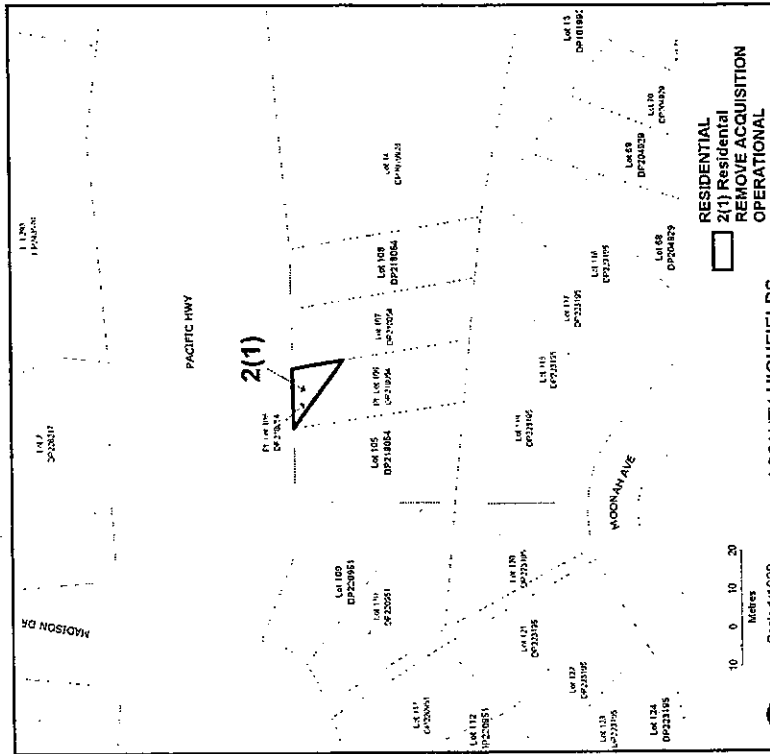
Amendment affects:	Proposed change
Rezoning and reclassification	Rezoning part of Lots 6 and 7 DP 1068866 Leo Lewis Close, Toronto from 6(1) Open Space Zone to 4(2) Industrial (General) Zone and reclassify the land from Community Land to Operational Land. Refer to Sheet 5 of 12.
Rezoning and reclassification	Rezoning 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 748867 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	Rezoning 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	Rezoning 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, Charlesstown Road, Charlesstown and part of Lot 1 DP 800486 Pacific Highway, Charlesstown 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 Charlesstown Road, Charlesstown and part of Lot 1 DP 800486 Pacific Highway, Charlesstown. Refer to Sheet 11 of 12.
Rezoning	Rezoning 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

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

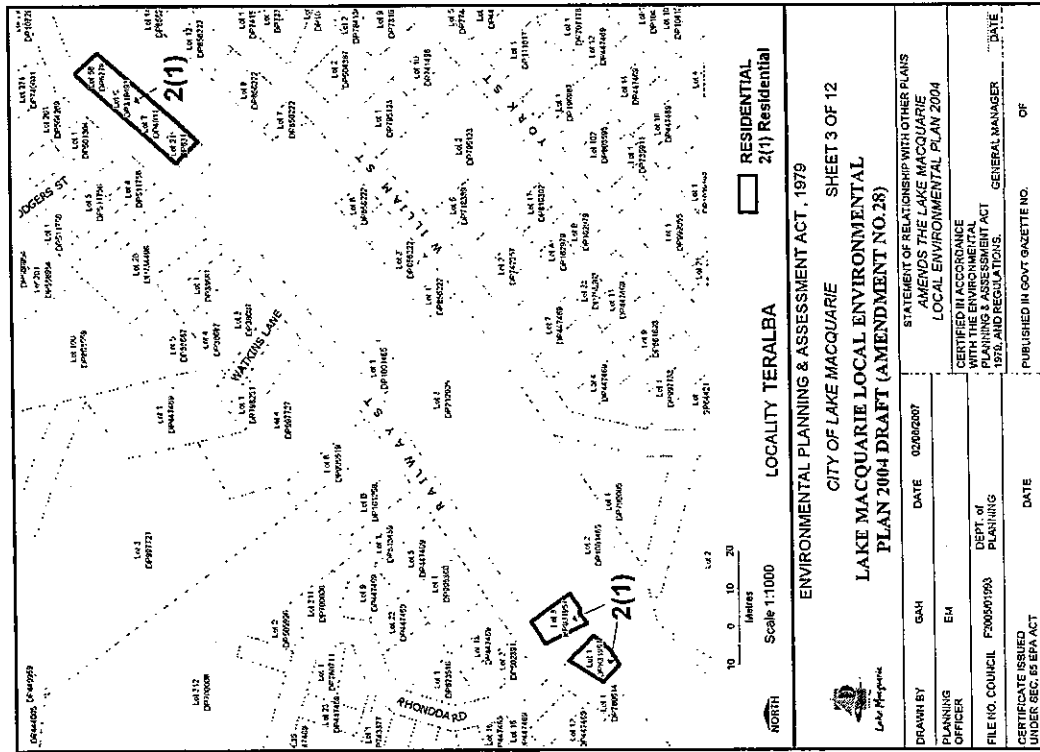


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY TORONTO	
CITY OF LAKE MACQUARIE		SHEET 2 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY PLANNING OFFICER	GAH	DATE 14/09/2007	EM
FILE NO. COUNCIL	F2006/01983	DEPT. of PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 58 EPA ACT		DATE	GENERAL MANAGER
			DATE
			OF



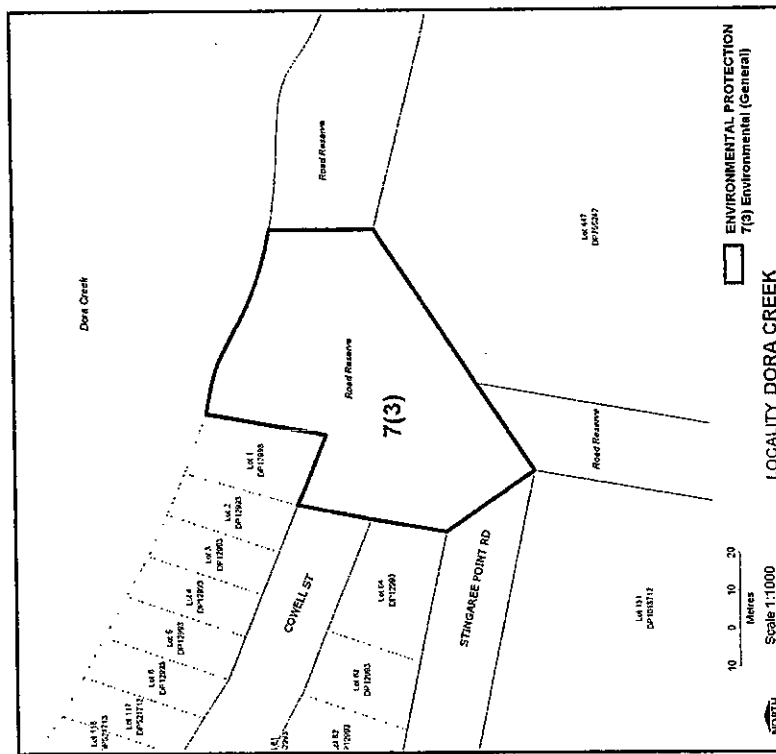
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY HIGHFIELDS	
CITY OF LAKE MACQUARIE		SHEET 1 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY PLANNING OFFICER	GAH	DATE 02/06/2007	EM
FILE NO. COUNCIL	F2006/01983	DEPT. of PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 58 EPA ACT		DATE	GENERAL MANAGER
			DATE
			OF

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



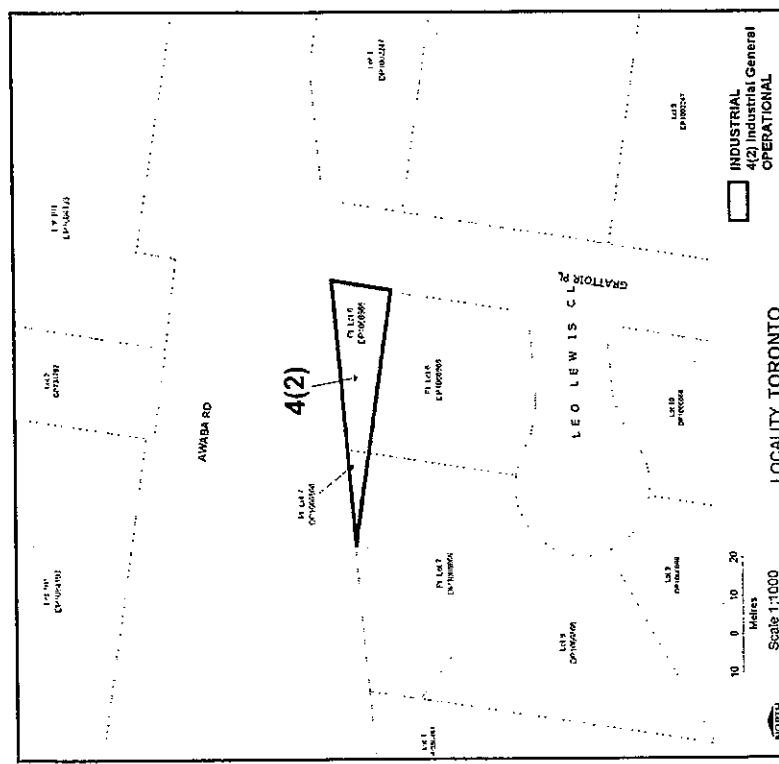
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 3 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL F2005/01993	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	PUBLISHED IN GOVT GAZETTE NO. OF
DATE	DATE

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



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	
CITY OF LAKE MACQUARIE SHEET 4 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL F2005/01993	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	PUBLISHED IN GOVT GAZETTE NO. OF
DATE	DATE

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



LOCALITY TORONTO

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE SHEET 5 OF 12

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

AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE

PUBLISHED IN GOVT GAZETTE NO. OF

DRAWN BY: GAH DATE: 02/06/2007

PLANNING OFFICER: EM

FILE NO. COUNCIL: F2005/0193

DEPT. OF PLANNING

CERTIFICATE ISSUED UNDER SEC. 64 EPA ACT

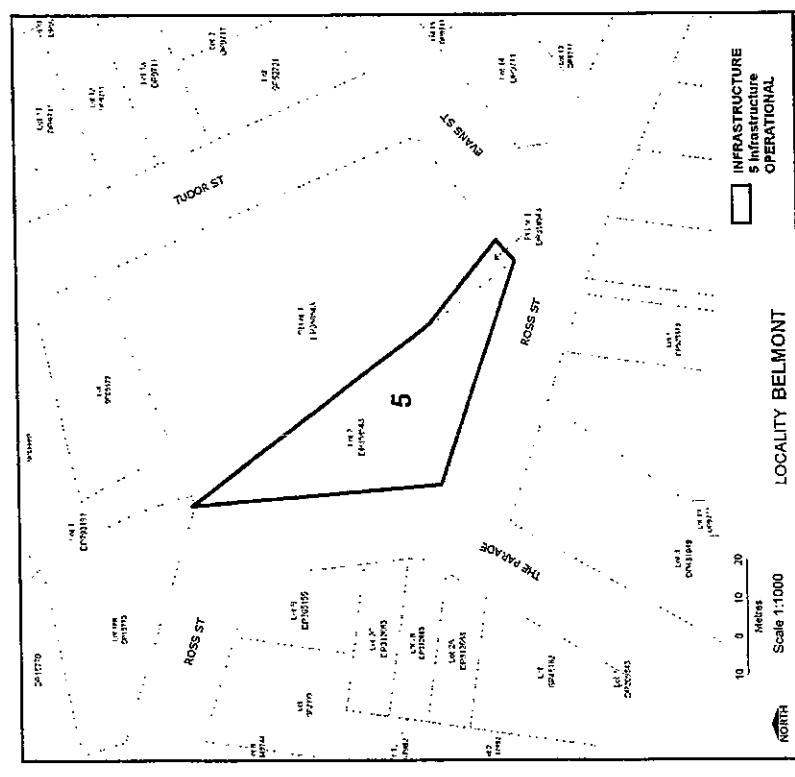
DATE

GENERAL MANAGER

DATE

PUBLISHED IN GOVT GAZETTE NO. OF

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



LOCALITY BELMONT

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE SHEET 6 OF 12

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

AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

GENERAL MANAGER

DATE

PUBLISHED IN GOVT GAZETTE NO. OF

DRAWN BY: GAH DATE: 02/06/2007

PLANNING OFFICER: EM

FILE NO. COUNCIL: F2005/0193

DEPT. OF PLANNING

CERTIFICATE ISSUED UNDER SEC. 64 EPA ACT

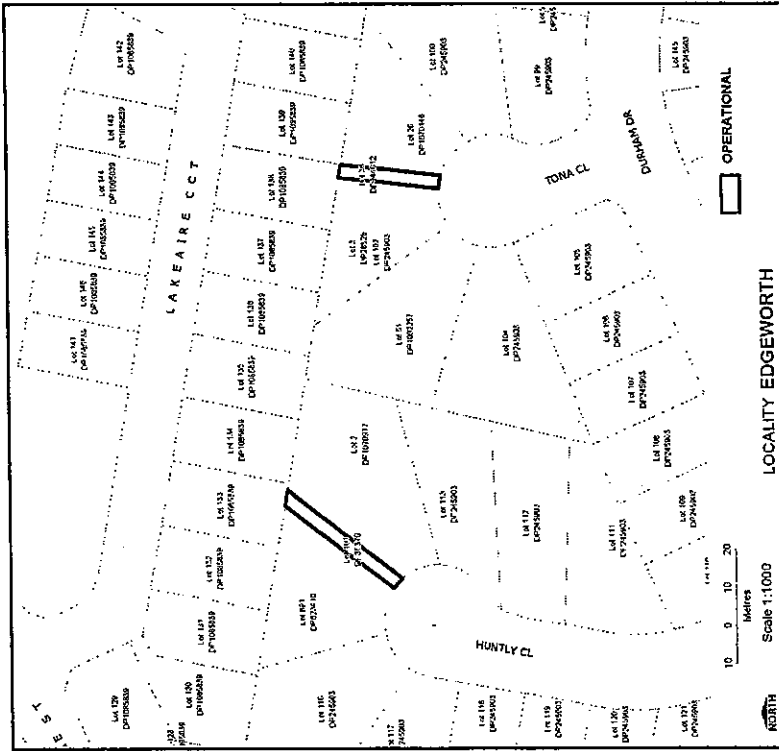
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GENERAL MANAGER

DATE

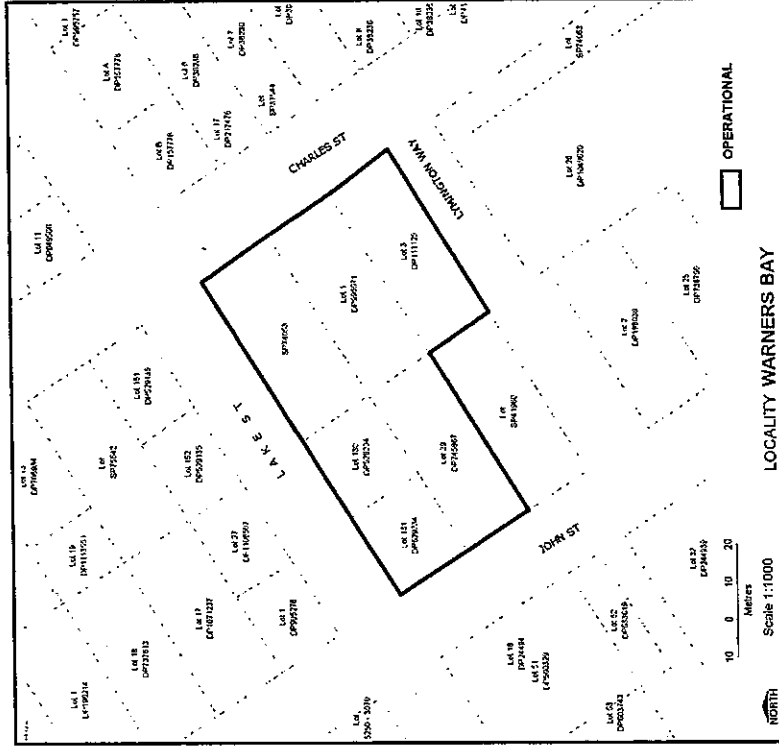
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Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



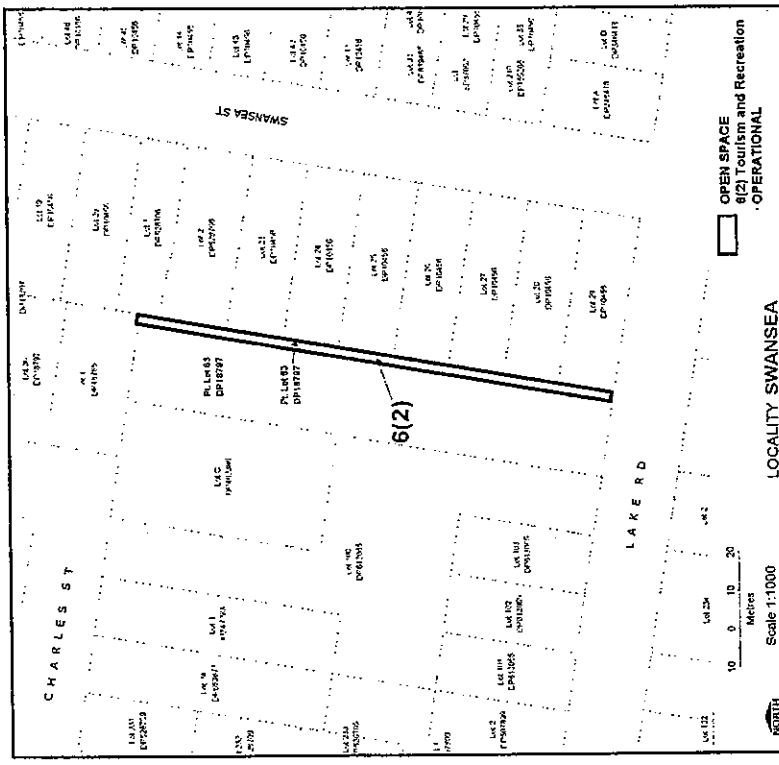
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DRAWN BY PLANNING OFFICER	GAH	DATE 02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL PLANNING	F2006/01993	DEPT. OF PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE OF

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



		LOCALITY WARNERS BAY ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 SHEET 8 OF 12 CITY OF LAKE MACQUARIE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)	
DRAWN BY PLANNING OFFICER	GAH	DATE 02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL PLANNING	F2006/01993	DEPT. OF PLANNING	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE OF

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



LOCALITY SWANSEA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

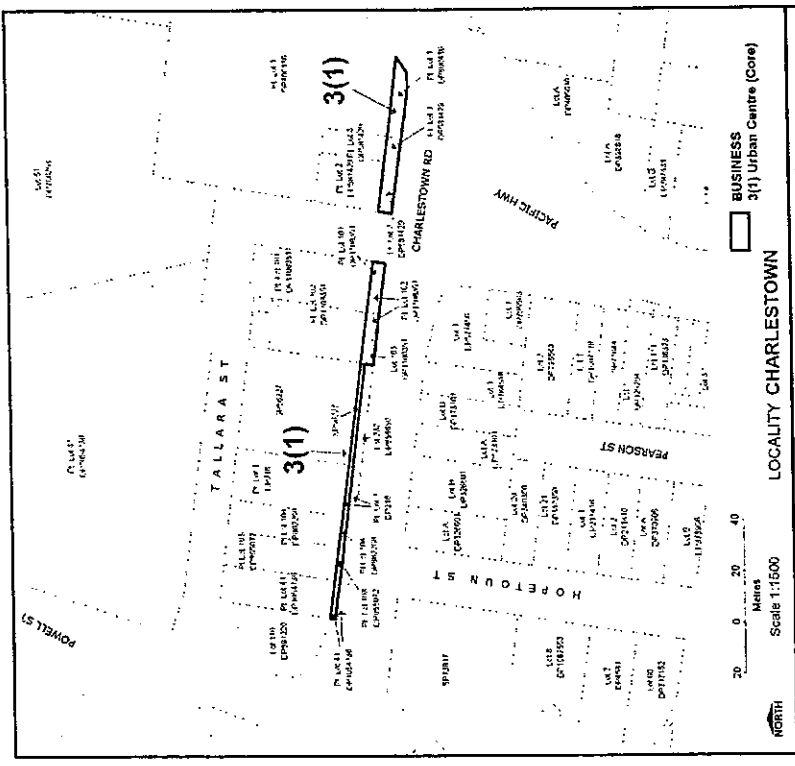
SHEET 8 OF 12

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

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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



LOCALITY CHARLESTOWN

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

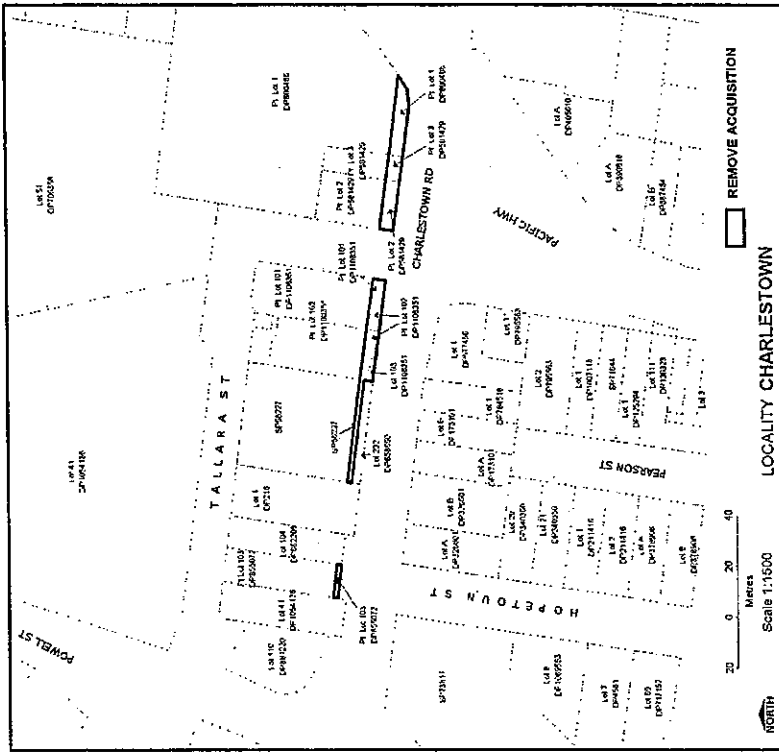
SHEET 10 OF 12

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

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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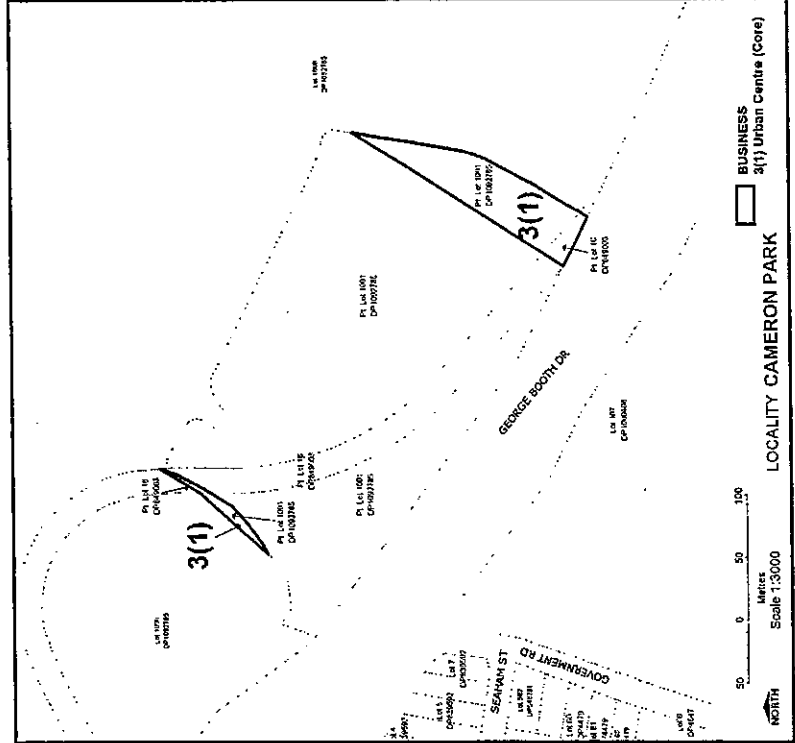


Scale 1:15000
 NORTH
 LOCALITY CHARLESTOWN
 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BUSINESS REMOVE ACQUISITION

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY PLANNING OFFICER	DATE 02/08/2007
FILE NO. COUNCIL F2005/01953	DEPT. OF PLANNING
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT	DATE OF
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	GENERAL MANAGER

CITY OF LAKE MACQUARIE
 SHEET 11 OF 12
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

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



Scale 1:30000
 NORTH
 LOCALITY CAMERON PARK
 ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BUSINESS 3(1) Urban Centre (Core)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY PLANNING OFFICER	DATE 02/08/2007
FILE NO. COUNCIL F2005/01953	DEPT. OF PLANNING
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT	DATE OF
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	GENERAL MANAGER

CITY OF LAKE MACQUARIE
 SHEET 12 OF 12
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)

6 November 2009

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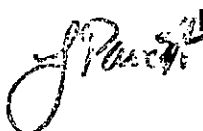
Our Ref:52703
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 4 Josephson Street, SWANSEA NSW 2281
Lot Details: LOT 421 DP 785216
Parish: Wallarah
County: Northumberland

 For: BRIAN BELL
GENERAL MANAGER



ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

The land is a flood control lot.

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an environmentally sensitive area being land within an area of high aboriginal cultural significance.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

- (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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 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.

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



entertainment facilities

environmental facilities

helpads

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.

Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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



Attachment B

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
 - (l) 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 compiled 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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- 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 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 carparking 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 kinds of advertising structures)

All zones

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and one sign per premises, and signs must not cover mechanical ventilation inlet or outlet vents, and advertising structures over public road to be at least 600mm from kerb/roadway edge, and signs must not be illuminated or use flashing lights or similar devices for illumination, and must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and 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:
Business identification signs in residential areas

Zones 2 (1) and 2 (2)

Satisfy general criteria above.
Maximum area 1 square metre.

Business identification signs	Zones 3 (1) and 3 (2)	Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Flush wall signs: satisfy general criteria above, and securely fixed. Top hamper signs: satisfy general criteria above, and securely fixed.
Business identification signs in industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	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.
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)	Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 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 house approved structure eg fence, dwelling house or garage.
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	Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	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 5dba 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.
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.

Arcade amusement devices (eg pinball machines, virtual reality games etc)	Zones 3 (1), 3 (2) and 6 (2)	Located wholly within the subject premises. A total of no more than 5 devices are installed.
Automatic teller machines (ATM)	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 6 (2)	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.
Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted	All zones	It must be attached to the wall of a building, and 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.
Awnings over trade waste disposal points	Zones 4 (1), 4 (2) and 9	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 setback. Complies with front building setbacks for the zone.
Barbecues ancillary to a building for which consent or a building approval has been granted	All zones	Maximum area of 4 square metres. Maximum height of 2 metres. Minimum setback of 900mm from side and rear boundaries. Minimum separation of 1,800mm from any adjoining dwelling.

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	Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 1—Principles of Development. 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:
 be undertaken by the Council or public authorities or by others on their behalf, and 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
 involve only minor earthworks and site improvements, and
 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.

Carpports

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), 7 (5), 9 and 10
 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.

Charity bins/clothing and recycling bins

Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)
 Must not result in more than three bins in any one location.
 Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted

All zones

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.

Compost heaps

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Cubby houses (see also "playground equipment")

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling

Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10

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.

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries. General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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.
Fences (all types)	All zones	
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	

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <u>Environmental Planning and Assessment Act 1979</u> or section 124 of the <u>Local Government Act 1993</u> . 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, <u>Demolition of structures</u> . 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 resulting from change of use of shop to an office (2) or other commercial premises, or vice versa	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of an office to an office	Zones 3 (1) and 3 (2)	
Different use resulting from change of use of a shop to a shop (2)	Zones 3 (1) and 3 (2)	
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	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).

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
 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.

Footway dining Zones 3 (1), 3 (2), 4 (3), 5, 6 (1), 6 (2) and 7 (4)
 Only if in accordance with a current footway dining licence issued by the Council under section 125 of the *Roads Act 1993*.

Fowl house (for the keeping of chickens) Zones 1 (1), 1 (2), 2 (1), 7 (3) and 7 (5)
 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 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 (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.

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) Zone 6 (1)
 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.

Hail protection Zones 1 (1) and 1 (2)
 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.

Home occupation All zones

<p>Internal alterations comprising office or shop fit-out</p>	<p>Zones 3 (1) and 3 (2)</p>	<p>Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>. Alterations must not cause the existing building in which they are carried out to contravene the <i>Building Code of Australia</i>. No alterations to bottle shop or to food premises where food is stored or prepared. May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.</p>
<p>Landscaping</p>	<p>All zones</p>	<p>Maximum height of 1 metre above ground level. Only 1 letterbox per occupancy. Appropriate numbering for each letterbox. Structurally stable with adequate footings located wholly within the site.</p>
<p>Letter box (freestanding or in "banks")</p>	<p>All zones</p>	<p>Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.</p>
<p>Minor internal alterations to domestic single dwellings</p>	<p>All zones in which a dwelling is permissible</p>	<p>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.</p>
<p>Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting</p>	<p>All zones</p>	<p>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.</p>

<p>Horse stables and animal shelters keeping up to 4 horses</p>	<p>Zone 1 (1)</p>	<p>Maximum area of 20 square metres. Minimum setback of 3 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 <i>Local Government Act 1993</i> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>
<p>Horse stables and animal shelters keeping up to 2 horses</p>	<p>Zones 1 (2), 7 (3) and 7 (5)</p>	<p>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 <i>Local Government Act 1993</i> (being standards enforceable by the making of Order No 18 under section 124 of that Act).</p>

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

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.

Playground equipment on land not controlled by the Council and not on school land

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

If for residential use:
Maximum height of 2.1 metres.
Maximum ground coverage of 10 square metres.
If for non-residential use:
Maximum height of 2.1 metres.
Maximum ground coverage of 10 square metres.

Provision of soft landing surfaces.

All equipment:
Designed, fabricated and installed in accordance with AS 1924 and AS 2155.

Installed in accordance with manufacturer's specifications.

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)

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.

Privacy screens or trellises

All zones

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*.

Public meetings—use of Class 9b All zones buildings for this purpose

The Class 9b building has development consent or a building approval.
Where the meeting is conducted for a not-for-profit or other charity fundraiser.
Notice of event provided 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 Located within a public road or footway or neighbourhood property under a neighbourhood scheme. Erected by or on behalf of the Council or the Roads and Traffic Authority.

Re-cladding of roofs or walls including repair/maintenance of damaged materials All zones Existing materials replaced with similar materials. Re-cladding not to involve structural alterations. Non-reflective materials used. Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts. Additional requirements for roof replacement: 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, 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.

Retaining walls All zones Maximum height 1 metre. Masonry walls to comply with: AS 3700—Masonry Code, AS 3600—Concrete Structures, AS 1170—Loading Code. Timber walls to comply with: AS 1720—Timber Structures, 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.

Road works in, on, under or above a road, being: maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements, installation of traffic lights, traffic calming devices and pedestrian facilities, installation of kerb and gutter and associated drainage works, minor drainage works, making driveway crossings, linemarking, signposting, sealing of gravel roads and areas, footpaving and associated works, minor intersection improvements or minor road widening. All zones Effective erosion and sediment control provisions must be designed and implemented.

Satellite dishes All zones Residential, rural and conservation/environmental protection zones: Maximum diameter of 900mm. Maximum height of 9 metres above existing ground level. The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property. All other zones: Maximum diameter 1,500mm. The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property. The installation does not obscure any landscaping required for the property.

<p>Shade structures—open weave fabric or mesh shade structures on residential properties, schools, childcare centres, public playgrounds, rural, conservation and environmental zones</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p> <p>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.</p>
<p>Shade structures (bird nets and the like) Silos</p>	<p>Zone 1 (1)</p> <p>Zone 1 (1)</p> <p>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.</p>
<p>Skylight roof windows (including solartube or similar type installations)</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>
<p>Solar water heaters</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>

<p>Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)</p>	<p>Zones 1 (1) and 1 (2)</p>	<p>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.</p>
<p>Street signs comprising name plates, directional signs and advance traffic warning signs Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>	<p>All zones All zones</p>	<p>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.</p>
<p>Subdivision works: Battleaxe driveways</p>	<p>Zones 2 (1) and 2 (2)</p>	<p>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.</p>

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
 Generally:
 The tank and any stand to be installed in accordance with manufacturers' specifications.

If within residential zones:
 Maximum diameter or width 3 metres.
 (Repealed)
 Maximum height 2.4 metres.

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.

Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.

If within rural zones:
 Maximum diameter or width 4.5 metres.
 Minimum setback 5 metres to side and rear boundaries.
 Maximum height 2.4 metres.

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.

Noise from pumps not to exceed 5dba at the wall of a dwelling on any adjoining property.

Replacement in residential premises with materials that comply with:
 AS 1288, *Glass in buildings—Selection and installation*, and
 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.

Interallotment drainage
 Zones 2 (1) and 2 (2)
 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.

Maximum area 20 square metres.
 Maximum height 2.7 metres.
 Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.

Where a formal development consent or complying development certificate is not in force for the site.

Located wholly within property boundary.
 Marquees and mini stages not in place longer than 1 week.
 Maximum gross floor area is 20 square metres.

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.

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Standard (rectangular lot size)	Battle axe lot size	Other irregular shaped lot	Site area and lot size	Density
Zone and land use				
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 1,600m 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 ha etc.

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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 one, 5 metres for two, battle axe lots. No more than two battle axe lots to share a single access way).	450m ² x 25 metres (14 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).	600m ² parent lot (17 metres).	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). 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 ≥250m ² and <450m ² .	Prohibited. 1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

7 (3) Environmental (General)	<p>40 hectares (frontage not specified). Must be able to contain a minimum area of 40 x 40 metres on a less than 1 in 5 slope.</p> <p>40 hectares and 2,500m². 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>	<p>4 lots/40 hectares eg 5 on 50 ha etc.</p>
7 (4) Environmental (Coastline)	No numeric standards.	10 hectares and 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 <u>Community Land Development</u>
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 lots/10 hectares eg 15 on 15 ha etc.

Multiple dwelling housing development	<p>900m² (25 metres), but corner lot (two street frontages) 1,200m² (30 metres—as width of the allotment).</p>	<p>1,500m² (8 metres).</p>	<p>900m² 20 x 30 metres (25 metres).</p>	<p>Neighbourhood lots as per applicable lot size opposite.</p>
Residential flat building	<p>1,200m² (30 metres), but corner lot (two street frontages) 1,500m² (30 metres—as width of the allotment).</p>	<p>2,000m² (18 metres).</p>	<p>1,200m² 25 x 35 metres (30 metres).</p>	<p>Neighbourhood lots as per applicable lot size opposite.</p>
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (2) Industrial (General)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> applies.			
7 (2) Conservation (Secondary)	40 hectares (frontage not specified) in all cases.			

<p>Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.</p>					
<p>8 National Park</p>	<p>No numeric standards.</p>				
<p>9 Natural Resources</p>	<p>No numeric standards.</p>				
<p>10 Investigation</p>	<p>Prohibited.</p>				
<p>Explanation of entries in Table</p>					
<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p>	<p>Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot frontage. The figure shown in brackets is the minimum lot frontage to a public road.</p>	<p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p>	<p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>		



Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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
Argentton			
AG-01	L Newcastle Mines Rescue Station	533 Lake Rd	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	Lot 1, DP 125686 Lot 2, DP 125686
AG-06	L Speers Point Tram Route	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 Bennalls"	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 Ct 7 Maranatha Ct 9 Maranatha Ct 21 Maranatha Ct	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 11, 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

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallarrah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 Lot 6, DP 33470

Booragul				
BU-01	L	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667
BU-02	L	House "Awaba Park"	82 Marmong St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262
BU-03	L	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186
Carns Wharf				
CW-01	L	Lord of the Manor Carns Cottage	13 Carns Wharf Rd	Lot 2, DP 616354
Cardiff				
CF-01	L	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989
CF-02	L	Brick Shops	281 Main Rd	Lot 4, DP 10789
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 Almore Cl 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546
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	Wallarrah Hotel	24 Clarke St	Lot 1, Section D, DP 163
CH-05	L	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717

CT-03	L	Cottage	32 Smith St	Lot 1, DP 213865
CT-04	L	Brick Cottage	36 Smith St	SP 43904
Coal Point				
CP-01	L	Threikeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corrumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	15 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 18, DP 129134
CB-29	L	Cottage	661 Freemans Dr	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	16 Dora St	Lot A, DP 416525
				Lot 2, DP 204207

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	147 Ocean St	Lot 1, 446723
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 Minmi Rd	Lot 106, DP 755262
Eraring				
ER-01	L	Eraring Power Station	4 Cross St 22B MR 217, Myuna Bay 22C MR 217, Myuna Bay 20A MR 217, Myuna Bay 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
Fassifern				
FF-01	L	Fassifern Railway Cottage	Wallisend 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 early coal mining sites	Glenrock Slate Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth				
KW-02	L	Elcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 2, DP 619513
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 13, Section E, DP 4339 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 Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	S	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	S	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S	Morisset Hospital The Main Store	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S	Morisset Hospital Residence No 1	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	S	Morisset Hospital Ward 17, General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

MS-26	S L	Morisset Hospital Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-29	S L	Morisset Hospital Water Supply Dam— Pourmalong Creek	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
Nords Wharf				
NW-01	L	Former Guesthouse "Kurrawilla"	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, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line	Newcastle to Speers Point via West Wallsend
RT-03	L	Great Northern Railway	Line passes through Lake Macquarie from Garden Suburb to Wye
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 Styx 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	Rhonda Colliery Railway	From West Wallsend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wye Coal Conveyor Railway Loop	North of Wye 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	Minenwerfer (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 "Moria"	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	20 Pitt St	Lot 31, DP 858667
TA-16	L	Gartlee Mine	159 Railway St	Lot 1, DP 780614

TA-17	L	Rhondda 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	Frith's Store	66 The Boulevarde	Lot B, DP 390795
TT-15	L	Building Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annexe	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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-03)
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	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	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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 Wallisend 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 Wallisend Public School	49a Wallace St	Lot 5, Section J, DP 2252, Lot 6, Section J, DP 2252, Lot 7, 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 565278
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	Mt Sugarloaf Rd	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 Wallisend Cemetery	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallisend Vaive House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye 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	Wallarrah East Flowers Dr, Pit	Wallarrah East Flowers Dr, Catherine Hill Bay	

3	Newstan Colliery	Fassifern Rd, Fassifern	
4	Lambton Colliery Redhead	Crown Land Redhead	Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba	
6	North Burwood Colliery	Burwood Rd, Whitebridge	
AW-08	Railway Station cottage	34 Brisbane St, Awaba	

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

Item No	Significance	Item	Address	Property description
TH-01	S L	Nature Reserve and being permiian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permiian Fossil Horizon Belmont—Warners Bay</i> 1949 (Records of the Australian Museum 1950)

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 Lake Macquarie Aboriginal Heritage Study Report 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

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

Attachment E

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, zoning and land reclassifications matters.

The following is a summary of the proposed changes:

Amendment affects:	Proposed change
Changes to the land use table	
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.
Administrative and policy changes	
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 after 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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	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.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

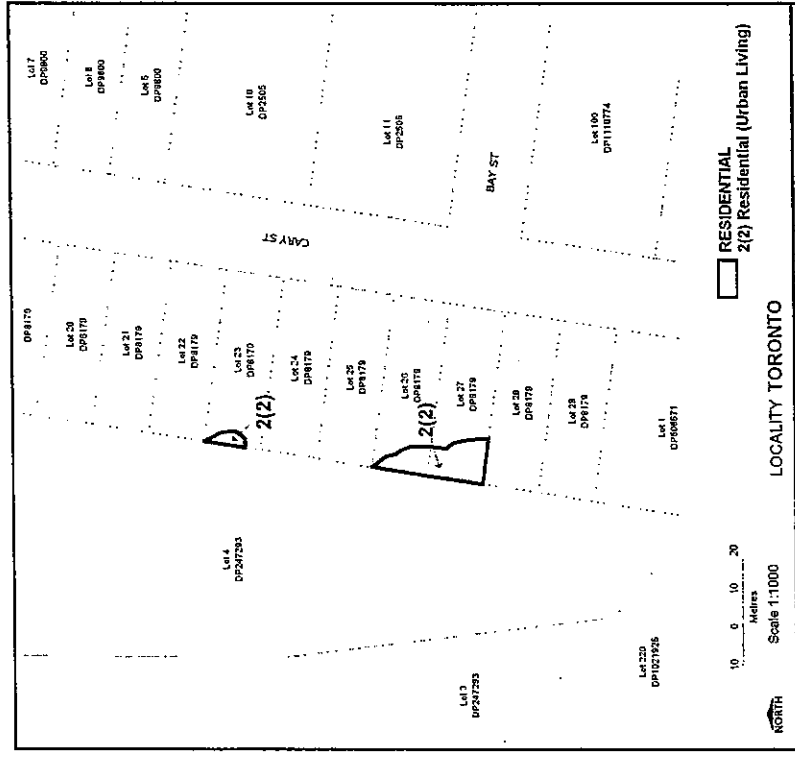
Amendment affects:	Proposed change
Schedule 4. Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
Schedule 9 Consent to development subject to special requirements	Amend incorrect property descriptions in the schedule.
New:	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	Rezoning 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	Rezoning 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	Rezoning 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.
Rezoning	Rezoning land known as 'road reserve' off Singaree Point Drive, Dora Creek from 2(1) Residential to 7(3) Environmental (General) Zone. Refer to Sheet 4 of 12.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezoning part of Lots 6 and 7 DP 1068866 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	Rezoning 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 167 DP 245903 Tona Close, Edgeworth and Lot 158 DP 245903 Humily 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 Womers Bay from Community Land to Operational Land. Refer to Sheet 8 of 12.
Rezoning and reclassification	Rezoning 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	Rezoning 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	Rezoning 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

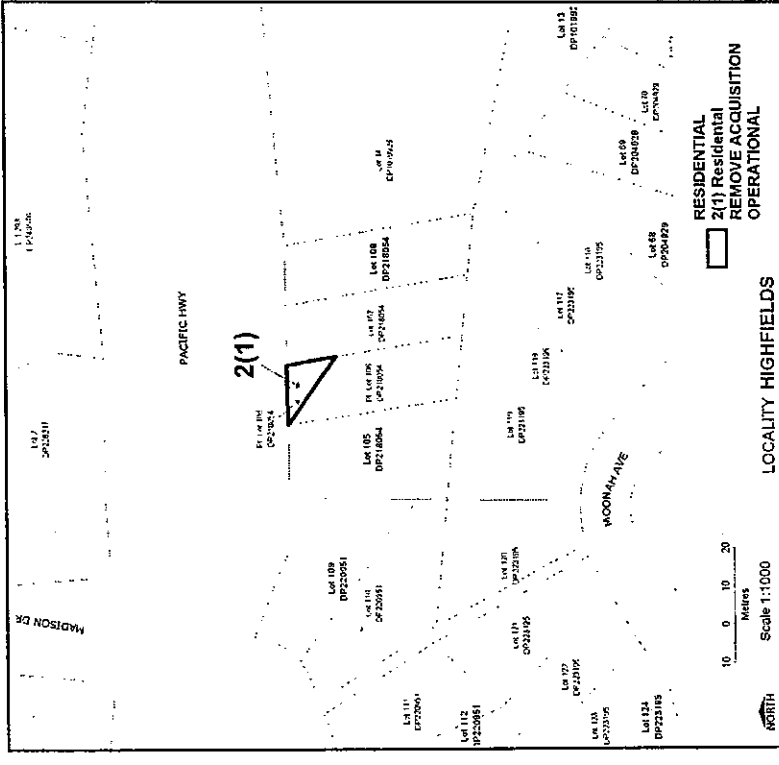
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 2 OF 12

DRAWN BY	GAH	DATE	14/08/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F3005/01993	DEPT. OF PLANNING	PLANNING
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE	
		DATE	
		GENERAL MANAGER	OF
		PUBLISHED IN GOVT GAZETTE NO.	

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
GENERAL MANAGER DATE

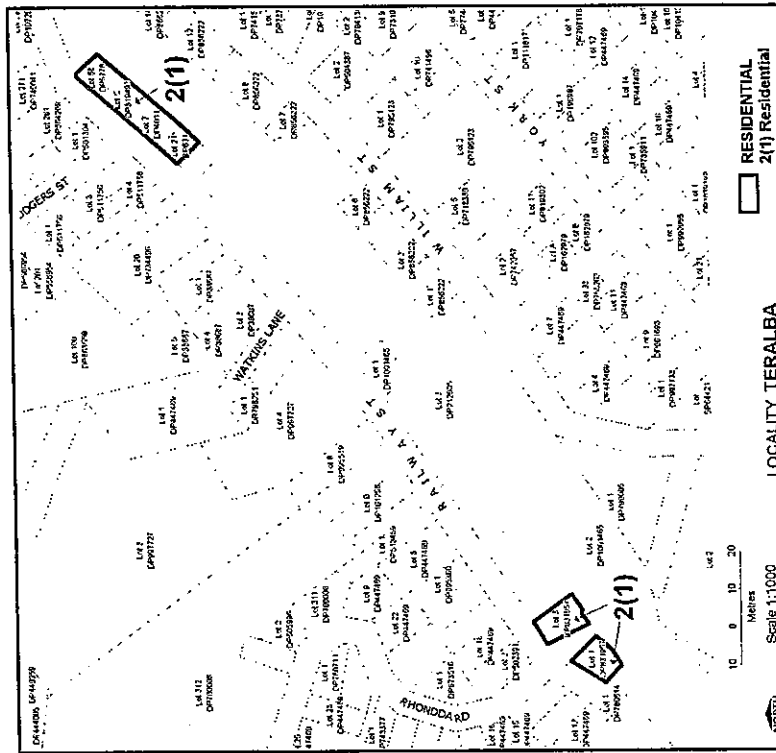


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
CITY OF LAKE MACQUARIE
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
SHEET 1 OF 12

DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F3005/01993	DEPT. OF PLANNING	PLANNING
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE	
		DATE	
		GENERAL MANAGER	OF
		PUBLISHED IN GOVT GAZETTE NO.	

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RESIDENTIAL
2(1) Residential

LOCALITY TERALBA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

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

SHEET 3 OF 12

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

PUBLISHED IN GOVT GAZETTE NO. OF

GENERAL MANAGER DATE

DEPT. OF PLANNING

FILE NO. COUNCIL F200501893

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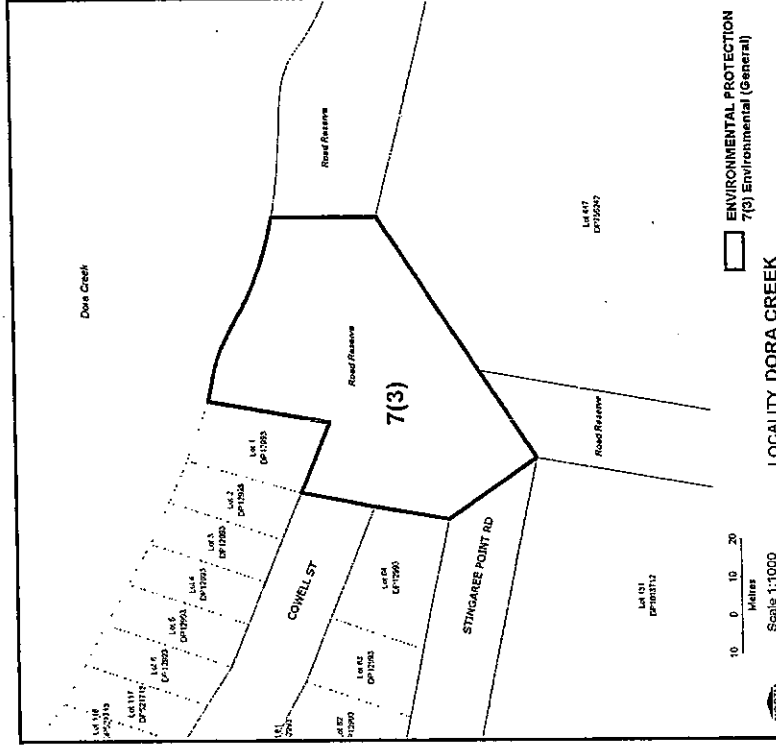
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Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PROTECTION
7(3) Environmental (General)

LOCALITY DORA CREEK

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF LAKE MACQUARIE

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

SHEET 4 OF 12

STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.

PUBLISHED IN GOVT GAZETTE NO. OF

GENERAL MANAGER DATE

DEPT. OF PLANNING

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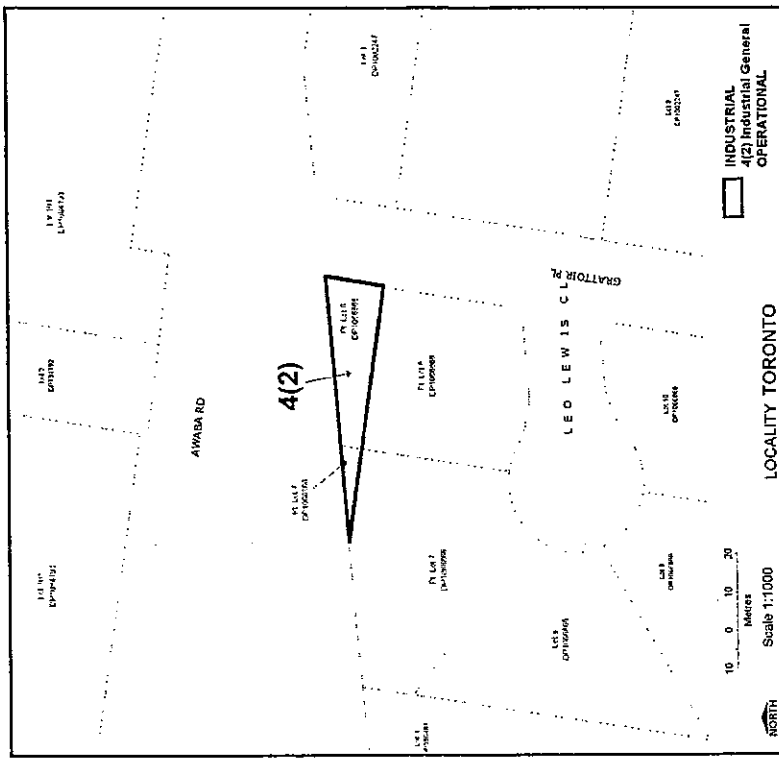
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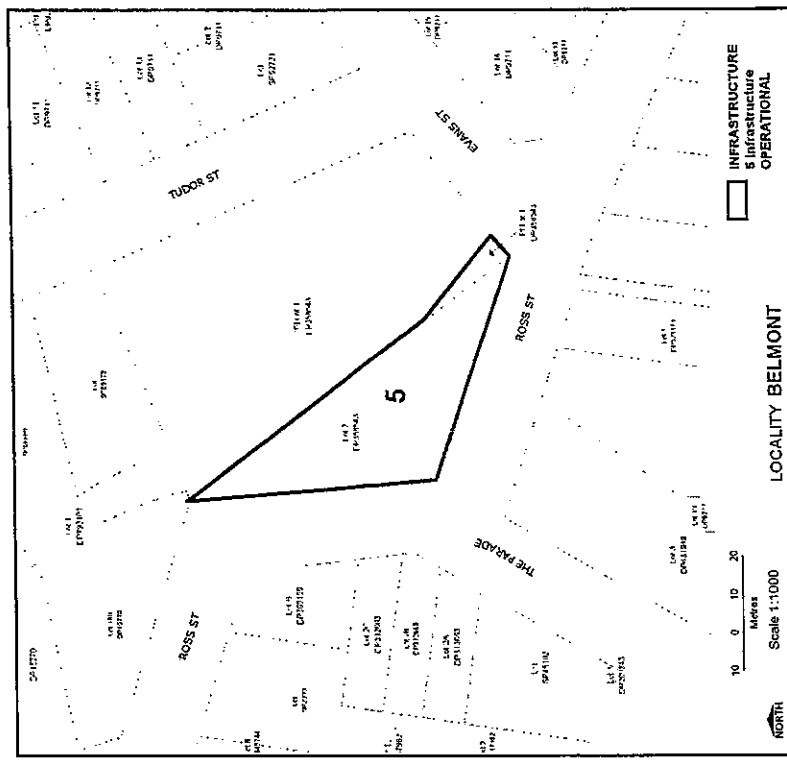
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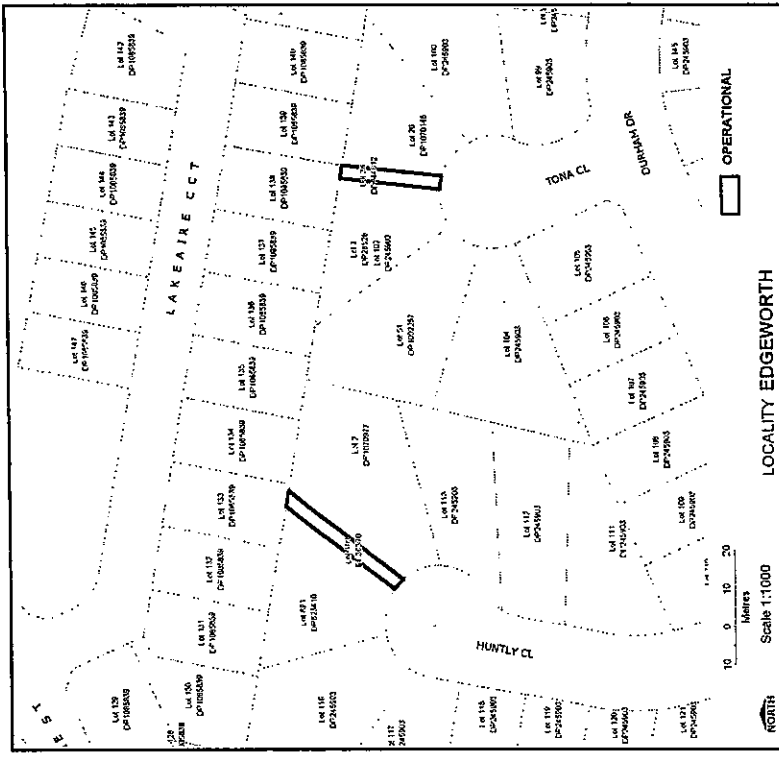
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PLANNING OFFICER		EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1972 AND REGULATIONS.
FILE NO. COUNCIL		F2005/01983	DEPT. of PLANNING		GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT			DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



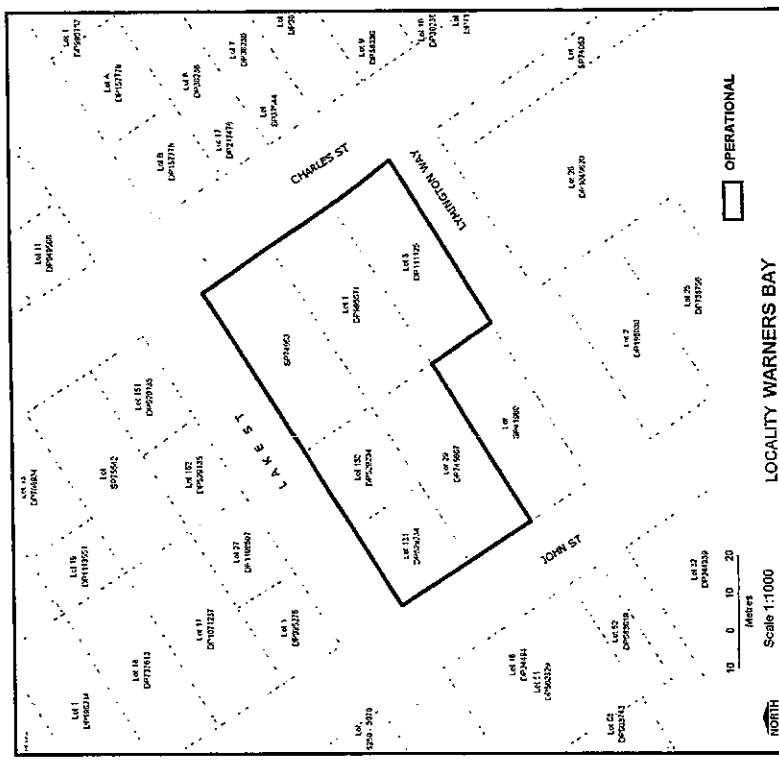
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Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



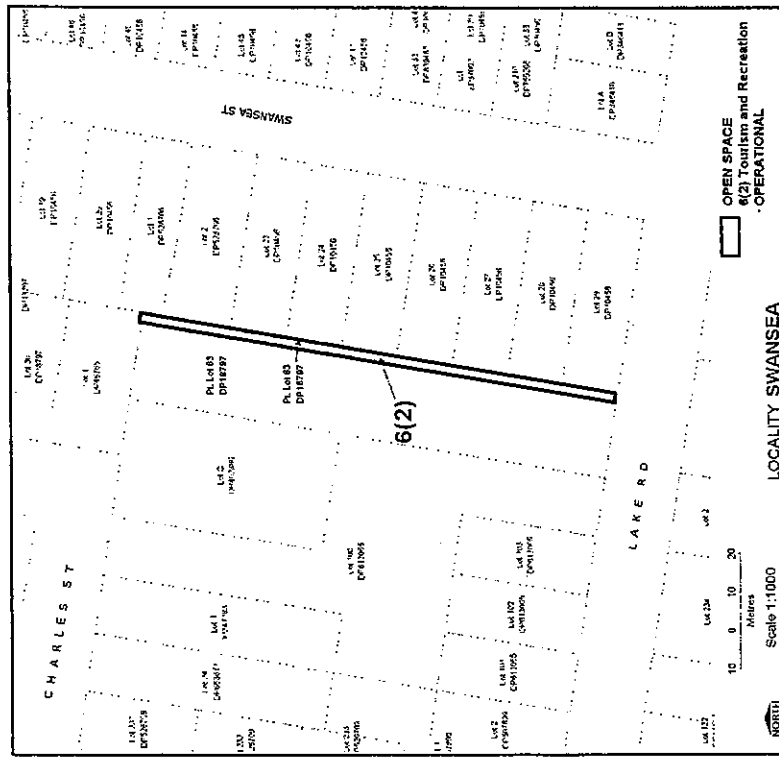
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FILE NO. COUNCIL		F2005/1993	DEPT. of	PLANNING
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE	GENERAL MANAGER	DATE
STATEMENT OF RELATIONSHIP WITH OTHER PLANS		AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004		
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PUBLISHED IN GOVT GAZETTE NO.		OF		

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



DRAWN BY		GAH	DATE	02/06/2007
PLANNING OFFICER		EM		
FILE NO. COUNCIL		F2005/1993	DEPT. of	PLANNING
CERTIFICATE ISSUED UNDER SEC. 55 EPA ACT		DATE	GENERAL MANAGER	DATE
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Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



Scale 1:1000 LOCALITY SWANSEA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

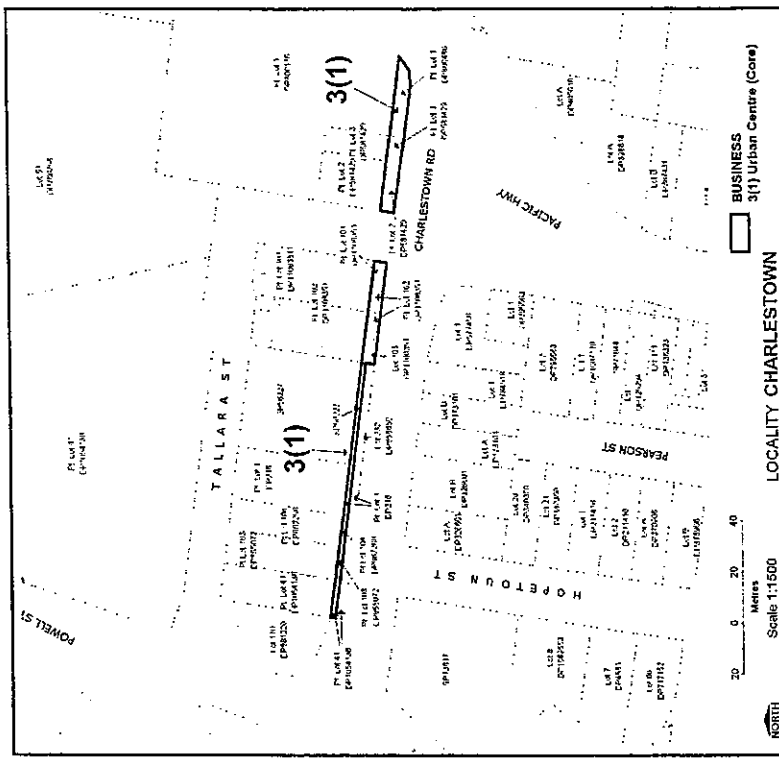
CITY OF LAKE MACQUARIE SHEET 9 OF 12

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

OPEN SPACE (2) Tourism and Recreation OPERATIONAL

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
PLANNING OFFICER	EM			CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.
FILE NO. COUNCIL	F2005/0193	DEPT. of PLANNING		SERIES/BA. MANAGER DATE
CERTIFICATE ISSUED UNDER SEC. 63 EPA ACT		DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



Scale 1:1500 LOCALITY CHARLESTOWN

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

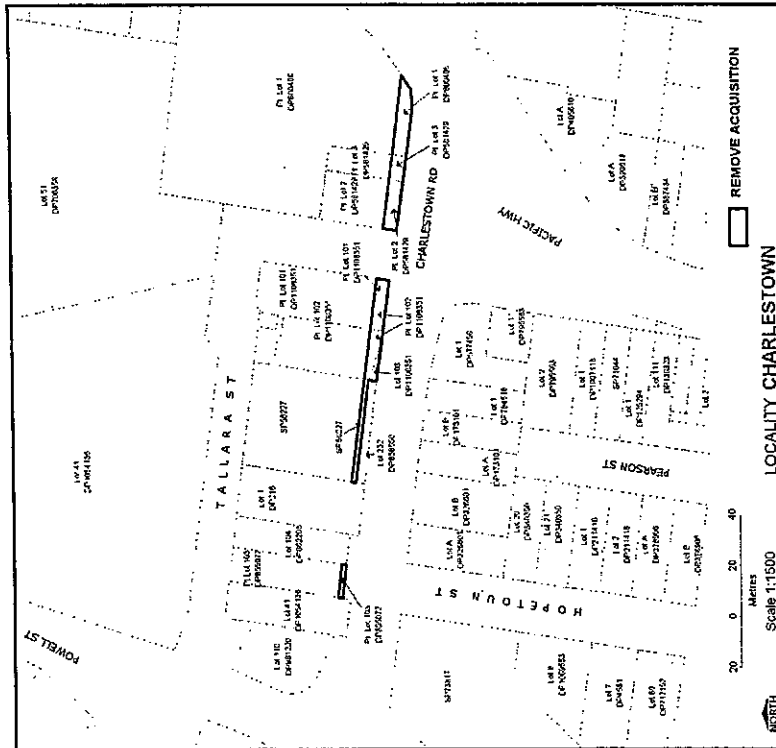
CITY OF LAKE MACQUARIE SHEET 10 OF 12

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

BUSINESS 3(1) Urban Centre (Core)

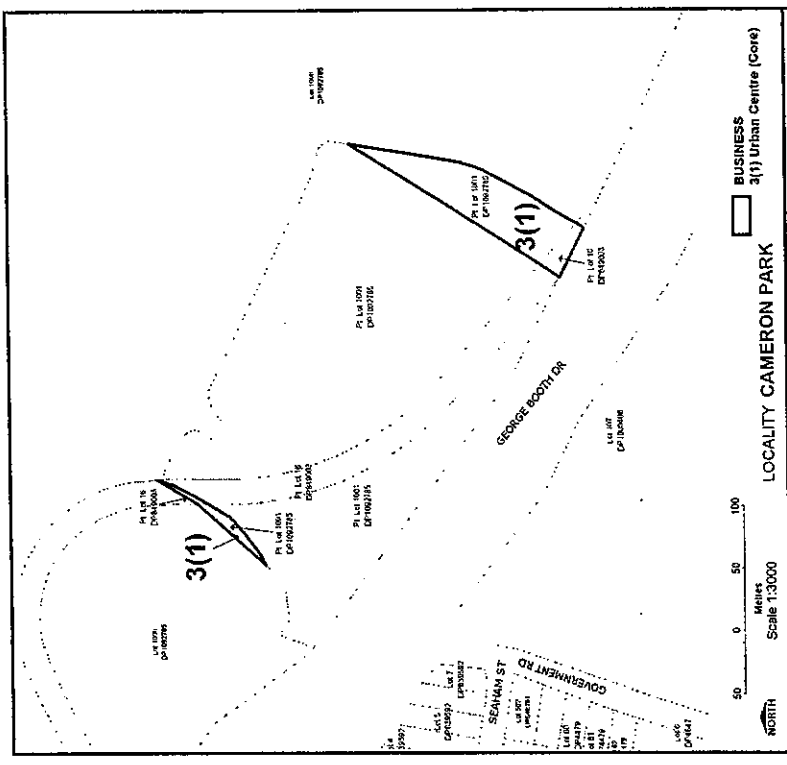
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CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT			DATE		GENERAL MANAGER
					PUBLISHED IN GOVT GAZETTE NO. OF

6 November 2009

LMCC
C/- LMCC

Our Ref:52704
Your Ref: PETER
REES
ABN 81 065 027 868

**SECTION 149 PLANNING CERTIFICATE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

Fee Paid: 100.00
Receipt No:
Receipt Date: 5 November 2009

DESCRIPTION OF LAND

Address: 2C Josephson Street, SWANSEA NSW 2281
Lot Details: Lot 1 DP 1138514
Parish: Wallarah
County: Northumberland

For: BRIAN BELL
GENERAL MANAGER





ADVICE PROVIDED IN ACCORDANCE WITH SECTION 149(2)

1 Names of Relevant Planning Instruments and Development Control Plans

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Lake Macquarie Local Environmental Plan 2004

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 (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Temporary Structures) 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. 19 – Bushland in Urban Areas

State Environmental Planning Policy No. 21 – Caravan Parks

State Environmental Planning Policy No. 22 – Shops and Commercial Premises

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 71 – Coastal Protection

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Director-General has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Lake Macquarie Local Environmental Plan 2004 (Amendment No. 28)

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

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

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Development Control Plan No. 1 – Principles of Development

Development Control Plan No. 2 – Complying Development

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a Local Environmental Plan or a Draft environmental planning instrument.

2 Zoning and land use under relevant Local Environmental Plans

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

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

3(1) Urban Centre

- (b) The purposes for which the Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Instrument 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 C - 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 D - 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 Instrument (see 1(2) above).

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

Nil

- (b) The purposes for which the Draft Instrument 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 Instrument provides that development may not be carried out within the zone except with development consent.

Specified in Attachment A

- (d) The purposes for which the Draft Instrument 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 C - 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 D - 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 Complying development

Whether or not the land is land on which complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General Housing Code

Complying development under the General Housing Code MAY NOT be carried out on the land. The land is affected by specific land exemptions:

The land is within an Acid Sulfate Soil Class 1 or Class 2 area.

The land is a flood control lot.

Housing Internal Alterations Code

Complying development under the Housing Internal Alterations Code MAY be carried out on the land.

General Commercial and Industrial Code

Complying development under the General Commercial and Industrial Code MAY be carried out on the land.

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.

The land is within the defined coastal zone for the purposes of the Coastal Protection Act 1979 and **no** notifications have been received from the Department of Natural Resources under that Act.

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.

No

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

No

(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).

Yes – The Lake Macquarie Sea Level Rise Preparedness Adaptation Policy

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.

Yes

(2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

Yes

(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*.

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 or proposed environmental planning instrument referred to in Clause 1 makes provision in relation to 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.4 - Commercial Centres (1998)

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

10 (Repealed)

11 Bush Fire Prone Land

NONE 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) Whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

- (b) Any terms of a kind referred to in clause 18 (2) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Nil

16 Site compatibility certificates for infrastructure

Whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) Whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land.

Council is not aware of any site capability certificate for any proposed development on the land

- (2) Any terms of a kind referred to in clause 17 (1) or 37 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Nil

NOTE: The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

Matters arising under the Contaminated Land Management Act 1997 (s59 (2))

- (a) The land to which the certificate relates is significantly contaminated land within the meaning of that Act - if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,

No

- (b) The land to which the certificate relates is subject to a management order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (c) The land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act - if it is the subject of such an approved proposal at the date when the certificate is issued,

No

- (d) The land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act - if it is subject to such an order at the date when the certificate is issued,

No

- (e) The land to which the certificate relates is the subject of a site audit statement within the meaning of that Act - if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

No

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).

18 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.

19 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.

20 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.

21 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.

22 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.

23 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.

24 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.

25 Voluntary Planning Agreement

The land is not affected by a Voluntary Planning Agreement.

ATTACHMENTS:

- A Extract from Lake Macquarie Local Environmental Plan, 2004 – Clause 15
- B Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 1
- C Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedule 2
- D Extract from Lake Macquarie Local Environmental Plan, 2004 – Schedules 4, 5 & 6
- E Summary of Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28)



Attachment A

Zone 3 (1) Urban Centre (Core) Zone

1 Objectives of zone

The objectives of this zone are to:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and
- (b) generate viable employment and economic activity, and
- (c) create urban centres for safe and vibrant social, cultural and community activity, and
- (d) 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.

88

88

Attachment B

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 significantly contaminated land within the meaning of the Contaminated Land Management Act 1997.
- #### **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 the following: Access ramp to a building (for able and disabled persons)	Column 2 Zones in which development is exempt	Column 3 Circumstances where exempt
	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 carparking 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 All zones for additional requirements for particular kinds of advertising structures)

General criteria—in addition to the criteria for particular kinds of structures listed below: maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and maximum area 1 square metre in all other zones, and one sign per premises, and signs must not cover mechanical ventilation inlet or outlet vents, and advertising structures over public road to be at least 600mm from kerb/roadway edge, and signs must not be illuminated or use flashing lights or similar devices for illumination, and must meet all applicable performance criteria in Part 2.7.7 (Signs) of Lake Macquarie Development Control Plan No 1—Principles of Development, and 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:

Business identification signs in residential areas (2) Zones 2 (1) and 2

Satisfy general criteria above. Maximum area 1 square metre.

Business identification signs	Zones 3 (1) and 3 (2)	Suspended under awnings signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Vertical or horizontal projecting wall signs: satisfy general criteria above, and securely fixed by metal supports, and do not affect the structural integrity of the awning or building. Flush wall signs: satisfy general criteria above, and securely fixed. Top hamper signs: satisfy general criteria above, and securely fixed.
Business identification signs in Industrial areas	Zones 4 (1), 4 (2), 4 (3) and 9	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.
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)	Satisfy general criteria above. For land in Zone 2 (1) or 2 (2), have a maximum area of: 1.2 square metres for a "For Sale" sign, or 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.
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	Satisfy general criteria above. Have a maximum area of 4.5 square metres.

Aerials/antennae/microwave antennae ancillary to lawful dwellings (not including satellite dishes—dealt with as separate provision below)	All zones	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 5dba 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.
Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)	All zones	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 <u>Occupational Health and Safety Regulation 2001</u> . 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 <u>Occupational Health and Safety Regulation 2001</u> . 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.
Amusement devices (being a small amusement device as defined in the <u>Local Government (Approvals) Regulation 1999</u>) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	Zones 3 (1), 3 (2), 6 (1) and 6 (2)	

<p>Arcade amusement devices (eg pinball machines, virtual reality games etc)</p> <p>Automatic teller machines (ATM)</p>	<p>Zones 3 (1), 3 (2) and 6 (2)</p> <p>Located wholly within the subject premises. A total of no more than 5 devices are installed.</p> <p>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.</p> <p>It must be attached to the wall of a building, and include a bin with adequate capacity to discourage littering.</p>
<p>Awnings, canopies and storm blinds on existing dwellings for which consent or a building approval has been granted</p>	<p>All zones</p> <p>Maximum area of 30 square metres—for awnings.</p> <p>Located wholly within property boundaries.</p> <p>Minimum setback of 5 metres from side and rear boundaries in rural and environmental protection and conservation zones.</p> <p>Minimum setback of 900mm to side and rear boundaries in residential and commercial zones.</p> <p>Materials used are non-reflective.</p> <p>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.</p> <p>Maximum height of 2.7 metres.</p> <p>Complies with front boundary setbacks for the zone.</p>
<p>Awnings over trade waste disposal points</p>	<p>Zones 4 (1), 4 (2) and 9</p> <p>Maximum of 30 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Must facilitate maintenance of the trade waste device and enable all weather use.</p> <p>Constructed in materials which match and/or complement the design and appearance of existing buildings.</p> <p>Not located within front building setback.</p> <p>Complies with front building setbacks for the zone.</p>
<p>Barbecues ancillary to a building for which consent or a building approval has been granted</p>	<p>All zones</p> <p>Maximum area of 4 square metres.</p> <p>Maximum height of 2 metres.</p> <p>Minimum setback of 900mm from side and rear boundaries.</p> <p>Minimum separation of 1,800mm from any adjoining dwelling.</p>

<p>Bed and breakfast establishments up to 2 bedrooms</p>	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p> <p>Complies with Part 3.7.8 (Bed and Breakfast Establishment) of Lake Macquarie Development Control Plan No 1—Principles of Development.</p> <p>Premises must have been inspected by the Council, and the Council must have supplied written evidence of that inspection, before use commenced.</p>
<p>Bird aviaries (for domestic purposes only and not for the keeping of fowls—see "Fowl House")</p>	<p>Zones 1 (1), 1 (2), (1), 7 (3) and 7 (5)</p> <p>Maximum area of 10 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Floor to be impervious.</p> <p>Located in rear yard.</p> <p>Minimum setback of 900mm to a property boundary.</p>
<p>Bridges (pedestrian) and staircases installed in public parks and recreation spaces</p>	<p>Zones 2 (1), 5 and 6 (2)</p> <p>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.</p> <p>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.</p>
<p>Bus shelters</p>	<p>All zones</p> <p>Must be suitably designed and constructed by or for the Council.</p> <p>Must reflect character and amenity of the area.</p> <p>Does not obstruct the line of sight of vehicular traffic.</p> <p>Located to enable safe and convenient access from both sides of the road by pedestrians including people with disabilities.</p> <p>Maximum area of 10 square metres.</p> <p>Non-reflective surface finishes.</p> <p>Advertising signs must not be attached.</p>

Bush regeneration, beach cleaning and raking, and riparian, littoral and foreshore stabilisation works	All zones	Riparian and littoral foreshore stabilisation works must: be undertaken by the Council or public authorities or by others on their behalf, and 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
Cabanas/gazebos and greenhouses	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (3), 7 (5) and 10	involve only minor earthworks and site improvements, and not cause or contribute to soil erosion or instability. 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.
Carports	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), 7 (5), 9 and 10	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.
Charity bins/clothing and recycling bins	Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3)	Must not result in more than three bins in any one location. Located wholly on private property and not in a public place.

Clothes hoist/line ancillary to a dwelling for which consent or a building approval has been granted	All zones	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.
Compost heaps	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	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.
Cubby houses (see also "playground equipment")	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	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.
Decks attached to dwellings (roofed and/or unroofed and open and/or enclosed)/patio abutting a dwelling	Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10	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(termitic 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.

Demolition	All zones	Council has issued an order to demolish under Division 2A of Part 6 of the <i>Environmental Planning and Assessment Act 1979</i> or section 124 of the <i>Local Government Act 1993</i> .
Different use resulting from change of use of shop to an office (2) or other commercial premises, or vice versa	Zones 3 (1) and 3	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, <i>Demolition of structures</i> .
Different use resulting from change of use of an office to an office	Zones 3 (1) and 3	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 resulting from change of use of a shop to a shop (2)	Zones 3 (1) and 3	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.
Different warehouse use resulting from change from another warehouse use	Zones 4 (1), 4 (2) and 3 (2)	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).

Earthworks (rural)	Zone 1 (1)	Where the earthworks constitute one or more of the following: · levelling of land to a maximum of 300mm, maintenance of drainage works, backfilling of dams with not more than 5 megalitres storage capacity, desilting of dams, maintenance of existing access roads within property boundaries.
Fences (all types)	All zones	General requirement in addition to the particular requirements listed for the different types of fences: must be constructed so that they do not prevent 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 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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . Boundary fences on corner lots must comply with Acceptable Solution A1.4 in Part 2.7.8 (Fences) of <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
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)	Where fence is to be erected in accordance with AS/NZS 3014:2003, <i>Electrical Installations—Electric fences</i> . Maximum height of 1.8 metres. Maximum height of 1 metre.
Fences—masonry or brick	All zones	Maximum height of 1 metre.
Fences—security	Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3) and 9	Chain wire fences around industrial zoned land, construction/demolition sites or Council owned or operated compounds or depots. Maximum height of 3 metres.

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
 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.

Footway dining

Zones 3 (1), 3 (2), 4
 (3), 5, 6 (1), 6 (2)
 and 7 (4)
 Only if in accordance with a current footway dining licence issued by the Council under section 125 of the Roads Act 1993.

Fowl house (for the keeping of chickens)

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

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)

Zone 6 (1)

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.

Hall protection

Zones 1 (1) and 1
 (2)

Home occupation

All zones

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.

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

Horse stables and animal shelters Zones 1 (2), 7 (3)
 and 7 (5)

Maximum area of 20 square metres.
 Maximum height of 3 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)

Non-structural alterations only. Alterations must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia.

Landscaping

All zones

Alterations must not cause the existing building in which they are carried out to contravene the Building Code of Australia.
 No alterations to bottle shop or to food premises where food is stored or prepared.
 May only be carried out in road reserves, parks or on land containing a dwelling house. Landscaping does not include earthworks or the construction of retaining walls or other structures.
 Maximum height of 1 metre above ground level.

Letter box (freestanding or in "banks")

All zones

Only 1 letterbox per occupancy. Appropriate numbering for each letterbox. Structurally stable with adequate footings located wholly within the site.

Minor internal alterations to domestic single dwellings

All zones in which a dwelling is permissible

Non-structural work only, such as: replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials, renovations of bathrooms or kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes.

Park and street furniture, seats, bins, picnic tables, minor shelters and alterations, street signage (non promotional) and lighting

All zones

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.

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. Development is in accordance with plan of management approved by the Council.
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	
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 or 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.

Playground equipment on land not controlled by the Council and not on school land	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	If for residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. If for non-residential use: Maximum height of 2.1 metres. Maximum ground coverage of 10 square metres. Provision of soft landing surfaces.
Ponds/pools	Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 6 (2), 6 (3), 7 (3) and 7 (5)	All equipment: Designed, fabricated and installed in accordance with AS 1924 and AS 2155. 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.
Privacy screens or trellises	All zones	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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> .
Public meetings—use of Class 9b buildings for this purpose	All zones	The Class 9b building has development consent or a building approval. Where the meeting is conducted for a not-for-profit or other charity fundraiser. Notice of event provided in writing to the Council at least 14 days in advance. No structural alteration to the premises. Compliance with the <i>Food Act 2003</i> , 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

Retaining walls

All zones

Located within a public road or footway or neighbourhood property under a neighbourhood scheme.

Erected by or on behalf of the Council or the Roads and Traffic Authority.

Existing materials replaced with similar materials.

Re-cladding not to involve structural alterations.

Non-reflective materials used. Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.

Additional requirements for roof replacement: where an existing roof is being replaced with the same material (e metal or tile to tile) and does not include changing the pitch of the roof.

if the work involves a metal roof where no electrical earthing arrangement is in place, the re-cladding 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:
AS 3700—*Masonry Code*.

AS 3600—*Concrete Structures*,
AS 1170—*Loading Code*.

Timber walls to comply with:
AS 1720—*Timber Structures*,
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.

Road works in, on, under or above a road, being: maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,

All zones

installation of traffic lights, traffic calming devices and pedestrian facilities,

installation of kerb and gutter and associated drainage works,

minor drainage works,

making driveway crossings,

linemarking,

signposting,

sealing of gravel roads and areas,

footpaving and associated works,

minor intersection improvements or minor road widening.

Satellite dishes

All zones

Effective erosion and sediment control provisions must be designed and implemented.

Residential, rural and conservation/environmental protection zones:
Maximum diameter of 900mm.

Maximum height of 9 metres above existing ground level.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

All other zones:
Maximum diameter 1,500mm.

The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.

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	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, and 6 (1)</p> <p>Maximum height of support pole not to exceed 4 metres.</p> <p>Average height of structure not to exceed 3 metres.</p> <p>Maximum area not to exceed 30 square metres for residential properties and childcare centres in residential zones.</p> <p>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.</p> <p>Located behind the dwelling or building.</p> <p>Minimum setback of 900mm to side and rear boundaries in residential zones.</p> <p>Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.</p> <p>Shade fabric is not to be placed vertically.</p> <p>The fabric is properly tensioned to accommodate prevailing wind loads, prevent wind generated noise and to facilitate drainage.</p> <p>Must be ancillary to agriculture.</p>
Shade structures (bird nets and the like)	Zone 1 (1)
Silos	<p>Zone 1 (1)</p> <p>Maximum capacity 120 tonnes.</p> <p>Maximum height 9 metres.</p> <p>Constructed of prefabricated metal.</p> <p>Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specifications and/or an engineer's certification.</p> <p>Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.</p> <p>Minimum front setback 30 metres.</p>
Skylight roof windows (including solartube or similar type installations)	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>
Solar water heaters	<p>Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (5) and 10</p>

Stockyards and shelters used in conjunction with normal agricultural activities (excluding commercial or intensive uses)	Zones 1 (1) and 1 (2)	<p>Maximum yard area of 1 hectare.</p> <p>Maximum height of shelters 3 metres.</p> <p>Shelter constructed of timber or metal.</p> <p>Minimum setback of 5 metres from side/rear boundary and not located in front of the building line or in front of any dwelling.</p> <p>A minimum of 40 metres to any dwelling.</p> <p>All runoff collected and treated to prevent pollution of any watercourse.</p> <p>Minimum front setback of 30 metres for shelters.</p> <p>Maximum area of shelter 120 square metres.</p> <p>Constructed by or for the Council.</p> <p>Designed, fabricated and installed in accordance with relevant SAA standards.</p> <p>Subdivision certificate must be endorsed by the Council.</p>
Street signs comprising name plates, directional signs and advance traffic warning signs	All zones	<p>Subdivision: road widening, creating of public reserves, creating drainage reserves, consolidating allotments.</p>
Subdivision works:	Zones 2 (1) and 2 (2)	<p>Maximum length of battleaxe drive 50 metres.</p> <p>Longitudinal grade < 16%.</p> <p>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.</p> <p>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.</p>
Battleaxe driveways		<p>Any stormwater flows which are concentrated, as a result of the works, must be directly connected to a formed drainage system.</p>

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	Generally: The tank and any stand to be installed in accordance with manufacturers' specifications. If within residential zones: Maximum diameter or width 3 metres. (Repealed) Maximum height 2.4 metres.
		Located wholly behind the front building setback or, if there is more than one building on the frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
		Noise from pumps not to exceed 55dB at the wall of a dwelling on any adjoining property.
		If within rural zones: Maximum diameter or width 4.5 metres. Minimum setback 5 metres to side and rear boundaries.
		Maximum height 2.4 metres.
		Located wholly behind the front building setback or, if there is more than one building on the frontage, wholly behind the building line of the frontage that is furthest away from the front boundary of the lot.
		Noise from pumps not to exceed 55dB 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: AS 1288, <i>Glass in buildings—Selection and installation</i> , and AS 2208, <i>Safety Glazing Materials for Use in Buildings (Human Impact Considerations)</i> . No reduction in the area provided for light and ventilation. No removal of structural support members in affected walls.

Interallotment drainage	Zones 2 (1) and 2 (2)	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 <i>Lake Macquarie Development Control Plan No 1—Principles of Development</i> . 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. Maximum area 20 square metres. Maximum height 2.7 metres. Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.
Temporary site sheds—less than 6 months	All zones	Where a formal development consent or complying development certificate is not in force for the site. Located wholly within property boundary. Marquees and mini stages not in place longer than 1 week. Maximum gross floor area is 20 square metres.
Temporary structures: portaloos, marquees, mini stages.	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.
Water heaters (excluding solar system)—new and replacement installations	All zones	

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.



Attachment C

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".

Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme

Zone and land use	Standard (rectangular lot size)		Density
	Battle axe lot size	Other irregular shaped lot	
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 1,600m ² . 8 lots/5 hectare eg 12 on 7.5 ha, 16 on 10 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 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 1,000m².

Dwelling-house, not included in small lot housing or dual occupancy—detached	450m ² (14 metres), but corner lot (two street frontages, vacant land) 600m ² (18 metre principal frontage and width of the allotment).	600m ² (4 one, 5 metres for two, battle metres), 450m ² x 12 metres No more than two battle axe lots to share a single access way).	Neighbourhood lots as per minimum applicable lot size opposite.
Small lot housing	≥250m ² and <450m ² (frontage not specified).	Prohibited. ≥250m ² and <450m ² (frontage not specified).	Neighbourhood lot size ≥250m ² and <450m ² .
Dual occupancy—detached development	600m ² (17 metres).	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 ≥250m ² and <450m ² .	Prohibited. 1,000m ² parent lot. All lots created must be ≥250m ² and <450m ² .	Neighbourhood lot size must be ≥250m ² and <450m ² .

Multiple dwelling housing development	900m ² (25 metres), but corner lot (two street frontages)	1,500m ² (8 metres)	900m ² 20 x 30 metres (25 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,200m ² (30 metres—as width of the allotment).			
Residential flat building	1,200m ² (30 metres), but corner lot (two street frontages)	2,000m ² (18 metres)	1,200m ² 25 x 35 metres (30 metres).	Neighbourhood lots as per minimum applicable lot size opposite.
	1,500m ² (30 metres—as width of the allotment).			
3 (1) Urban Centre (Core)	No numeric standards.			
3 (2) Urban Centre (Support)	No numeric standards.			
4 (1) Industrial (Core)	4,000m ² (40 metres).	4,000m ² (12 metres).	4,000m ² 35 x 50 metres (40 metres).	Neighbourhood lots as per applicable lot size opposite.
	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
4 (3) Industrial (Urban Services)	1,500m ² (25 metres).	1,500m ² (9 metres).	1,500m ² 20 x 35 metres (25 metres).	Neighbourhood lots as per applicable lot size opposite.
5 Infrastructure	No numeric standards.			
6 (1) Open Space	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 <u>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</u> 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 x 40 metres on a less than 1 in 5 slope.	40 hectares and 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 <u>Community Land Development Act 1989</u>), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.	4 lots/40 hectares eg 5 on 50 ha etc.
7 (4) Environmental (Coastline)	No numeric standards.		
7 (5) Environmental (Living)	2 hectares (frontage not specified). Must include a minimum area of 40 x 40 metres with a less than 1 in 5 slope.	10 hectares and 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 <u>Community Land Development</u>	10 lots/10 hectares eg 15 on 15 ha etc.

Act 1989), unless a dwelling on the land comprised in the lot has vehicular access to a public road immediately before the lot is created.

8 National Park No numeric standards.

9 Natural Resources No numeric standards.

10 Investigation Prohibited.

Explanation of entries in Table

<p>Minimum area unless stated as a maximum. The figure shown in brackets is the minimum road frontage. All lots created are to have frontage to a public road.</p>	<p>Minimum area unless stated as a maximum. Excludes area of access way where the access way provides the only street frontage. The figure shown in brackets is the minimum lot access way width. All lots created front are to have frontage to a public road.</p>	<p>Minimum site area and maximum neighbourhood lot size. The remainder of the site area not included in neighbourhood lots is the neighbourhood property. 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.</p>	<p>The figure includes any existing dwellings to be retained as part of the development. Figure provided as a ratio of neighbourhood lots to site area.</p>
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Attachment D

Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites

(Clause 49 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
AG-01	L	Newcastle Mines 533 Lake Rd 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	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 Bennalls"	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 Ct 7 Maranatha Ct 9 Maranatha Ct 21 Maranatha Ct	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 11, 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	Colliery Relics	155 Old Main Rd	Lot 33, DP 858667	
BU-02	House "Awaba Park"	82 Marmong St 2b First St	Lot 120, DP 855520 Pt Lot 33, DP 755262	
BU-03	Quigley Grave	24 Park Pde	Pt Lot 468, DP 774186	
Cams Wharf				
CW-01	Lord of the Manor Cams Cottage	13 Cams Wharf Rd	Lot 2, DP 616354	
Cardiff				
CF-01	Row of 4 Shops with Cottages	275 Main Rd 279 Main Rd	Lot 21, DP 544989 Lot 22, DP 544989	
CF-02	Brick Shops	281 Main Rd	Lot 4, DP 10789	
CF-04	Former Doctor's Surgery	8 Michael St	Lot 2, DP 214463	
CF-05	House	6 Michael St	Lot 1, DP 214463	
CF-08	Cardiff Masonic Hall	4 Margaret St	Lot 12, Section B, DP 8186	
CF-09	House	309 Main Rd	Pt Lot 34, DP 755233	
CF-15	St Kevin's Cottage	230 Main Rd	Lot 1, DP 1015805	
CF-16	St Kevin's Church	226 Main Rd	Lot 3, Section A, DP 4143	
CF-17	Former Miner's Cottage	251 Main Rd	Lot 1, DP 303203	
Cardiff South				
CS-01	Former Colliery Tramway	14a Almora Ct 180 Macquarie Rd 235 Macquarie Rd (also see RT-15)	Lot 38, DP 827464 Lot 17, DP 727746 Lot 673, DP 805546	
Catherine Hill Bay				
CH-03	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	Wallerah Hotel	24 Clarke St	Lot 1, Section D, DP 163	
CH-05	Cottages	10 Clarke St 12 Clarke St	Lot 71, DP 222717 Lot 72, DP 222717	

CH-06	L	Cottages	21 Clarke St 19 Clarke St	Lot 78, DP 222717 Lot 79, DP 222717
CH-07	L	Cottage	17 Clarke St	Lot 80, DP 222717
CH-08	L	Cottages	9 Clarke St 7 Clarke St 5 Clarke St 3 Clarke St	Lot 84, DP 222717 Lot 85, DP 222717 Lot 86, DP 222717 Lot 87, DP 222717
CH-10	L	Cottage	3 Lindsley St	Lot 54, DP 222717
CH-12	L	Cottage	11 Lindsley St	Lot 58, DP 222717
CH-13	L	House "Wallerah House"	1a Keene St	Lot 2031, DP 841175
CH-14	L	Coal Loader Jetty	Southern end of the beach	Lot 2031, DP 841175
CH-16	L	Catherine Hill Bay Colliery Railway	Mine Camp to the coal loader jetty (also see RT-18)	
CH-17	L	House and 4 Norfolk Pines	38 Flowers Dr	Lot 22, DP 593154
CH-19	L	Anglican Church	71 Flowers Dr	Lot 21, DP 593154
CH-21	L	Group of cottages	27 Flowers Dr 29 Flowers Dr 31 Flowers Dr 33 Flowers Dr 35 Flowers Dr 37 Flowers Dr 42 Flowers Dr 44 Flowers Dr 46 Flowers Dr 48 Flowers Dr 50 Flowers Dr 54 Flowers Dr 56 Flowers Dr 58 Flowers Dr	Lot 14, DP 222943 Lot 15, DP 222943 Lot 16, DP 222943 Lot 17, DP 222943 Lot 18, DP 222943 Lot 19, DP 222943 Lot 41, DP 222943 Lot 42, DP 222943 Lot 43, DP 222943 Lot 44, DP 222943 Lot 45, DP 222943 Lot 47, DP 222943 Lot 48, DP 222943 Lot 49, DP 222943
CH-22	L	Hall	1 Northwood Rd	Lot 1, DP 407474
CH-24	L	House	26 Flowers Dr	Lot 1, DP 952963
CH-27	L	House	38 Flowers Dr (off Colliery Rd)	Lot 22, DP 593154
CH-32	L	Cemetery	8 Northwood Rd	Lot 7079, DP 1029250
Charlestown				
CT-01	L	Miners' Cottages	300 Charlestown Rd 304 Charlestown Rd 306 Charlestown Rd 308 Charlestown Rd	Lot 2, DP 33470 Lot 4, DP 33470 Lot 5, DP 33470 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
Coal Point				
CP-01	L	Threlkeld's Mine	359 Coal Point Rd	Lot 172, DP 1037893
Cooranbong				
CB-01	L	Grave "Frost's Rest"	1 Frost Rd	Lot 1, DP 919600
CB-02	L	Catholic Church and Cemetery	6 Martinsville Rd	Lot 1, DP 197852
CB-03	L	Former Post Office	41 Martinsville Rd	Lot 120, DP 755223
CB-06	L	House	9 Kings Rd	Lot 3, DP 549007
CB-07	L	House	8 Kings Rd	Lot 1, DP 798409
CB-08	L	North Corrumbung Cemetery	100 Martinsville Rd	Land in Deed of Conveyors Vol 687, Fol 202
CB-09	L	Suspension Footbridge	Off Victory St—Crosses Dora Creek	
CB-17	L	Water Tower	15 Central Rd	Lot 20, DP 3534
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-26	L	Sanitarium Health Foods Factory	70 Central Rd	Lots 6, 7 and 8, Section 1, DP 3533
CB-27	L	Sanitarium Dairy Farm	15 Central Rd	Lot 1, DP 938761
CB-28	L	House "Three Bells"	597 Freemans Dr	Lot 18, DP 129134
CB-29	L	Cottage	661 Freemans Dr	Lots 18 to 23, Section 3, DP 3533
CB-31	L	House "Sunnyside"	27 Avondale Rd	Lot 201, DP 1059478
Dora Creek				
DC-02	L	House	16 Dora St	Lot A, DP 416525
				Lot 2, DP 204207

DC-03	L	Holmes Store	3 Watt St	Lot 38, DP 528601
Dudley				
DL-01	L	Cast Iron Reservoir	-147 Ocean St	Lot 1, 446723
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 22B MR 217, Myuna Bay 22C MR 217, Myuna Bay 20A MR 217, Myuna Bay 20 MR 17, Myuna Bay 22A MR 217, Myuna Bay	Lot 10, DP 1050120 Lot 20, DP 840668 Lot 211, DP 840670 Lot 50, DP 840671 Lot 51, DP 840671 Lot 11, DP 1050120
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	

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 Wards 5 and 6	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-13	L	Morisset Hospital Ward 9, Clinical Dept	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-14	S	Morisset Hospital Ward 10	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-15	S	Morisset Hospital The Chapel	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-16	L	Morisset Hospital Recreation Hall	84 Bridge Street, Morisset	Lot 1, DP 880557
MS-17	S	Morisset Hospital The Main Store	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-19	S	Morisset Hospital Residence No 1	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-20	L	Morisset Hospital Ward 17, General Psychiatry	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-23	S	Morisset Hospital Ward 12	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-24	S	Morisset Hospital Residence No 3	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557
MS-25	S	Morisset Hospital Maximum Security Division	69a Fishing Point Rd, Bonnells Bay	Lot 1 DP 880557

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	Glenrock Railway and Mine Entrance and early coal mining sites	Glenrock State Recreation Area	Lot 1, DP 523208 and Lot 21, DP 575387
Killingworth				
KW-02	L	Eilcom Newcastle Substation	101 Killingworth Rd	Lot 1, DP 619513
KW-03	L	Former Killingworth Hotel	39 Killingworth Rd	Lot 2, DP 619513
KW-05	L	Soldier's Memorial	26 The Broadway	Lot 13, Section E, DP 4339
				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

MS-26	S L	Morriset Hospital 69a Fishing Point Cottage Row Residence Nos 16, 17, 18, 19, 20 and 21	Lot 1 DP 880557
MS-29	S L	Morriset Hospital 69a Fishing Point Water Supply Dam— Pourmalong Creek	Lot 1 DP 880557
Nords Wharf			
NW-01	L	Former Guesthouse "Kurrawilla"	Lot 4 to 9, DP 23483
NW-02	L	"Nords Wharf" Rd	PO 1970/126
Pelican			
PF-01	L	Cabbage Trees 5 Soldiers Rd 25 Soldiers Rd 35 Soldiers Rd	Pl Lot 135, DP 755233 Lot 103, DP 755233 Lot 102, DP 755233

Railways and tramways

RT-01	L	West Wallisend Steam Tram Line West Wallisend to Newcastle via Wallisend, Holmesville, Estelville, Edgeworth and Glendale
RT-02	L	Speers Point Steam Tram Line Speers Point via West Wallisend
RT-03	L	Great Northern Railway Line passes through Lake Macquarie from Garden Suburb to Wyee
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 Styx Creek	
RT-09	L	Seaham, West Wallisend, 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 Wallisend railway on the northside of Stockton Borehole Colliery to the Rhonda Colliery south of Rhonda Rd, Teralba	
RT-11	L	Fassifern to Toronto Branch Railway Line	Fassifern Railway Station to Toronto Railway Station and then Toronto Wharf	
RT-14	L	Wyee Coal Conveyor Railway Loop Station	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 Eilsdon 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 999865
TA-08	L	House "Moria"	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	20 Pitt St	Lot 31, DP 858667
TA-16	L	Billygoat Hill Garlees Mine	159 Railway St	Lot 1, DP 780614

TA-17	L	Rhondda 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	Frih's Store Building	66 The Boulevard	Lot B, DP 390795
TT-15	L	Restaurant	24 Victory Pde	Lot 1, DP 301366
TT-16	L	Royal Motor Yacht Club Annex	8 Arnott Ave	Lot 12 to 15, DP 456286
TT-17	L	Building Restaurant	6 Arnott Ave	Lot X, DP 406274, Pt Lot 424, DP 823708, Lot 1, DP 917503
TT-18	L	Boatman's Cottage Lakefront	4 Arnott Ave	Lot 1, DP 950464
TT-19	L	Boathouse and Winches Lakefront	4 Arnott Ave	Lot 1, DP 950464 PO 65/60
TT-20	L	House	4 Arnott 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	3 Laidley St, Johnson Park	Lot 1, DP 421411
WW-02	L	West Wallsend (No 1) Colliery Cottage	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-41	L	Museum Hotel	70 Wilson St	Lot 21, DP 700424
WW-46	L	Mt Sugarloaf and the Sugarloaf Range	Mt Sugarloaf Rd	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	Cemetery Rd	Lots 980 and 981, DP 589701
WW-52	L	West Wallsend Valve House and Underground Reservoir	30a George Booth Dr, Estelville	Lot 1, DP 923587
Whitebridge				
WH-01	L	Whitebridge Cemetery	132a Dudley Rd	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	Old Dudley Rd (also see RT-04)	
WH-09	L	Captain Bulls Garden	76 Bulls Garden Rd	Lot 10, DP 220823
Wye				
WY-02	L	Wye Channel	Extending north, from the Wye Dam, passing under Summethayes 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		Wallerah East Pit	Flowers Dr, Catherine Hill Bay	

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 6, Section J, DP 2252, Lot 7, Section J, DP 2252, Lot 8, Section J, DP 2252, Lot 11, Section J, DP 2252, Lot 12, 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 565278
WW-39	L	Cottage	53 Wilson St	Lot B, DP 315094
WW-40	L	Cottage	8 Laidley St	Lot B, DP 319636

3	Newstan Colliery	Fassifern Rd, Fassifern
4	Lambton Colliery Redhead	Crown Land Lot 2050, DP 823153
5	Arnos Bros, Quarry	Teralba
6	North Burwood Colliery	Burwood Rd, Whitebridge
AW-08	Railway Station cottage	34 Brisbane St, Awaba

Schedule 5 Natural heritage items

(Clause 49)

Part 1 Items relating to fossils

Item No	Significance	Item	Address	Property description
Blackalls Park				
BK-01	L	Fossil Tree Sections	Venetia Ave	Lot 6, DP 12604
BK-04	L	Fossil Tree Reserve	40 Aldon Cr	Reserve 38237
Swansea Heads				
NI	L	Numerous fossil tree stumps preserved in situ—remains of fossil forest	Off Lambton Pde	Adjacent to Reserve 88033 and DP 39981

Tingira Heights

TH-01	S	Nature Reserve and being permiian fossil insect horizon	Burton Rd	Lot 180, DP 755233 and area from Belmont to Warners Bay depicted on Map prepared by OLEM Knight, titled <i>Permiian Fossil Horizon Belmont—Warners Bay</i> 1949 (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 Lake Macquarie Aboriginal Heritage Study Report 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

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

Attachment E

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

Draft Lake Macquarie Local Environmental Plan (LMEP) 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
Changes to the land use table	
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.
Administrative and policy changes	
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 after 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 housing on a battle axe lot.

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

Amendment affects:	Proposed change
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	Introduce Part 8 and subsequent clauses to LMEP 2004. The new part deals with development standards. The provisions have been relocated from Schedule 2 to the new part and clauses.
Clause 62 Standards for residential development in Zone 2 (1)	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.
Clause 63 Standards for residential development in Zone 2 (2)	
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: <ul style="list-style-type: none"> 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.
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.

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

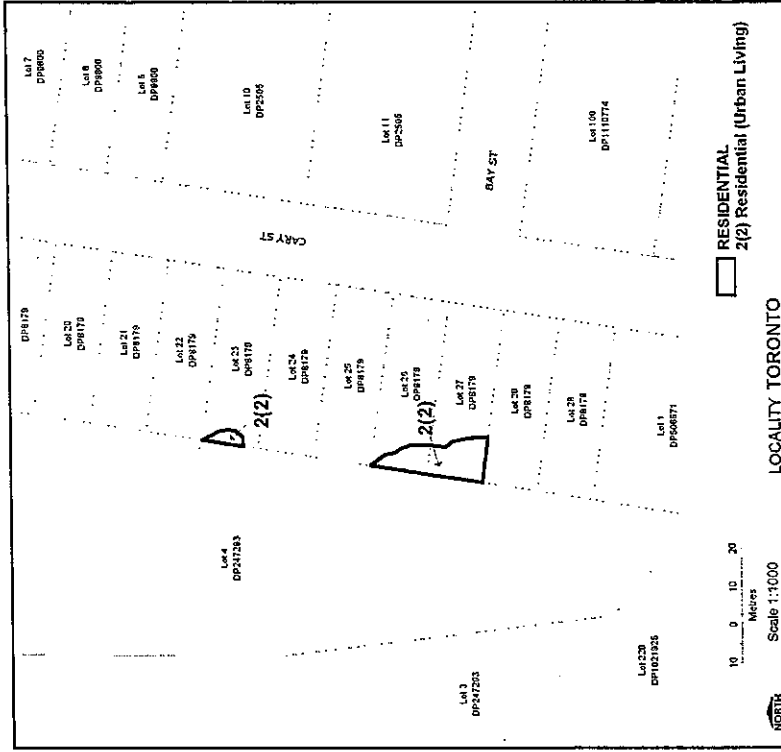
Amendment affects:	Proposed change
Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites	Amend incorrect property descriptions in the schedule.
Schedule 8 Land subject to special development requirements	Amend incorrect property descriptions in the schedule.
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.
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.

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

Amendment affects:	Proposed change
Rezoning and reclassification	Rezone part of Lots 6 and 7 DP 1066886 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

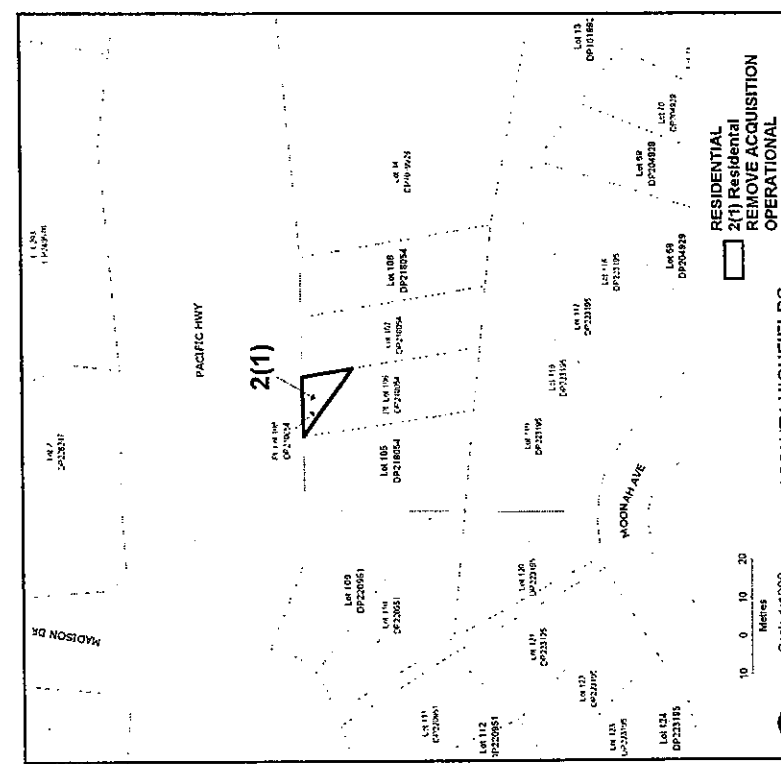
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 LOCAL ENVIRONMENTAL PLAN 2004
 CITY OF LAKE MACQUARIE
 LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)
 SHEET 1 OF 12

DRAWN BY	GAH	DATE	02/06/2007	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
PLANNING OFFICER	BN			AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004
FILE NO. COUNCIL	F2006/01963	DEPT. of PLANNING		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT		DATE		GENERAL MANAGER
				DATE OF PUBLISHED IN GOVT GAZETTE NO.

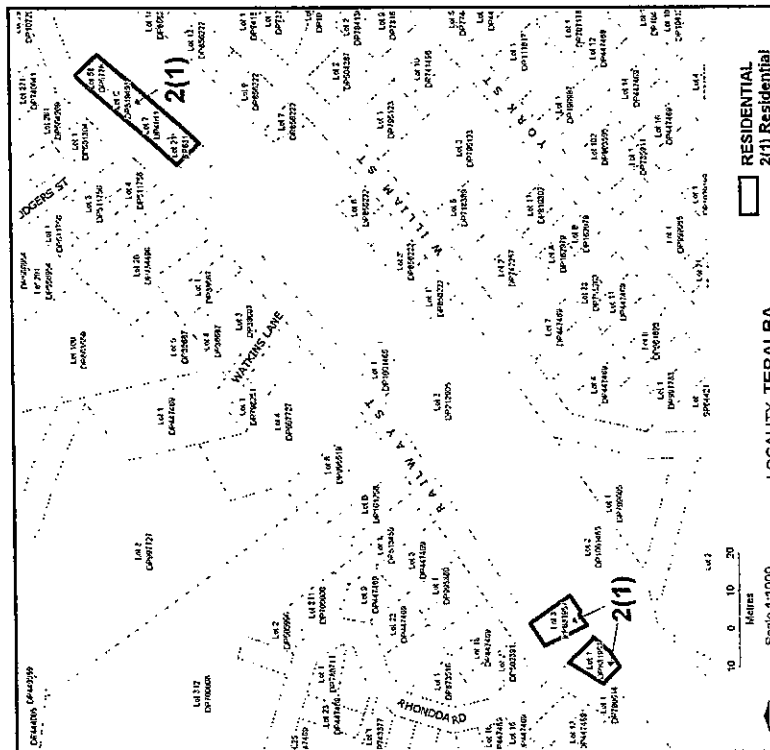
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 SHEET 2 OF 12

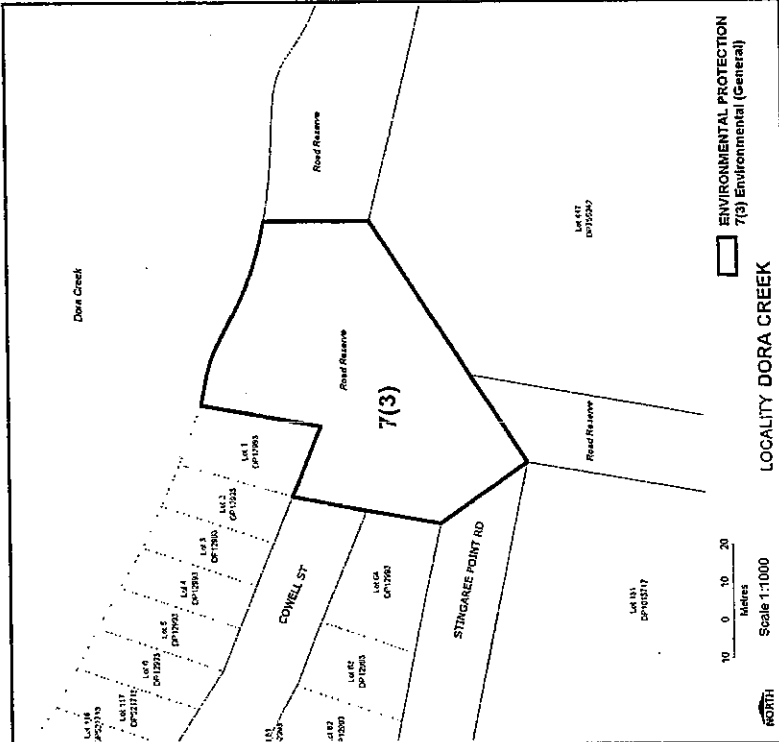
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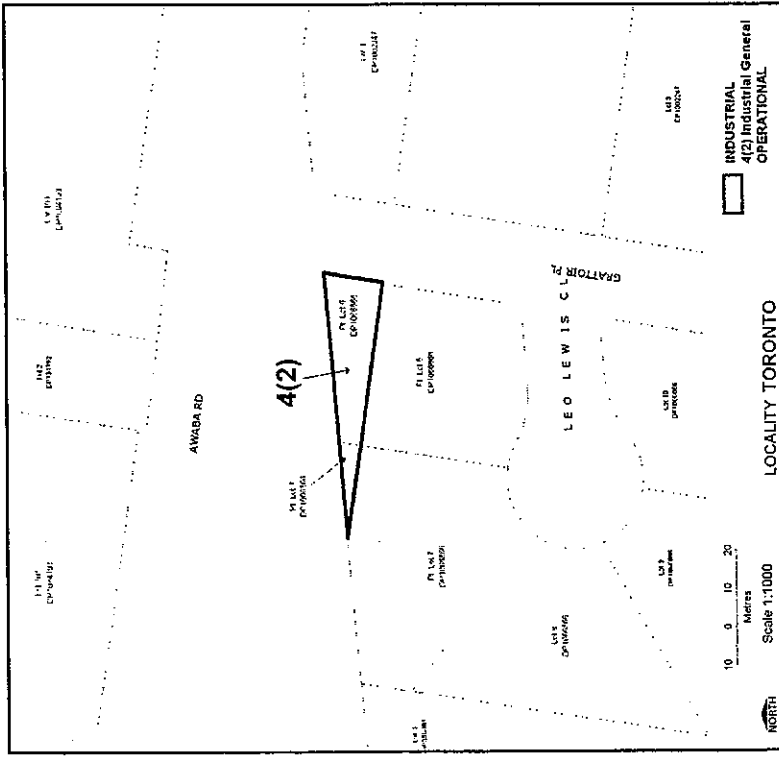
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CERTIFICATE ISSUED UNDER SEC. 85 EPA ACT	DATE	GENERAL MANAGER	DATE
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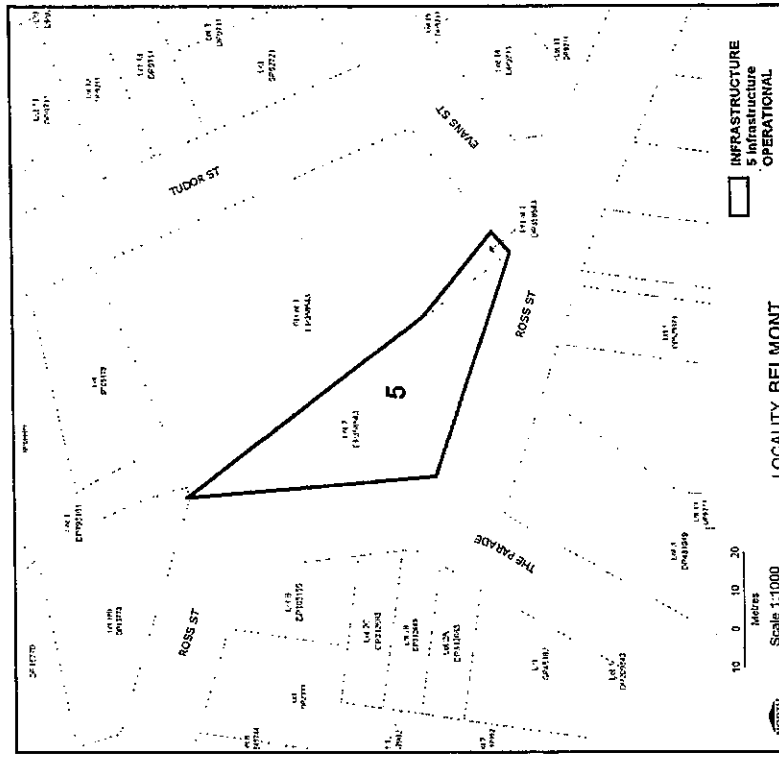
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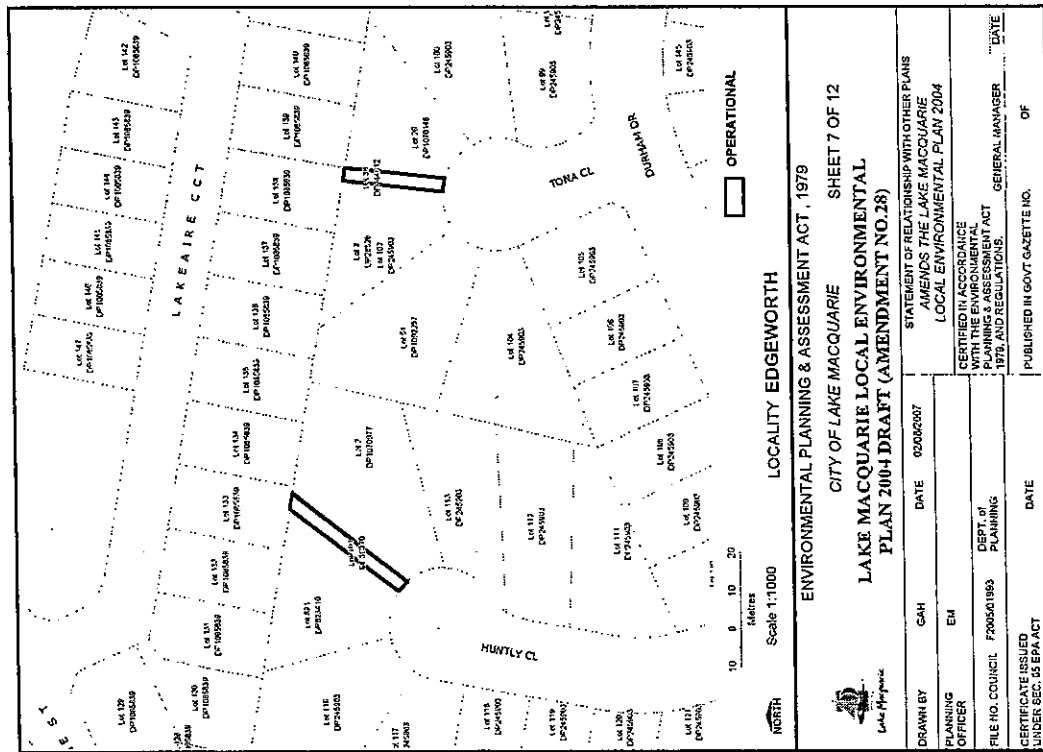
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CITY OF LAKE MACQUARIE		SHEET 5 OF 12	
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DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2005/1993	DEPT. of	PLANNING
CERTIFICATE ISSUED UNDER SEC. 64 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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

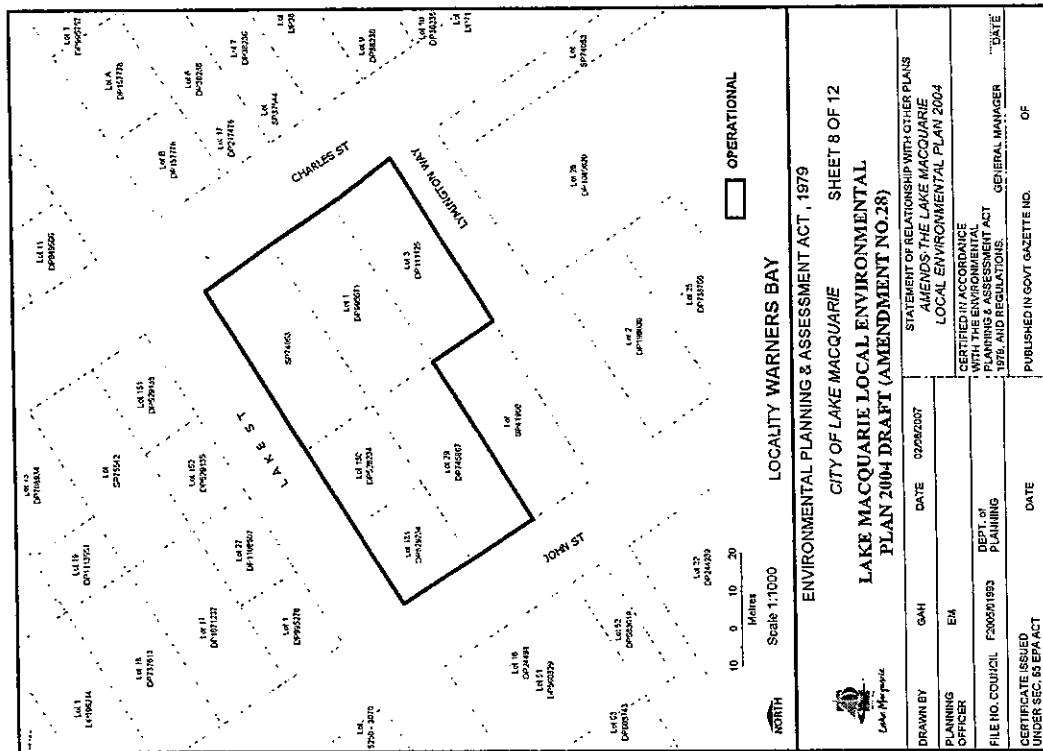


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY BELMONT	
CITY OF LAKE MACQUARIE		SHEET 6 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM		
FILE NO. COUNCIL	F2005/1993	DEPT. of	PLANNING
CERTIFICATE ISSUED UNDER SEC. 64 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

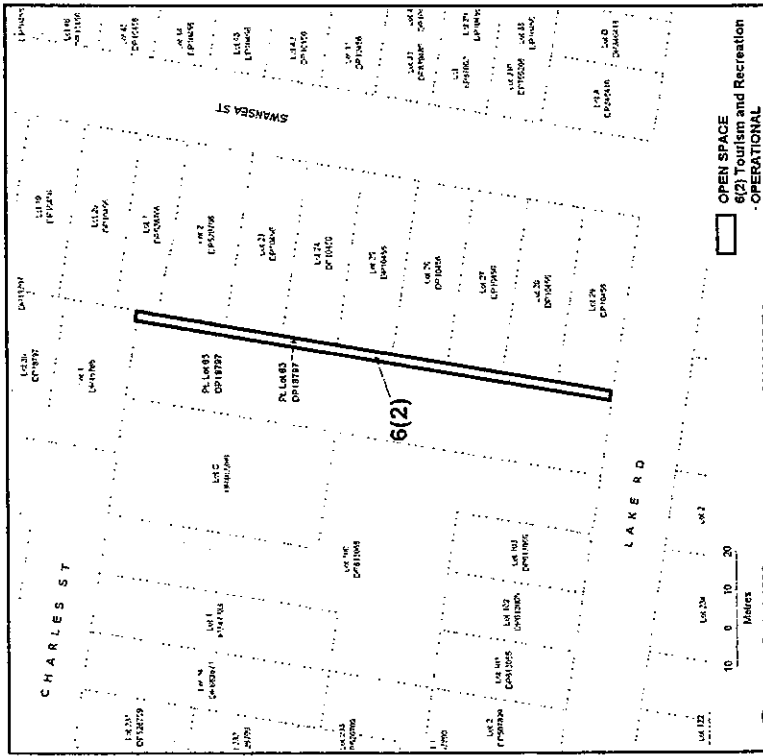
Draft Lake Macquarie Local Environmental Plan 2004 (Amendment No.28) for inclusion for 149 certificates.



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



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



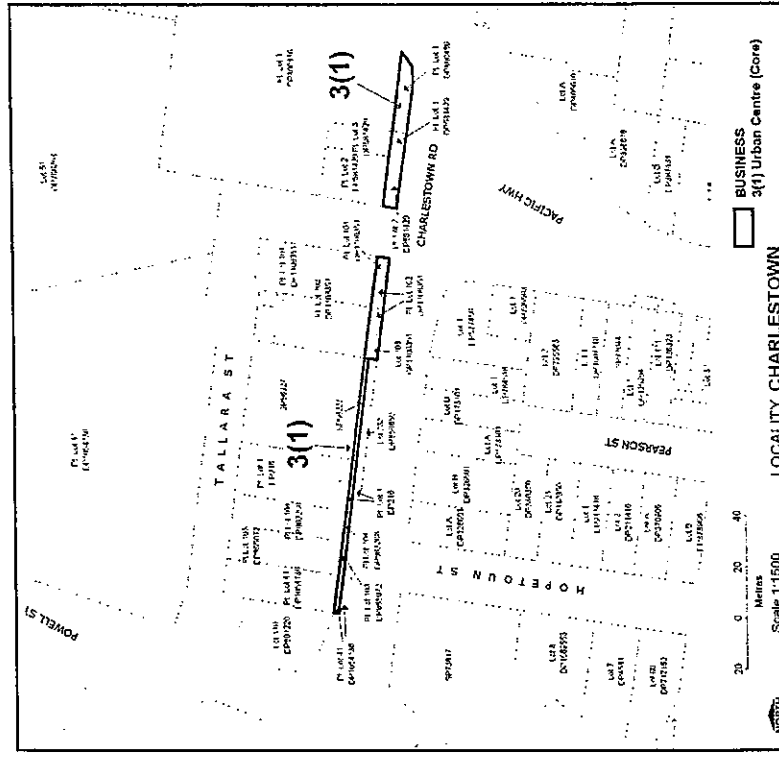
OPEN SPACE
6(2) Tourism and Recreation
OPERATIONAL

Scale 1:1000
Metres
0 10 20

NORTH
LOCALITY SWANSEA

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
CITY OF LAKE MACQUARIE		AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EH		
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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

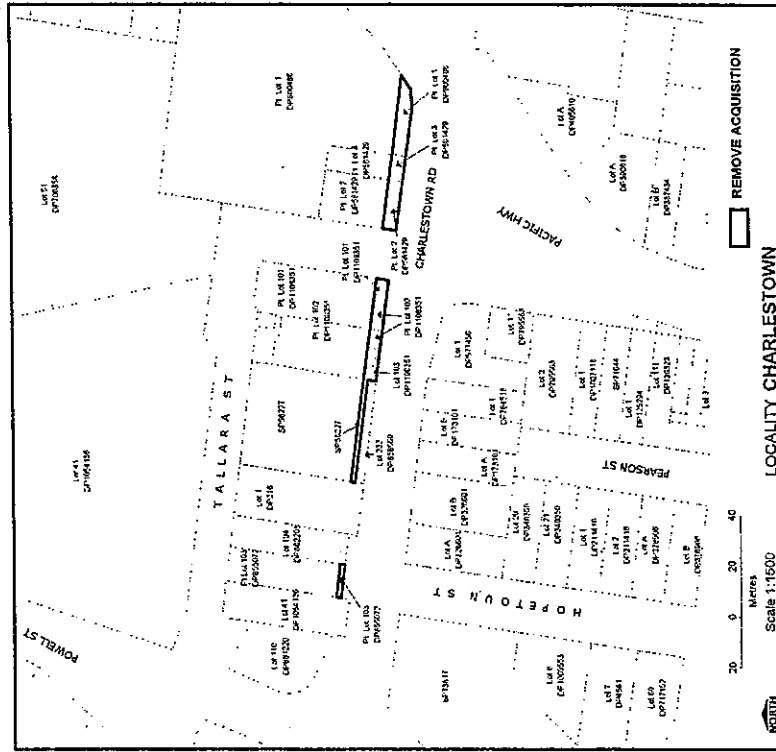


Scale 1:1500
Metres
0 20 40

NORTH
LOCALITY CHARLESTOWN

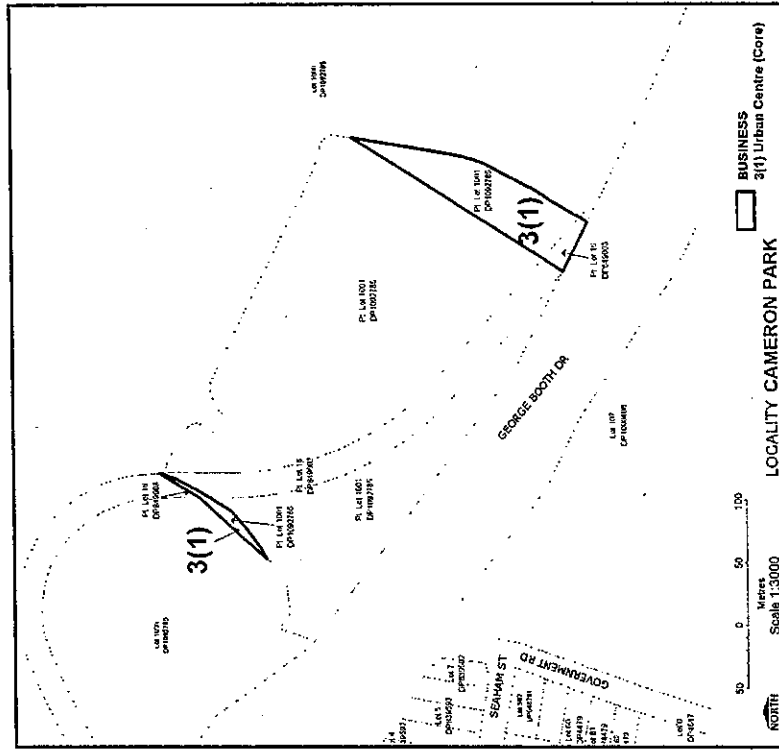
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		STATEMENT OF RELATIONSHIP WITH OTHER PLANS	
CITY OF LAKE MACQUARIE		AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EH		
FILE NO. COUNCIL	F2005/01993	DEPT. of PLANNING	
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE	GENERAL MANAGER	DATE
			OF

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



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY CHARLESTOWN	
CITY OF LAKE MACQUARIE		SHEET 11 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
FILE NO. COUNCIL	F3006/1983	DEPT. OF PLANNING	GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE		PUBLISHED IN GOVT GAZETTE NO. OF

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



ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979		LOCALITY CAMERON PARK	
CITY OF LAKE MACQUARIE		SHEET 12 OF 12	
LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004 DRAFT (AMENDMENT NO.28)		STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS THE LAKE MACQUARIE LOCAL ENVIRONMENTAL PLAN 2004	
DRAWN BY	GAH	DATE	02/06/2007
PLANNING OFFICER	EM	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS.	
FILE NO. COUNCIL	F3006/1983	DEPT. OF PLANNING	GENERAL MANAGER
CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT	DATE		PUBLISHED IN GOVT GAZETTE NO. OF

Attachment E

Sewer Reference Sheets

23854

PROPERTY INFORMATION INQUIRY FORMSUE-ONLINE PROPERTY ENQUIRIES
GENERATED BY ESPREON AS AGENT FOR THE APPLICANT

Office Use Only

Received

Receipt

To
HUNTER WATER CORPORATION
DX 7858
NEWCASTLE

From
CORRS CHAMBERS WESTGARTH
c/o Agent: Espreon Property Services Pty Ltd
~~ESPREON SYDNEY~~
PO BOX A2151 SYDNEY SOUTH NSW NSW 1235

Sewer Reference Sheet

ORIGINAL

Cheque Herewith \$14.65

Ref: 0001063051
CRef: Anthony Castro
Matter: Swansea
Email:

PROPERTY LOCATION

1	Local Council Name LAKE MACQUARIE	Parish WALLARAH	County NORTHUMBERLAND
2	Locality (Town/Suburb/Village/District) Swansea	Unit	House No Lot 41 Street Name Josephson STREET
3	Nearest Cross Street	Side of Street	
4	Area	Nature of Property Vacant Land	

LEGAL DESCRIPTIONS

5	Lot 41	Deposited Plan 5688	Section
---	-----------	------------------------	---------

OTHER REFERENCES

6	Common Property	
---	-----------------	--

NEW SUBDIVISIONS

7	Subdivider's Name	Street Name Before Subdivision	Town Clerk's Certificate No		
8	Lot No	Portion	DP No	Section	Area

REGISTERED PROPRIETOR'S/VENDOR'S/PURCHASER'S DETAILS

9	Registered Proprietor's Name and Residential Address Lake Macquarie City Council of n/a n/a n/a	
10	Vendor's Name and Address v/a of n/a n/a n/a	
11	Purchaser's Name and Address	Purpose of Enquiry

COMMENTS

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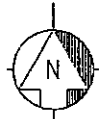
Date required:

Proposed date of settlement:

Applicant CORRS CHAMBERS WESTGARTH	Acting For	Date 24-Jun-2008	Phone 02 9210 0707	Fax No 02 9210 0787
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SERVICE LOCATION PLAN



APPLICATION NUMBER: 846361342

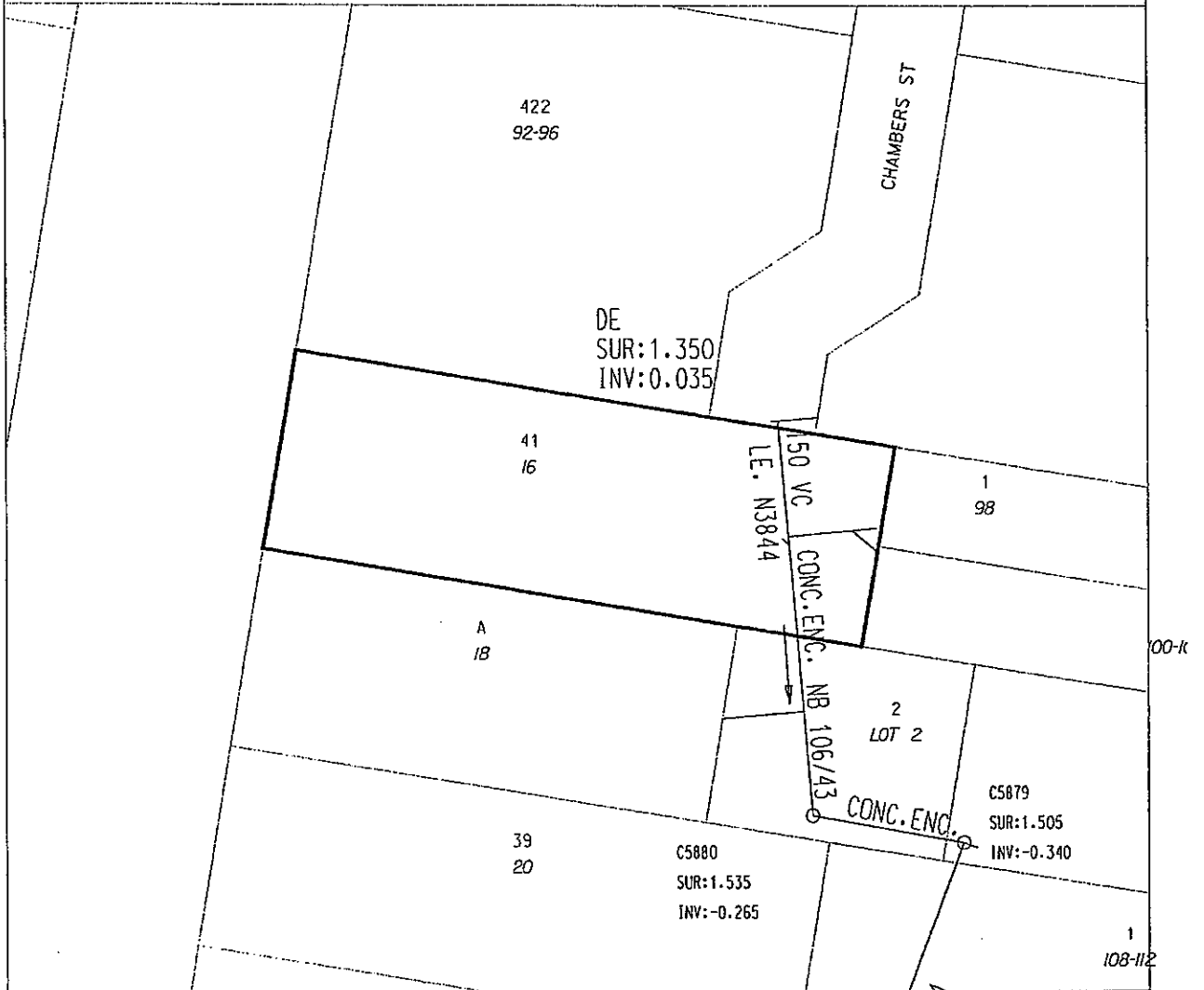
APPLICANT REF: 00G1063051 ANTHONY CASTRO

APPLICANT NAME: CORR'S CHAMBERS WESTGARTH C/-ESPRESSO

PREMISE NO.: 3492700943

PROPERTY ADDRESS: 16 JOSEPHSON ST SWANSEA 2281

LOT-SECTION-DP: 41/75688



SEWER POSITION APPROXIMATE ONLY.
SUBJECT PROPERTY BOLD.
ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAD WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A COMMERCIAL DEVELOPMENT (RETAIL, MEDICAL DENSITY, RESIDENTIAL, ETC) IS UNDERTAKEN. IN THESE CASES, IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS PRIOR TO PURCHASE. PHONE 1300 657 657

IMPORTANT:
IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNERS RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

Drafts
10/08/2005
1/09/05
8/09/05

(C) CALCULATED-CONTOUR DATA
LUMP INFORMATION CENTRE

(C) SEWER-WATER UTILITY DATA
HUNTER WATER CORPORATION

23853

PROPERTY INFORMATION INQUIRY FORM		Office Use Only	
SUE-ONLINE PROPERTY ENQUIRIES		Received	Receipt
GENERATED BY ESPREON AS AGENT FOR THE APPLICANT			
To	HUNTER WATER CORPORATION DX 7858 NEWCASTLE	Sewer Reference Sheet	ORIGINAL
From	CORRS CHAMBERS WESTGARTH c/o Agent: Espreon Property Services Pty Ltd DX 885 SYDNEY PO BOX A2151 SYDNEY SOUTH NSW NSW 1235	Cheque Herewith \$14.65	
		Ref: 0001063044 CRef: Anthony Castro Matter: Swansea Email:	

PROPERTY LOCATION

1	Local Council Name LAKE MACQUARIE	Parish WALLARAH	County NORTHUMBERLAND
2	Locality (Town/Suburb/Village/District) Swansea	Unit	House No Lot 421
			Street Name Josephson STREET
3	Nearest Cross Street		Side of Street
4	Area	Nature of Property Vacant Land	

LEGAL DESCRIPTIONS

5	Lot 421	Deposited Plan 785216	Section
---	------------	--------------------------	---------

OTHER REFERENCES

6	Common Property	
---	-----------------	--

NEW SUBDIVISIONS

7	Subdivider's Name	Street Name Before Subdivision	Town Clerk's Certificate No
8	Lot No	Portion	DP No
			Section
			Area

REGISTERED PROPRIETOR'S/VENDOR'S/PURCHASER'S DETAILS

9	Registered Proprietor's Name and Residential Address Lake Macquarie City Council of n/a n/a n/a	
	Vendor's Name and Address n/a of n/a n/a n/a	
11	Purchaser's Name and Address	Purpose of Enquiry

COMMENTS

--

Date required:

Proposed date of settlement:

Applicant CORRS CHAMBERS WESTGARTH	Acting For	Date 24-Jun-2008	Phone 02 9210 0707	Fax No 02 9210 0787
---------------------------------------	------------	---------------------	-----------------------	------------------------



SERVICE LOCATION PLAN



APPLICATION NUMBER: 9816380690

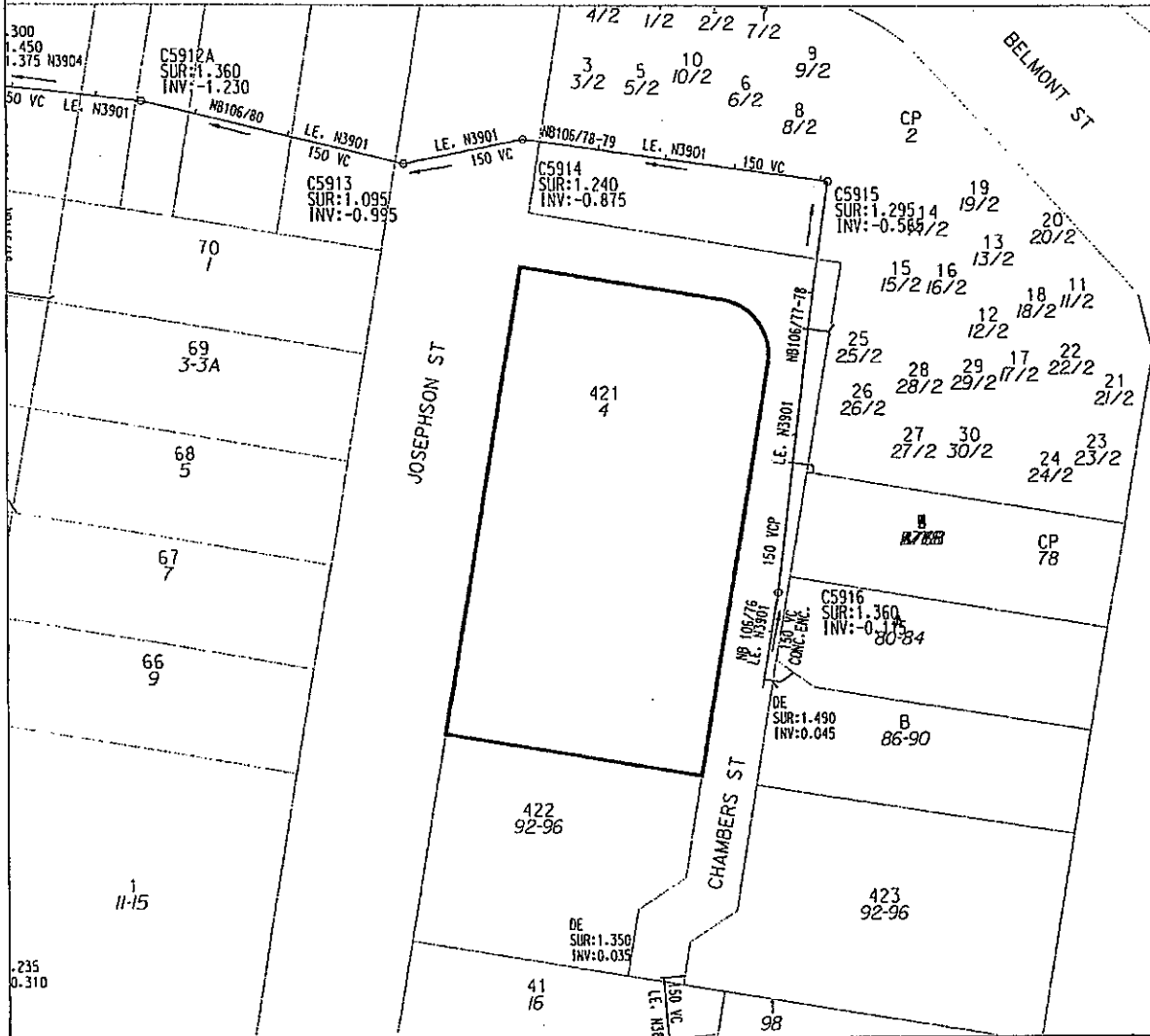
APPLICANT REF: 0001063044 ANTHONY CASTRO

APPLICANT NAME: CORRIS CHAMBERS WESTGARTH C/-ESPREON

PREMISE NO.: 1492700944

PROPERTY ADDRESS: 4 JOSEPHSON ST SWANSEA 2281

LOT/SECTION/DP: 421/785216



SEWER POSITION APPROXIMATE ONLY.
SUBJECT PROPERTY BOLDED.
ALL MEASUREMENTS ARE METRIC.

IF A SEWERMAIN IS LAID WITHIN THE BOUNDARIES OF THE LOT, SPECIAL REQUIREMENTS FOR THE PROTECTION OF THE SEWERMAIN APPLY IF A COMMERCIAL DEVELOPMENT (RETAIL, MEDIUM DENSITY, RESIDENTIAL, ETC) IS UNDERTAKEN IN THESE CASES, IT IS RECOMMENDED THAT YOU SEEK ADVICE ON THE SPECIAL REQUIREMENTS PRIOR TO PURCHASE, PHONE 1300 657 657

IMPORTANT:
IF THIS PLAN INDICATES A SEWER CONNECTION IS AVAILABLE OR PROPOSED FOR THE SUBJECT PROPERTY, IT IS THE INTENDING OWNER'S RESPONSIBILITY TO DETERMINE WHETHER IT IS PRACTICABLE TO DISCHARGE WASTEWATER FROM ALL PARTS OF THE PROPERTY TO THAT CONNECTION.

ANY INFORMATION SHOWN ON THIS PLAN MAY NOT BE UP TO DATE AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR ITS ACCURACY.

DATE: 11/01/2008
DRAWN BY: [signature]
CHECKED BY: [signature]

- (C) CADASTRAL CONTOUR DATA LAID INFORMATION CENTRE
- (E) SEWER/WATER UTILITY DATA HUNTER WATER CORPORATION

Attachment F

Plan of Subdivision

SURVEYING REGULATION 2006 CLAUSE 61(2)			
MARK	B.C.A. CO-ORDINATES	ZONE	CLASS ORDER
PM 22638	372851.337	NORTHING	56 B 2
PM 22621	372892.131	EASTING	56 A 1
SSM 28202	372844.420	NORTHING	56 B 2

SOURCE: S.C.I.M.S. 19-03-08 C.S.F. 0.999789

SSM 28202 - PM 22621
 3381005° - 221,314 (MGA GND)
 3381020° - 221,295 (SURVEY)

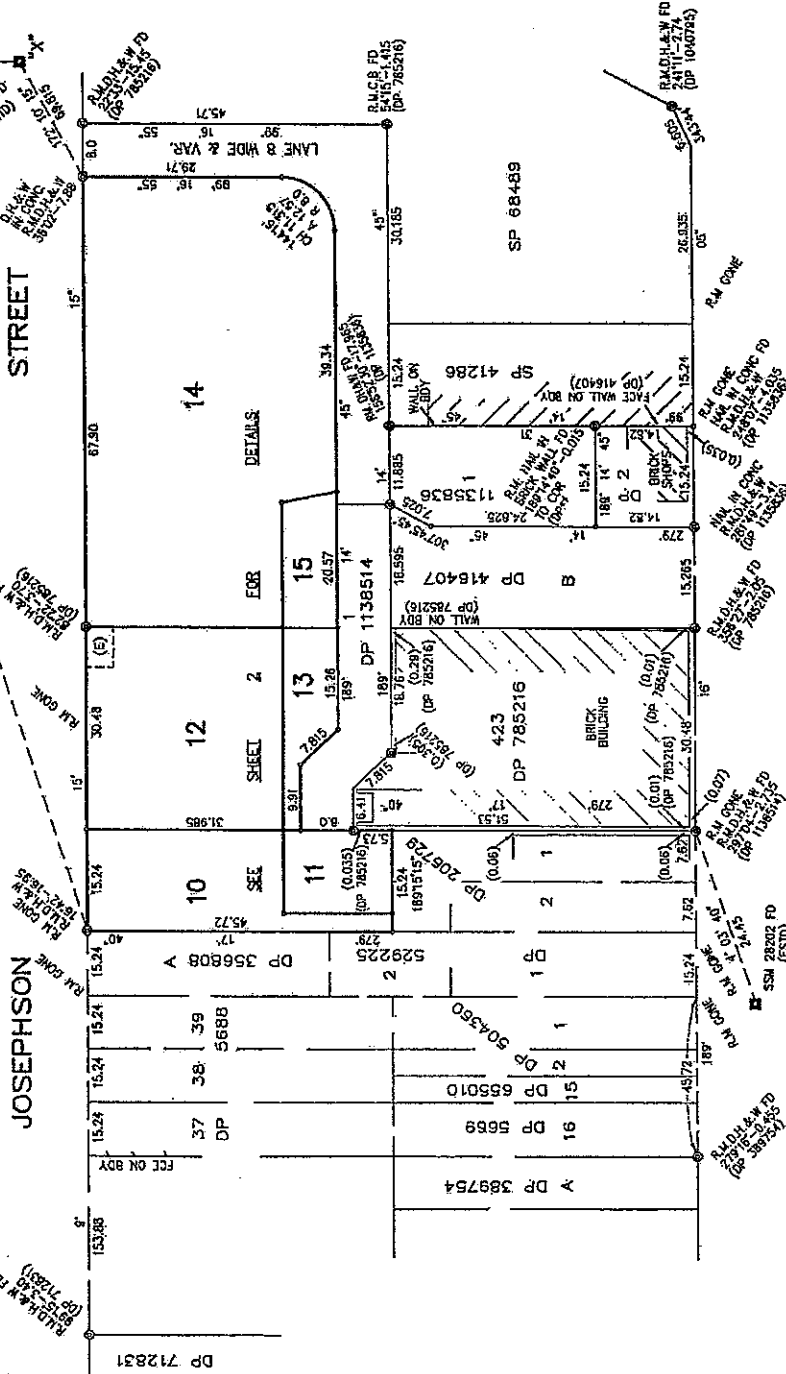


JOSEPHSON

STREET

HIGHWAY

PACIFIC



(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES
 4.0 WIDE (V.M.E. A6876873)

Surveyor: DAMIAN JOSEPH MASURE
 Date of Survey: 20-3-09
 Surveyor's Ref: 30142/31883DP

PLAN OF SUBDIVISION OF LOT 41 DP 6688
 & LOTS 421 & 422 DP 785216

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No.:
 Lengths are in metres. Resolution Rate 1:500

Registered:
 DP1142583

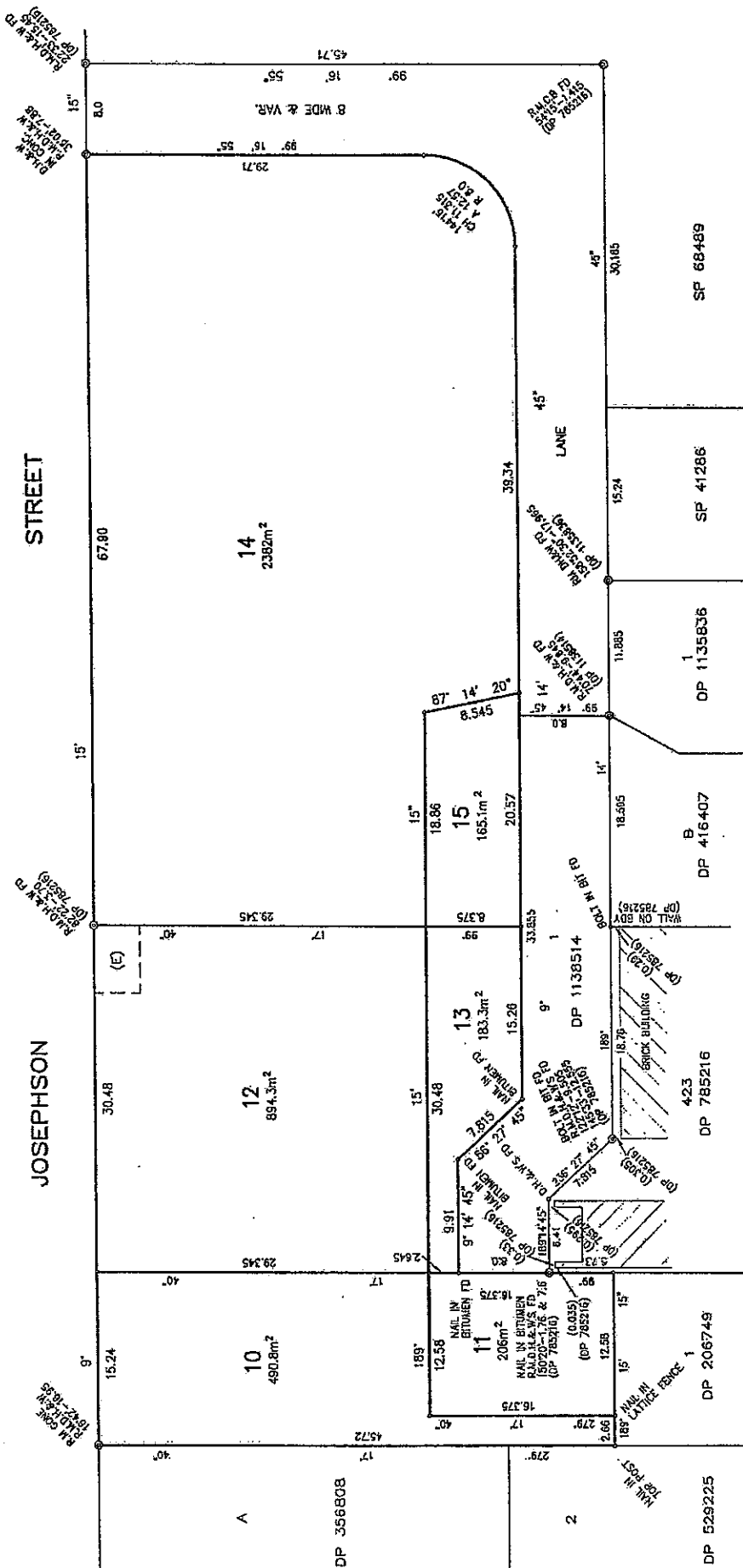
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

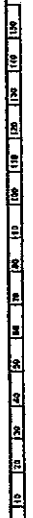


JOSEPHSON STREET

STREET



PLAN OF SUBDIVISION OF LOT 41 DP5888 & LOTS 421 & 422 DP 785216	Registered:	DP1142583
	LGA: LAKE MACQUARIE Locality: SWANSEA Subdivision No. - Lengths are in metres. Reduction Ratio 1: 250	
SURVEYOR: DAMIAN JOSEPH MACQUIRE Date of Survey: 20-3-09 Surveyor's Ref: 30142/31883DP		
(E) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (NOE: A627823)		



DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

SIGNATURES, SEALS and STATEMENTS of Intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:-

Registered:

Title System:

Purpose:

PLAN OF SUBDIVISION LOT 41 DP5688 AND LOTS 421 AND 422 DP785216

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006.

I, DAMIAN MAGUIRE of Lockley Land Title Solutions PO Box 400 Gladesville 1675 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on: 20-3-09

The survey relates to LOTS 10-15

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature: [Signature] Dated: 20-3-09 Surveyor registered under the Surveying Act, 2002

Datum: [Signature] Type: Urban/Rural

Plans used in the preparation of survey/compilation:

- DP5688 DP712831
DP404795 DP389754
DP416407 DP785216
DP206729
DP356808

(If insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-31883-01

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

.....in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature:
Date:
File Number:
Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed Subdivision set out herein (insert 'subdivision' or 'new road').

[Signature]
* Authorised Person/General Manager/Accredited Certifier

Consent Authority: Lake Macquarie City Council
Date of Endorsement: 15 April 2009
Accreditation no:
Subdivision Certificate no: SC1212009
File no: DA 1161212008

* Delete whichever is inapplicable.

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF SUBDIVISION OF LOT 41 DP5688 AND
LOTS 421 AND 422 DP785216

Registered:

Subdivision Certificate No: SC112/2009

Date of Endorsement: 15.04.2009

~~EXECUTED by
FABCOT PTY LIMITED
ACN 002 960 983
in accordance with Section 127
of the Corporations Act~~

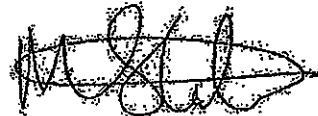
Signature of Director

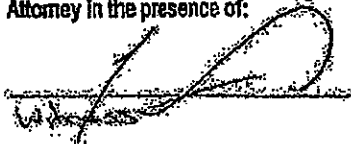
Signature of Director/secretary

NAME (please print)


NAME (please print)

Signed by Fabcot Pty Limited Acn 002 960 983
by its Attorney MARK HADRIAN STUDD
pursuant to Power of Attorney registered AK1506 No 749
who has no notice of revocation of the said Power of
Attorney in the presence of:


Attorney



STEVEN CHESHER
Solicitor
1 Woolworths Way
Bella Vista NSW 2153


Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142-31883 DP

* OFFICE USE ONLY

Attachment G

Plan of Consolidation and Section 88B Instrument

DEPOSITED PLAN ADMINISTRATION SHEET

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

IT IS INTENDED TO BE CREATED PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919:

- 1. EASEMENT FOR CAR PARKING VARIABLE WIDTH (F)
2. EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE (D).
3. EASEMENT TO DRAIN WATER 3.0 WIDE (E).
4. RESTRICTION AS TO USER.

Registered:

Title System:

Purpose:

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

LGA: LAKE MACQUARIE

Locality: SWANSEA

Parish: WALLARAH

County: NORTHUMBERLAND

Surveying Regulation, 2006

I, DAMIAN MAGUIRE

of LOCKLEY LAND TITLE SOLUTIONS PO BOX 400 GLADESVILLE 1675 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed on:

The survey relates to LOTS 1 AND 2

(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)

Signature Dated: Surveyor registered under the Surveying Act, 2002

Datum Line: Type: Urban/Rural

Use PLAN FORM 6A for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

..... in approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given

Signature: Date: File Number: Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:

the proposed set out herein (insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority: Date of Endorsement: Accreditation no: Subdivision Certificate no: File no:

* Delete whichever is inapplicable.

Plans used in the preparation of survey/compilation

- DP356808 DP206729
DP529225 DP1135816
DP5688 DP1138514
DP1142583 DP1142583
DP785216 DP416407
DP1135816 DP1142583
DP1138514

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 30142-32275/DP

* OFFICE USE ONLY

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF CONSOLIDATION OF LOT A DP356808, LOT 2 DP529225, LOTS 37-39 DP5688, LOTS 10, 12 & 14 DP1142583 AND CONSOLIDATION OF LOT 423 DP785216, LOT B DP416407, LOT 1 DP206729, LOT 1 DP1135836, LOT 1 DP1138514 AND LOTS 11, 13 & 15 DP1142583

*

Registered:

*

Subdivision Certificate No:

Date of Endorsement:

EXECUTED by FABCOT PTY LIMITED)
ACN 002 960 983 accordance with)
section 127 of the Corporations Act:)

.....
Signature of director

.....
Signature of director/secretary

.....
Name (please print)

.....
Name (please print)

.....
Executed by:
The Council of the City of Lake Macquarie

SURVEYOR'S REFERENCE: 30142-32275-DP

* OFFICE USE ONLY

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

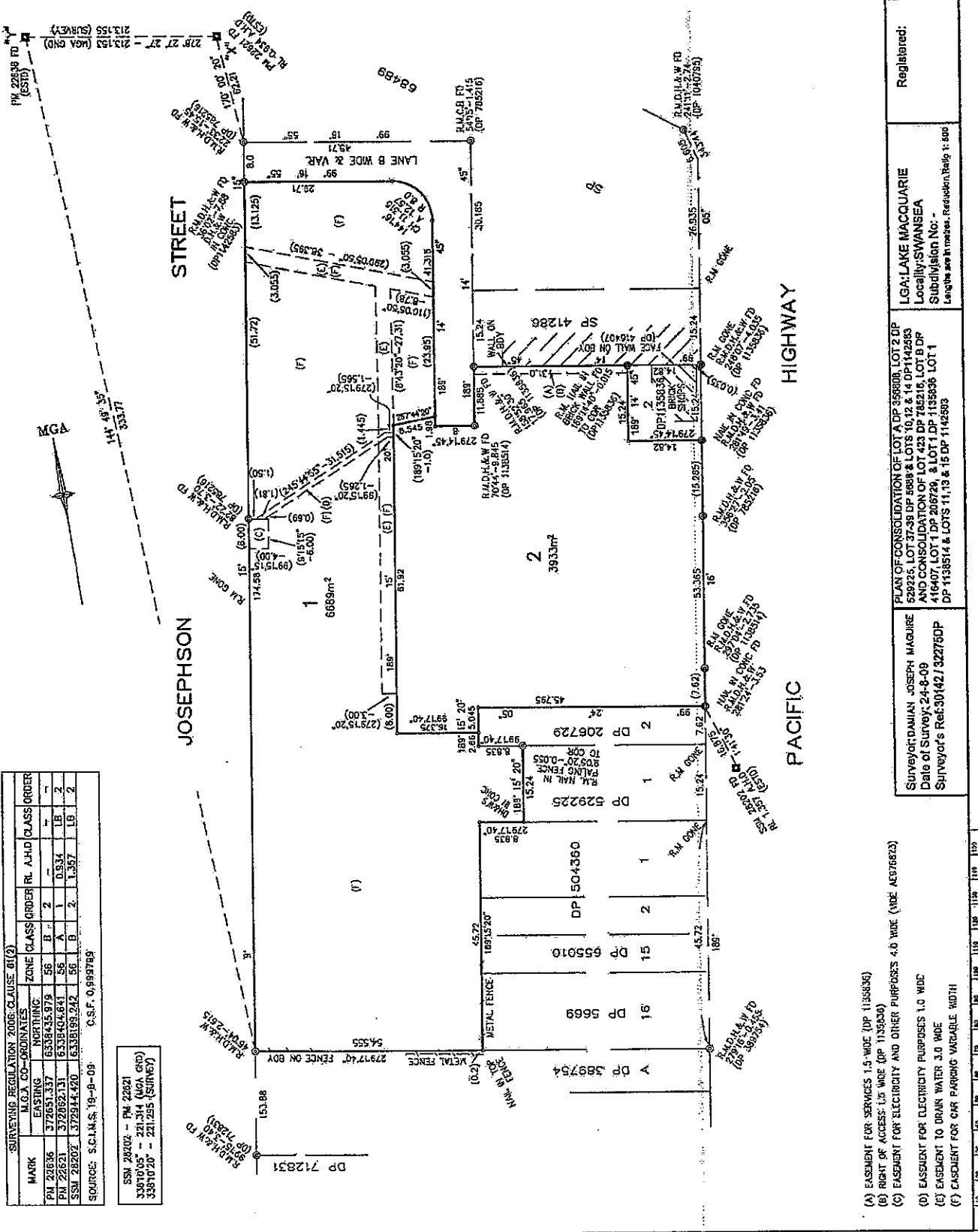
PLAN FORM 2 (A2)

SURVEYING REGULATION 2006: CLAUSE B(2)			
MARK	N.C.S. CO-ORDINATES	ZONE CLASS ORDER	RL A.H.D CLASS ORDER
PM 28836	538445.079	B - 2	-
PM 28837	538445.079	B - 2	-
PM 28821	538445.079	B - 2	-
PM 28822	538445.079	B - 2	-
SSN 29202	1372944.420	B - 2	1.357
SSN 29202	1372944.420	B - 2	1.357

SOURCE: S.C.I.M.S. 19-8-09

C.S.F. 0.989789

SSN 29202 - PM 22821
 33810'05" - 221314 (MGA GND)
 33810'20" - 221255 (SURVEY)



- (A) EASEMENT FOR SERVICES 1.5 WIDE (DP 1135836)
- (B) RIGHT OF ACCESS 1.5 WIDE (DP 1135836)
- (C) EASEMENT FOR ELECTRICITY AND OTHER PURPOSES 4.0 WIDE (VIDE A6376823)
- (D) EASEMENT FOR ELECTRICITY PURPOSES 1.0 WIDE
- (E) EASEMENT TO DRAIN WATER 3.0 WIDE
- (F) EASEMENT FOR CAR PARKING VARIABLE WIDTH

Surveyor: DAMIAN JOSEPH MAGUIRE
 Date of Survey: 24-8-09
 Surveyor's Ref: 30142 / 322760P

PLAN OF CONSOLIDATION OF LOT A, DP 298809, LOT 2, DP 529225, LOT 37-39, DP 8688 & LOTS 10, 12 & 14, DP 1142888 AND CONSOLIDATION OF LOT 423, DP 182216, LOT 19, DP 416407, LOT 1, DP 206729, & LOT 1, DP 1135836 LOT 1
 DP 1135836 & LOTS 11, 13 & 15, DP 1142888

LGA: LAKE MACQUARIE
 Locality: SWANSEA
 Subdivision No: -
 Length the area in metres: Redacted, Relg: 1: 500

Registered:

DP

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

Instrument setting out terms of Easements or Profits à Pendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919.

(Sheet 1 of 11 sheets)

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
1	Easement for car parking variable width (F)	1	2
2	Easement for Electricity Purposes 1 wide (D)	1	2 Energy Australia
3	Easement to Drain Water 3 wide (E)	1	Lake Macquarie City Council 2
4	Restriction as to User	2	Lake Macquarie City Council

.....
Council Authorised Person

Plan: Plan of Consolidation of Lot A DP356808, Lot 2 DP529225, Lot 37-39 DP5688 & Lots 10, 12 & 14 DP1142583 and Consolidation of Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 & Lot 1 DP1135836, Lot 1 DP1138514 & Lots 11, 13 and 15 DP1142583
No of

Full name and address of the owner of the land: Council of the City of Lake Macquarie of 126 – 138 Main Road, Speers Point, NSW 2284 and Fabcot Pty Limited of 1 Woolworths Way, Bella Vista, NSW 2153

Part 2 (Terms)

1. Interpretation

1.1 Definitions

In this Instrument, unless the contrary intention appears, the following terms have the following meanings:

Act means the *Environmental Planning and Assessment Act, 1979* (NSW).

Authorised Users means persons authorised by the Grantee and members of the public.

Authority means any government or governmental, semi-governmental, quasi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes the Council.

At grade means on the finished surface.

Council means the Council of the City of Lake Macquarie Council.

Council Future Development means the development of Lot 1 by the Grantor as permitted by clause 3.5.3.

Development has the meaning given in the Act.

Grantee means the owner or mortgagee in possession of the Lot Benefited.

Grantor means the owner or mortgagee in possession of the Lot Burdened.

Grantee's Development is the development of a shopping centre by the Grantee pursuant to development consent in the records of the Grantor numbered DA/1313/2007, as may be modified from time to time in accordance with law.

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Council Authorised Person

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Instrument means this section 88B instrument.

Lot Benefited means the whole or any part of a lot having the benefit of an Easement.

Lot Burdened means the whole or any part of a lot having the burden of an Easement.

VPA means the Voluntary Planning Agreement between the Council and Fabcot Pty Limited registered as dealing number [] or such other dealing number as may be allocated by the Registrar-General, over the land described in the Plan as Lot 2 (comprising Lot 423 DP785216, Lot B DP416407, Lot 1 DP206729 and Lot 1 DP1135836, Lot 1 DP1138514 and Lots 11, 13 and 15 DP 1142583) on the titles to that land, in accordance with Section 93H of the Environmental Planning and Assessment Act 1979 NSW.

1.2 Unless a contrary intention appears, a reference in this Instrument to:

- (a) **(reference to anything)** a reference to anything is a reference to the whole or each part of it; and
- (b) **(references to statute)** a law, ordinance or code includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of them; and
- (c) **(singular includes plural)** the singular includes the plural and vice versa; and
- (d) **(meaning not limited)** the words "include", "including", "for example", "amongst other things" or "such as" are not used as, nor are they to be interpreted as, words of limitation and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
- (e) **(gender)** a reference to one gender includes a reference to the other genders.

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1.3 Headings do not affect the interpretation of this Instrument.

2. Covenants and agreements between Grantee and Grantor

The conditions, covenants and restrictions in this Instrument are covenants and agreements between:

- (a) the Grantee for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Benefited or any part of it with which the right is capable of enjoyment; and
- (b) the Grantor for itself, its successors and every person who is entitled to an estate or interest in possession of the Lot Burdened or any part of it with which the right is capable of enjoyment;

to the intent that the benefit and burden of those covenants and agreements are annexed to and pass with the benefits and burdens of the easement.

3. Terms of Easement for Car Parking numbered 1 in the Plan.

3.1 The Grantee and Authorised Users may, subject to the:

- (a) provisions of clause 3.5 relating to the Council Future Development that exclude and restrict the rights hereby granted, and
- (b) regulation of the Lot Burdened by the Grantor as a free parking area pursuant to clause 3.6,

by any reasonable means and at any time pass across the Lot Burdened to get to or from the Lot Benefited and at any time be permitted to park 192 motor vehicles (including cars, trucks, vans and the like) at grade on the Lot Burdened.

3.2 The Grantee shall, at its cost, maintain the Lot Burdened and, as and when it thinks necessary or when required by written notice given to it by the Grantor's General Manager or his delegate, acting reasonably, keep it in good and trafficable repair, by

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including the carrying out of work relating to constructing, placing, repairing, draining or maintaining trafficable surfaces and driveways, line-marking, lighting, and landscaping structures to a reasonably trafficable standard, except where such repair is the responsibility of the Grantor under clause 3.5.2(d) below.

3.3 In performing its obligations under clause 3.2 or 3.5.2(d), a party must ensure:

- (a) all work is done in a good and workmanlike manner; and
- (b) all work is done in accordance with all approvals and consents required and obtained, if necessary, under the Act and any other legislation.

3.4 A party carrying out any work on the Lot Burdened under the obligations imposed by this instrument does so at its own risk, and the party carrying out that work releases the other party from and indemnifies the other party against all claims and demands of every kind and from all liabilities which may arise in respect of any accident or damage to property or death or injury to any person arising out of the carrying out of any work on the Lot Burdened under the obligations created by this instrument, other than to the extent caused or contributed to by the act or omission of the other party, its contractors, representatives, officers, employees, licensees and lessees.

3.5 Council Future Development

3.5.1 The rights granted by clause 3.1 do not extend to the Council Future Development.

3.5.2 If the Grantor commences the construction of the Council Future Development, then the rights of the Grantee and the Authorised Users granted under clause 3.1 hereof are modified to the extent reasonably necessary to carry out the construction works for the Council Future Development but the Grantor must, during construction of the Council Future Development, take reasonable steps to ensure that:

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- (a) access for trucks (including 19.3 metre articulated vehicles) to the Supermarket's loading docks is not obstructed by construction vehicles and/or construction materials at any time; and
- (b) access to the Grantee's Development is not unreasonably hindered at any time by construction vehicles and/or construction materials; and
- (c) construction of the Council Future Development proceeds so that a minimum of 146 at grade public car spaces (instead of the number required by clause 3.1) on the Lot Burdened is maintained at all times for use by the Grantee's tenants, customers, employees and invitees, and
 - (i) each car space is to have minimum dimensions of 2.6 metres x 5.5 metres; and
 - (ii) aisle widths for vehicle access on the Lot Burdened must be a minimum of 6.4 metres; and
- (d) it repairs, at its cost and to the reasonable satisfaction of the owner of the Lot Burdened, all damage caused to the Lot Burdened resulting from the construction of the Council Future Development; and
- (e) ramps or lobbies associated with the Council Future Development must be designed so as not to compromise the entry and egress points to the Development's pedestrian entry and loading dock; and
- (f) on completion of the Council Future Development, and in accordance with the Easement, 192 ground level car parking spaces must be available for the Grantee and Authorised Users on the Lot Burdened at all times; and
- (g) during the construction of and at all times following the completion of the Council Future Development, it will be responsible for the repair, maintenance and upkeep of that part of the Lot Burdened that is not at grade in the areas marked "A" and "B" on Annexure 3 of the VPA; and

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- (h) it will not transfer its interest in the Lot Burdened without first obtaining from the transferee a deed binding the transferee to such of the Grantor's obligations as remain unperformed in this clause and otherwise the terms of the Easement; and
- (i) it indemnifies the Grantee in respect of all loss, cost and expense suffered by the latter arising in any way from the Grantor's breach of this clause or otherwise of the terms of this Easement.

3.5.3

- (a) Subject to (d) below, the Grantor may develop in the airspace from 3.2 metres above finished ground level of the Lot Burdened in the area marked "A" on Annexure 3 of the VPA.
- (b) Subject to (d) below, the Grantor may develop in the airspace from 4.6 metres above finished ground level of the Lot Burdened in the area marked "B" on Annexure 3 of the VPA.
- (c) The Grantor may develop on ground level to the street frontage to Josephson Street within the area marked "C" on Annexure 3 of the VPA.
- (d) The Grantor must comply with all of its development controls and codes applying to car parking in designing the Council Future Development without counting the car parking spaces the subject of the Easement.
- (e) For the avoidance of doubt, those parts of Lot 1 referred to in subclauses (a), (b) and (c) above are no longer burdened by the grant of rights to the Grantee and Authorised Users under this instrument after the development of those parts by the Grantor commences.

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3.6 Regulation by Grantor of Lot Burdened

3.6.1 The Grantee and Authorised Users will not object if:

- (a) the Grantor resolves to make the Lot Burdened and/or the car park thereon a free parking area under section 650 of the *Local Government Act 1993 (NSW)*;
- (b) the Grantor marks the spaces for car parking in that free parking area; and
- (c) the Grantor regulates parking in such free parking area and erects notices or signs so as to permit vehicles to park in that free parking area for 2 hours each 24 hours, except that there shall be no such limitation on vehicles displaying a notice or card issued by the Roads and Traffic Authority of NSW showing that the driver of the vehicle is disabled.

3.6.2. The Grantor will take all steps necessary to make the Lot Burdened and/or the car park thereon a free parking area on terms referred to in this clause 3.6 and in accordance with section 650 of the *Local Government Act 1993 (NSW)*, prior to the issue of a final Occupation Certificate for the Development.

3.6.3. The Grantor will use its reasonable endeavours to exercise and enforce the powers given to it pursuant to section 650 of the *Local Government Act 1993 (NSW)* in respect of management of the Lot Burdened.

3.6.4. The Grantee will, as agent of the Grantor, carry out, without cost to the Grantor, the marking of the car parking spaces and preparing and erecting the signs and notices in and near the Lot Burdened that the Grantor considers necessary for the purposes of section 650 of the *Local Government Act 1993 (NSW)*.

3.7 No charge or fee to be imposed by the Grantee

The Grantee will not impose a charge or fee for the use of the Lot Burdened.

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4. Terms of Restriction as to User numbered 4 on the Plan

The proprietor of the lot burdened and every person authorised by him to occupy the building erected upon the land hereby burdened shall:

- (a) install a "Floodgate" mechanism to effectively seal the shop tenancies flood-proof to a minimum level of 2.37m AHD to the satisfaction of Council.
- (b) Implement a "Floodplain Risk Management Plan" which demonstrates a process for installation, preparedness, failsafe management/activation and maintenance of the "Floodgate" system.

Name of person or Authority empowered to release vary or modify Easement numbered 1 in the Plan:

The registered proprietor from time to time of the Lot Benefited.

Name of Authority empowered to release, vary or modify Restriction as to User numbered 4 in the plan.

Lake Macquarie City Council.

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Council Authorised Person

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Signed for and on behalf of **Fabcot Pty
Limited** ACN 002 960 983 under s.127 of
the Corporations Act:

Signature of witness

Name of witness

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Council Authorised Person

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The Common Seal of Council
of the City of Lake Macquarie
was hereunto affixed pursuant to
resolution made on
before

General Manager

Mayor

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Council Authorised Person