



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Regulations



New South Wales

# Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

### Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001* so as:

- (a) to make provision with respect to OHS induction training and, in particular, to enable WorkCover to issue OHS induction training certificates and require persons carrying out construction work to be in possession of such a certificate, and
- (b) to limit to 5 years the (currently unlimited) duration of a certificate of competency issued under Part 9.1 or 9.2 of that Regulation, and
- (c) to increase the penalties that may be imposed with respect to false assessments of a person's competency to carry out certain work, and
- (d) to omit provisions that assign specific "short descriptions" to offences with respect to occupational health and safety.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including section 33 (the general power to make regulations) and sections 35 and 39.

Clause 1 Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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## **Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004**

under the

Occupational Health and Safety Act 2000

### **1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004*.

### **2 Commencement**

This Regulation commences on 29 March 2004.

### **3 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 212 Definitions

Insert in alphabetical order:

*OHS induction training certificate* means a certificate under clause 220A that has been issued to a person whom WorkCover is satisfied has completed the general health and safety induction training referred to in clause 217.

### [2] Clause 213 Principal contractors to ensure that OHS induction training undertaken

Insert after clause 213 (1):

- (1A) The only evidence on the basis of which a principal contractor may be satisfied that a person has completed the general health and safety induction training referred to in clause 217 is production by the person of a current OHS induction training certificate.
- (1B) Subclause (1A) does not apply until 29 March 2006 in relation to a person who has undergone the general health and safety induction training prior to 29 March 2004.

### [3] Clause 214 Employers to ensure OHS induction training undertaken

Omit “is” from clause 214 (1). Insert instead “has been”.

### [4] Clause 214 (1A) and (1B)

Insert after clause 214 (1):

- (1A) The only evidence on the basis of which an employer may be satisfied that an employee has completed the general health and safety induction training referred to in clause 217 is production by the employee of a current OHS induction training certificate.
- (1B) Subclause (1A) does not apply until 29 March 2006 in relation to an employee who has undergone the general health and safety induction training prior to 29 March 2004.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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**[5] Clause 215A**

Insert after clause 215:

**215A Holder of OHS induction training certificate to produce certificate**

- (1) An inspector may direct a person carrying out construction work to produce for inspection immediately:
  - (a) the person's OHS induction training certificate, and
  - (b) a sample of the person's usual signature.
- (2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: Level 1.
- (3) Until 29 March 2006, it is sufficient compliance with subclause (2) if the person concerned satisfies the inspector that the person has undergone the general health and safety induction training referred to in clause 217 prior to 29 March 2004.

**[6] Clause 217 General health and safety induction training**

Insert "by WorkCover or" after "developed" in clause 217 (c).

**[7] Clause 217 (d)**

Omit the paragraph. Insert instead:

- (d) be conducted by:
  - (i) a person who has been accredited by WorkCover to conduct such training, or
  - (ii) a person who is employed by an organisation approved by WorkCover to provide such training and who has a Certificate IV in Workplace Assessment and Training issued by a registered education or training provider (or a document from such a provider stating that the person has an equivalent qualification).

## Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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**[8] Clause 217 (2)**

Insert at the end of clause 217:

- (2) Until 29 March 2005, a Statement of Attainment in Train Small Groups has, for the purposes of subclause (1) (d) (ii), the same effect as a Certificate IV in Workplace Assessment and Training.

**[9] Clause 217A**

Insert after clause 217:

**217A Accreditation of individuals to conduct OHS induction training**

- (1) An application by an individual to be accredited to provide OHS induction training:
  - (a) is to be in the form, and accompanied by the particulars, approved by WorkCover, and
  - (b) is to be accompanied by such application fee as WorkCover determines to cover the expenses in dealing with the application.
- (2) WorkCover may approve an application for accreditation (with or without conditions) or may refuse the application for such reason as it considers sufficient.
- (3) WorkCover may suspend or cancel the accreditation of a person who is accredited to provide OHS induction training if it is satisfied that:
  - (a) the person is no longer competent to conduct the training for which the person is an accredited person, or
  - (b) the person has been convicted of an offence against the Act or the associated occupational health and safety legislation, or any regulation under the Act or that legislation, or of an offence against a corresponding law or any regulation under a corresponding law, or
  - (c) the person was accredited on the basis of false or misleading information or a failure to disclose or provide required information, or
  - (d) the person has contravened the conditions of his or her accreditation or a guideline relating to the provision of OHS induction training, or

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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- (e) the person has had his or her accreditation as an assessor suspended or cancelled under clause 287, or has had his or her approval as a Premium Discount Advisor suspended or cancelled under the regulations under the *Workers Compensation Act 1987*, for reasons of a kind referred to in paragraph (b), (c) or (d).
- (4) Before suspending or cancelling a person's accreditation, WorkCover:
  - (a) must cause written notice of the proposed suspension or cancellation to be given to the person, and
  - (b) must give the person a reasonable opportunity to make representations to WorkCover in relation to the proposed suspension or cancellation, and
  - (c) must have regard to any representations so made.
- (5) If, after having regard to any representations made by the person, WorkCover decides to proceed with the proposed suspension or cancellation, WorkCover must give to the person a written notice:
  - (a) stating that the accreditation is suspended or cancelled, and
  - (b) in the case of a suspension, specifying the period for which the accreditation is suspended, and
  - (c) giving reasons for the suspension or cancellation.
- (6) The suspension or cancellation takes effect on the date on which notice of the suspension or cancellation is given to the person or such later date as may be specified in the notice.
- (7) Any person who, before the commencement of this clause, was accredited by WorkCover to provide OHS induction training is taken to have been accredited under this clause.

**[10] Clause 220 Statements of OHS induction training**

Omit "or (b)" wherever occurring.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

Amendments

Schedule 1

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**[11] Clause 220 (1)**

Omit “who has undergone the training to the satisfaction of the person conducting the training”.

Insert instead “who has, in the opinion of the person conducting the training, completed the training in accordance with the relevant guidelines issued by WorkCover”.

**[12] Clause 220 (1A), (1B), (1C) and (1D)**

Insert after clause 220 (1):

(1A) Within 7 days after a person issues a statement of OHS induction training under this clause, the person must cause notice of that fact to be given to WorkCover so as to enable WorkCover to issue the person to whom the statement has been issued with an OHS induction training certificate.

Maximum penalty: Level 1.

(1B) During the period of 30 days after a statement of OHS induction training is issued under his clause, the person to whom it is issued is, for the purposes of clauses 213, 214 and 215A, taken to hold an OHS induction training certificate and the statement is, for those purposes, taken to be such a certificate.

(1C) WorkCover may issue guidelines:

- (a) for the provision of OHS induction training, and
- (b) for the issue of statements of OHS induction training under this clause.

(1D) A person providing OHS induction training must not:

- (a) provide any such training otherwise than in accordance with any guidelines issued under this clause, or
- (b) issue a statement of OHS induction training under this clause without having provided any such training, or
- (c) issue a statement of OHS induction training under this clause without the person having completed the training.

Maximum penalty: Level 2.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

Schedule 1 Amendments

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**[13] Clauses 220A, 220B and 220C**

Insert after clause 220:

**220A OHS induction training certificates**

- (1) WorkCover may issue an OHS induction training certificate to any person whom it is satisfied has completed the general health and safety training referred to in clause 217, whether on the basis of a statement of OHS induction training issued under clause 220 or otherwise.
- (2) An OHS induction training certificate is of unlimited duration.

**220B Replacement of lost, stolen, damaged or destroyed OHS induction training certificates**

- (1) The holder of an OHS induction training certificate that is lost, stolen, damaged or destroyed may apply to WorkCover for a replacement certificate.
- (2) The application:
  - (a) must be in the approved form, and
  - (b) must be accompanied by a statutory declaration by the applicant that explains how, or the circumstances in which, the certificate was lost, stolen, damaged or destroyed, and
  - (c) must be accompanied by the fee fixed for the time being by WorkCover to cover expenses in connection with issue of replacement certificates.
- (3) WorkCover may issue a replacement certificate if satisfied that the applicant's OHS induction training certificate has been lost, stolen, damaged or destroyed.
- (4) If an application is refused, WorkCover must ensure that written notice of the refusal, and of the reasons for the refusal, are given to the applicant.
- (5) The holder of an OHS induction training certificate that is replaced under this clause:
  - (a) must surrender the original certificate if it is recovered, or



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Schedule 1

- (b) in the case of a damaged certificate that is replaced, must surrender the damaged certificate.

Maximum penalty (subclause (5)): Level 1.

**220C Cancellation of OHS induction training certificates**

- (1) WorkCover may cancel an OHS induction training certificate if satisfied that the certificate was obtained on the basis of false or misleading information or a failure to disclose or provide required information.
- (2) Before cancelling an OHS induction training certificate, WorkCover:
  - (a) must cause written notice of the proposed cancellation to be given to the holder of the certificate, and
  - (b) must give the holder of the certificate a reasonable opportunity to make representations to WorkCover in relation to the proposed cancellation, and
  - (c) must have regard to any representations so made.
- (3) If, after having regard to any representations made by the holder of the certificate, WorkCover decides to proceed with the proposed cancellation, WorkCover must give to the holder a written notice:
  - (a) stating that the certificate is cancelled, and
  - (b) giving reasons for the cancellation.
- (4) The cancellation takes effect on the date on which notice of the cancellation is given to the holder of the certificate or such later date as may be specified in the notice.

**[14] Clause 221 Certain construction work before 1 April 1999 taken to be training**

Omit the clause.

**[15] Clause 222 Lapsing of currency of OHS training and OHS training statements**

Omit clause 222 (1) (b).

**[16] Clause 279 Assessors**

Omit clause 279 (d).

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

Schedule 1 Amendments

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**[17] Clause 281 Assessment of competency**

Omit clause 281 (1).

**[18] Clause 281 (3)**

Omit "Level 2". Insert instead "Level 4".

**[19] Clause 287 Suspension and cancellation of accreditation**

Insert at the end of clause 287 (1):

, or

- (e) the person has had his or her accreditation to conduct OHS induction training suspended or cancelled under clause 217A, or has had his or her approval as a Premium Discount Advisor suspended or cancelled under the regulations under the *Workers Compensation Act 1987*, for reasons of a kind referred to in paragraph (b), (c) or (d).

**[20] Clause 287A**

Insert after clause 287:

**287A Immediate suspension**

- (1) An inspector may, by written notice served on the holder of a certificate of accreditation, immediately suspend the certificate for a period of up to 10 days if the inspector has a reasonable concern about:
  - (a) the holder's integrity, or
  - (b) the holder's competency to exercise the functions of an assessor, or
- (2) The notice of suspension:
  - (a) must specify the period for which the certificate is suspended, and
  - (b) must give reasons for the suspension, and
  - (c) must state that the holder of the certificate may object to the suspension by providing WorkCover with reasons why the suspension should not be maintained for that period.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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- (3) WorkCover must immediately terminate the suspension and give written notice to the holder of the certificate of that fact if, after considering any objection by the holder, WorkCover is satisfied that the suspension should not be maintained.

**[21] Clause 293 Term of certificates**

Omit clause 293 (1). Insert instead:

- (1) Unless sooner cancelled:
- (a) a certificate of competency issued after the commencement of this subclause (including a certificate renewed under clause 293A) expires at the end of 5 years from its date of issue, and
  - (b) subject to subclause (1A), a certificate of competency in force at the commencement of this clause expires at the end of 29 March 2009.
- (1A) The Minister may, by order published in the Gazette, postpone the expiry date of a certificate of competency referred to in subclause (1) (b), or of any class of such certificates, to such later date as is specified in the order.

**[22] Clause 293A**

Insert after clause 293:

**293A Renewal of certificates**

WorkCover may renew a certificate of competency if satisfied that the holder of the certificate remains competent to hold such a certificate.

**[23] Clause 296 (5)**

Insert after clause 296 (4):

- (5) To remove any doubt, WorkCover may suspend or cancel a certificate of competency on grounds arising wholly or partly outside New South Wales.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

Schedule 1 Amendments

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**[24] Clause 311 Term of certificates**

Omit clause 311 (1). Insert instead:

- (1) Unless sooner cancelled:
  - (a) a certificate of competency issued after the commencement of this subclause (including a certificate renewed under clause 311A) expires at the end of 5 years from its date of issue, and
  - (b) subject to subclause (1A), a certificate of competency in force at the commencement of this clause expires at the end of 29 March 2009.

(1A) The Minister may, by order published in the Gazette, postpone the expiry date of a certificate of competency referred to in subclause (1) (b), or of any class of such certificates, to such later date as is specified in the order.

**[25] Clause 311A**

Insert after clause 311:

**311A Renewal of certificates**

WorkCover may renew a certificate of competency if satisfied that the holder of the certificate remains competent to hold such a certificate.

**[26] Clause 355 Short descriptions of offences**

Omit the clause.

**[27] Clause 356 False or misleading information in applications**

Insert "8," after "5," in clause 356 (2) (a).

**[28] Schedule 2 Penalty notices**

Omit Columns 3 and 4.

Occupational Health and Safety Amendment (Accreditation and Certification) Regulation 2004

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Schedule 1

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**[29] Schedule 2**

Insert after the matter relating to clause 215 (2) (b):

Clause 220 (1A) 200

Clause 220 (1D) 600

**[30] Schedule 2**

Omit “200” wherever occurring in Column 2 of the matter relating to clause 220 (1) and (2). Insert instead “600”.

**[31] Schedule 2**

Insert after the matter relating to clause 270 (3):

Clause 281 (3) 1,000

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## Orders

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New South Wales

# First State Superannuation (Health Services Union) Order 2004

under the

First State Superannuation Act 1992

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 7 of the *First State Superannuation Act 1992*, make the following Order.

Dated, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

### Explanatory note

The object of this Order is to remove the Health and Research Employees' Association of New South Wales from the list of employers in Schedule 1 to the *First State Superannuation Act 1992* and to replace it with the Health Services Union. This amendment is taken to have commenced on 1 October 2003 and is to reflect a change of name that occurred on that date.

This Order is made under section 7 of the *First State Superannuation Act 1992*.

Clause 1 First State Superannuation (Health Services Union) Order 2004

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## **First State Superannuation (Health Services Union) Order 2004**

under the

First State Superannuation Act 1992

### **1 Name of Order**

This Order is the *First State Superannuation (Health Services Union) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2003.

### **3 Amendment of First State Superannuation Act 1992 No 100**

The *First State Superannuation Act 1992* is amended as set out in Schedule 1.

First State Superannuation (Health Services Union) Order 2004

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 1 Employers

Omit:

Health and Research Employees' Association of New South  
Wales

Insert instead:

Health Services Union, being the authority registered under  
that name on 1 October 2003 as a State industrial organisation  
of employees under Chapter 5 of the *Industrial Relations  
Act 1996*





## State Authorities Superannuation (Health Services Union) Order 2004

under the

State Authorities Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 46 of the *State Authorities Superannuation Act 1987*, make the following Order.

Dated, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

### Explanatory note

The object of this Order is to remove the Health and Research Employees' Association of New South Wales from the list of employers in Schedule 1 to the *State Authorities Superannuation Act 1987* and to replace it with the Health Services Union. This amendment is taken to have commenced on 1 October 2003 and is to reflect a change of name that occurred on that date.

This Order is made under section 46 of the *State Authorities Superannuation Act 1987*.

Clause 1 State Authorities Superannuation (Health Services Union) Order 2004

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## **State Authorities Superannuation (Health Services Union) Order 2004**

under the

State Authorities Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Superannuation (Health Services Union) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2003.

### **3 Amendment of State Authorities Superannuation Act 1987 No 211**

The *State Authorities Superannuation Act 1987* is amended as set out in Schedule 1.

State Authorities Superannuation (Health Services Union) Order 2004

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 1 Employers

Omit from Part 1:

Health and Research Employees' Association of New South  
Wales

Insert instead:

Health Services Union, being the authority registered under  
that name on 1 October 2003 as a State industrial organisation  
of employees under Chapter 5 of the *Industrial Relations  
Act 1996*



# State Authorities Non-contributory Superannuation (Health Services Union) Order 2004

under the

State Authorities Non-contributory Superannuation Act 1987

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 27 of the *State Authorities Non-contributory Superannuation Act 1987*, make the following Order.

Dated, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Order is to remove the Health and Research Employees' Association of New South Wales from the list of employers in Schedule 1 to the *State Authorities Non-contributory Superannuation Act 1987* and to replace it with the Health Services Union. This amendment is taken to have commenced on 1 October 2003 and is to reflect a change of name that occurred on that date.

This Order is made under section 27 of the *State Authorities Non-contributory Superannuation Act 1987*.

Clause 1            State Authorities Non-contributory Superannuation (Health Services Union)  
                         Order 2004

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## **State Authorities Non-contributory Superannuation (Health Services Union) Order 2004**

under the

State Authorities Non-contributory Superannuation Act 1987

### **1 Name of Order**

This Order is the *State Authorities Non-contributory Superannuation (Health Services Union) Order 2004*.

### **2 Commencement**

This Order is taken to have commenced on 1 October 2003.

### **3 Amendment of State Authorities Non-contributory Superannuation Act 1987 No 212**

The *State Authorities Non-contributory Superannuation Act 1987* is amended as set out in Schedule 1.

State Authorities Non-contributory Superannuation (Health Services Union)  
Order 2004

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 1 Employers

Omit from Part 1:

Health and Research Employees' Association of New South  
Wales

Insert instead:

Health Services Union, being the authority registered under  
that name on 1 October 2003 as a State industrial organisation  
of employees under Chapter 5 of the *Industrial Relations  
Act 1996*

# OFFICIAL NOTICES

## Appointments

### ABORIGINAL LAND RIGHTS ACT 1983

#### NOTICE

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Hoholt as Administrator to the Birpai Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and Sealed this 17th DAY OF March 2004.

ANDREW REFSHAUGE, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and sealed this 17th day of March 2004.

ANDREW REFSHAUGE, M.P.,  
Minister for Aboriginal Affairs

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### ABORIGINAL LAND RIGHTS ACT 1983

#### NOTICE

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Hoholt as Administrator to the Thungutti Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and sealed this 17th day of March 2004.

ANDREW REFSHAUGE, M.P.,  
Minister for Aboriginal Affairs

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### ABORIGINAL LAND RIGHTS ACT 1983

#### NOTICE

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Hoholt as Administrator to the Thungutti Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and sealed this 17th day of March 2004.

ANDREW REFSHAUGE, M.P.,  
Minister for Aboriginal Affairs

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The Cabinet Office, Sydney  
17 March 2004

### CONSTITUTION ACT, 1902

Ministerial arrangements during the absence from duty of the premier, Minister for the Arts, and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable AJ Refshauge MP, Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs, to act for and on behalf of the Premier, as on and from 18 March 2004, with a view to him performing the duties of the office of the Premier, during my absence from duty.

BOB CARR,  
Premier

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Hoholt as Administrator to the Birpai Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified

**COMMUNITY RELATIONS COMMISSION  
AND PRICIPLES OF MULTICULTURISM ACT  
2000**

Appointment of part-time member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 7 of the Community Relations Commission and Principles of Multiculturalism Act 2000, has appointed Ms Margaret Kama as a part-time Commissioner of the Community Relations Commission for a term of two years from date of approval.

BOB CARR, M.P.,  
Premier and Minister for Citizenship

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**COMMUNITY RELATIONS COMMISSION  
AND PRICIPLES OF MULTICULTURISM ACT  
2000**

Appointment of part-time member

HER Excellency the Governor, with the advice of the Executive Council and pursuant to section 7 of the Community Relations Commission and Principles of Multiculturalism Act 2000, has appointed Mr Benny Peng as a part-time Commissioner of the Community Relations Commission for a term of one year from date of approval.

BOB CARR, M.P.,  
Premier and Minister for Citizenship

**POLICE REGULATION (SUPERANNUATION)  
ACT 1906**

Appointment of Members and Deputies for Members of  
the Police Superannuation Advisory Committee

**Erratum**

THE Police Regulation (Superannuation) Act 1966, Appointment of Members and Deputies for Members of the Police Superannuation Advisory Committee published in the *Government Gazette* on 19 September 2003 No. 145 page 9428 contained an incorrect spelling.

The name

"Mr Mark Gilcrest"

should have read

"Mr Mark Gilchrist"

This erratum now corrects that error.



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# Department of Infrastructure, Planning and Natural Resources

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## Infrastructure and Planning



## **Fairfield Local Environmental Plan 1994 (Amendment No 95)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00437/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1          Fairfield Local Environmental Plan 1994 (Amendment No 95)

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## **Fairfield Local Environmental Plan 1994 (Amendment No 95)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Fairfield Local Environmental Plan 1994 (Amendment No 95)*.

### **2 Aims of plan**

The aim of this plan is to reclassify the land to which this plan applies (being public land) from community land to operational land within the meaning of the *Local Government Act 1993*.

### **3 Land to which plan applies**

This plan applies to Lot 1, DP 561442, Smithfield Road, Smithfield, and known as McCarthy Memorial Park, as shown edged heavy black on the map marked “Fairfield Land Classification Map—Amendment No 20” deposited in the office of the Fairfield City Council.

### **4 Amendment of Fairfield Local Environmental Plan 1994**

*Fairfield Local Environmental Plan 1994* is amended by inserting in appropriate order in Part 2 of Schedule 3 the following words:

Lot 1, DP 561442, Smithfield Road, Smithfield, as shown edged heavy black on the map marked “Fairfield Land Classification Map—Amendment No 20” is classified as operational land.



New South Wales

## Lake Macquarie Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N00/00268/PC)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Lake Macquarie Local Environmental Plan 2004

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Clause 1

Preliminary

Part 1

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## Lake Macquarie Local Environmental Plan 2004

under the

Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004*.

#### 2 Land to which plan applies

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

#### 3 Objective of plan

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

- (a) promoting balanced development of that land, and
- (b) implementing the *Lifestyle 2020 Strategy* adopted by the Council on 27 March 2000.

#### 4 Consent authority

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

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## 5 Relationship to other environmental planning instruments

- (1) All local environmental plans (including *Lake Macquarie Local Environmental Plan 1984*) that applied to land to which this plan applies immediately before the appointed day are repealed.
- (2) This plan amends *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* by inserting the following words in alphabetical order in Schedule 2 (Land excepted from clauses 6–10):

Lake Macquarie City local government area
- (3) The *Hunter Regional Environmental Plan 1989 (Heritage)* does not apply to land to which this plan applies.

## 6 Use of explanatory notes

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

## 7 Definitions

- (1) Words defined in the Dictionary at the end of this plan have the meanings set out in the Dictionary.
- (2) In this plan, a reference to:
  - (a) a map, is a reference to a map held at the office of the Council, and
  - (b) land within a zone, is a reference to land shown on the map as being within that zone.

## 8 Exempt development

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

## 9 Complying development

Local development that complies with the standards and any other requirements specified for the development in *Lake Macquarie Development Control Plan No 2—Complying Development*, as approved by the Council on 1 September 2003, is complying development for the purposes of the Act.



Lake Macquarie Local Environmental Plan 2004

Clause 10

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Part 1

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**10 Development by public authorities**

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

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

**11 Determination of pending development applications**

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

|           |   |
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| Clause 12 | Lake Macquarie Local Environmental Plan 2004    |
| Part 2    | Lifestyle 2020 Strategy—vision, values and aims |

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## **Part 2 Lifestyle 2020 Strategy—vision, values and aims**

### **12 Vision**

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

### **13 Values**

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

### **14 Aims**

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

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

Lake Macquarie Local Environmental Plan 2004

Clause 14

Lifestyle 2020 Strategy—vision, values and aims

Part 2

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

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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## Part 3 General controls for land within zones

### 15 General controls for land within zones

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

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

#### Land use table

##### Zone 1 (1) Rural (Production) Zone

###### 1 Objectives of zone

The objectives of this zone are to:

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

###### 2 Without development consent

Exempt development as provided in Schedule 1.

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

Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

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**3 Only with development consent**

Development for the purpose of:

airline terminals  
airports  
animal establishments  
aquaculture  
bed and breakfast establishments  
bulk stores  
cemeteries and crematoriums  
drainage  
dual occupancies—attached  
dwelling houses  
earthworks  
eco-tourism facilities  
educational establishments  
emergency services facilities  
environmental facilities  
extractive industries  
forestry  
helipads  
heliports  
home businesses  
home industries  
intensive agriculture  
mines  
retail plant nurseries  
roads  
roadside stalls  
rural industries  
sawmills  
signs  
stormwater management facilities  
sustainable generating works  
telecommunications facilities  
transport terminals  
utility installations  
veterinary hospitals  
wholesale plant nurseries

**4 Prohibited**

Development not listed in item 2 or 3.

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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### **Zone 1 (2) Rural (Living) Zone**

#### **1 Objectives of zone**

The objectives of this zone are to:

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

#### **2 Without development consent**

Exempt development as provided in Schedule 1.

#### **3 Only with development consent**

Development for the purpose of:

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

Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

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**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 2 (1) Residential Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

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

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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telecommunications facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 2 (2) Residential (Urban Living) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

bed and breakfast establishments  
boarding houses  
child care centres  
clubs  
community facilities  
drainage  
dwelling houses  
earthworks  
environmental facilities  
general stores  
group homes  
home businesses  
home industries  
motels  
multiple dwelling housing  
places of public worship  
professional consulting rooms  
residential flat buildings



Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

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

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 3 (1) Urban Centre (Core) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (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  
child care centres  
clubs  
commercial premises  
community facilities  
drainage  
earthworks  
educational establishments  
emergency services facilities  
entertainment facilities  
environmental facilities  
helipads  
home businesses  
hotels

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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medical centres  
mixed use development  
motels  
motor showrooms  
places of public worship  
restaurants  
restricted premises  
roads  
service stations  
shops  
signs  
sporting facilities  
stormwater management facilities  
telecommunications facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 3 (2) Urban Centre (Support) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

bulky goods showrooms  
bus stations  
car parking facilities  
car repair stations  
child care centres  
clubs  
commercial premises  
community facilities  
drainage

Lake Macquarie Local Environmental Plan 2004

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earthworks  
educational establishments  
emergency services facilities  
environmental facilities  
general stores  
home businesses  
home industries  
hospitals  
hotels  
marinas  
medical centres  
mixed use development  
motels  
motor showrooms  
places of public worship  
recreation facilities  
restaurants  
roads  
service stations  
signs  
sporting facilities  
stormwater management facilities  
telecommunications facilities  
utility installations  
veterinary hospitals

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 4 (1) Industrial (Core) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

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Part 3          General controls for land within zones

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**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

aquaculture  
brothels  
bulk stores  
bus stations  
car parking facilities  
car repair stations  
child care centres  
depots  
drainage  
earthworks  
emergency services facilities  
energy generation works  
environmental facilities  
extractive industries  
general stores  
hazardous industries  
hazardous storage establishments  
helipads  
high technology industries  
industries  
junk yards  
light industries  
liquid fuel depots  
mines  
offensive industries  
offensive storage establishments  
rail lines  
roads  
service stations  
signs  
storage facilities  
stormwater management facilities  
telecommunications facilities  
transport terminals  
utility installations  
warehouses  
waste management and/or recycling facilities

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**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 4 (2) Industrial (General) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

animal establishments  
aquaculture  
brothels  
building products warehouses and showrooms  
bulk stores  
bus stations  
car parking facilities  
car repair stations  
child care centres  
depots  
drainage  
earthworks  
emergency services facilities  
entertainment facilities  
environmental facilities  
general stores  
high technology industries  
industries  
junk yards

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

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 4 (3) Industrial (Urban Services) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide land for light industries that can service surrounding community needs and provide local employment opportunities, and,
- (b) provide land for the wholesale or retail sale of bulky goods, and
- (c) support the role of existing and future urban centres while not undermining the retail function and general amenity of these centres, and
- (d) ensure that development is well designed, has minimal adverse impact on the environment and integrates with the urban environment, and
- (e) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

animal establishments  
brothels  
building products warehouses and showrooms

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bulky goods showrooms  
bus stations  
car parking facilities  
car repair stations  
child care centres  
drainage  
earthworks  
emergency services facilities  
environmental facilities  
general stores  
light industries  
medical centres  
motor showrooms  
places of public worship  
recreation facilities  
restaurants  
retail plant nurseries  
roads  
service stations  
signs  
sporting facilities  
storage facilities  
stormwater management facilities  
telecommunications facilities  
transport terminals  
utility installations  
veterinary hospitals  
warehouses  
wholesale plant nurseries

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 5 Infrastructure Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide land for future infrastructure needs such as roads, drainage and other utilities, and
- (b) provide land required for the expansion of existing community facilities or the development of new community facilities, and

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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- (c) provide for limited development within the zone where it can be demonstrated that the development will not prejudice or have the potential to prejudice the intended future infrastructure development of that land, and
- (d) ensure that development on adjacent or adjoining land zoned infrastructure does not prejudice future infrastructure development within that zone, and
- (e) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

agriculture (other than intensive agriculture)

airline terminals

airports

bus stations

car parking facilities

cemeteries and crematoriums

child care centres

community facilities

drainage

earthworks

educational establishments

emergency services facilities

energy generation works

entertainment facilities

environmental facilities

helipads

heliports

hospitals

medical centres

motels

places of public worship

rail lines

roads

signs

stormwater management facilities

telecommunications facilities

transport terminals

utility installations

veterinary hospitals



Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

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**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 6 (1) Open Space Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

animal establishments  
car parking facilities  
caravan parks  
cemeteries and crematoriums  
child care centres  
clubs  
community facilities  
drainage  
earthworks  
educational establishments  
emergency services facilities  
entertainment facilities  
environmental facilities  
helipads  
marinas  
places of public worship  
recreation facilities  
restaurants

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Part 3 General controls for land within zones

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roads  
signs  
sporting facilities  
stormwater management facilities  
telecommunications facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 6 (2) Tourism and Recreation Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

animal establishments  
car parking facilities  
caravan parks  
clubs  
community facilities  
drainage  
earthworks  
eco-tourism facilities  
emergency services facilities  
entertainment facilities  
environmental facilities  
function centres  
helipads  
hotels  
manufactured home estates  
marinas

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motels  
places of public worship  
recreation facilities  
restaurants  
roads  
signs  
sporting facilities  
stormwater management facilities  
telecommunications facilities  
tourist resorts  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 7 (1) Conservation (Primary) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:  
bed and breakfast establishments  
drainage  
dwelling houses  
earthworks  
environmental facilities  
home businesses  
home industries

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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roads  
signs  
stormwater management facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 7 (2) Conservation (Secondary) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:  
bed and breakfast establishments  
community facilities  
drainage  
dual occupancies—attached  
dwelling houses  
earthworks  
eco-tourism facilities  
emergency services facilities  
environmental facilities  
home businesses  
home industries  
roads  
roadside stalls  
signs

Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

stormwater management facilities  
 telecommunications facilities  
 utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 7 (3) Environmental (General) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:  
 agriculture (other than intensive agriculture)  
 bed and breakfast establishments  
 community facilities  
 drainage  
 dual occupancies—attached  
 dwelling houses  
 earthworks  
 eco-tourism facilities  
 educational establishments  
 emergency services facilities  
 environmental facilities  
 forestry  
 home businesses  
 home industries  
 places of public worship  
 retail plant nurseries

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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roads  
roadside stalls  
signs  
stormwater management facilities  
telecommunications facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 7 (4) Environmental (Coastline) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

- (a) provide and conserve an area for natural coastal processes, and
- (b) permit appropriate development where consistent with the Coastal Impact Zone (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (c) conserve and enhance the scenic values and natural, Aboriginal and European heritage associated with the coastline, and
- (d) minimise disturbance of the coastline environment, and
- (e) encourage ongoing dune stabilisation and rehabilitation of native vegetation, and
- (f) ensure that development facilitates public access to the coastline and supports the optimum and efficient development of the coastal walk (as identified in the *Lake Macquarie Coastline Management Plan 1999*), and
- (g) ensure that development is sympathetic in design, bulk and scale with the coastline environment, and
- (h) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:

car parking facilities  
clubs  
community facilities  
drainage  
earthworks  
emergency services facilities  
environmental facilities  
helipads  
restaurants  
roads

Lake Macquarie Local Environmental Plan 2004

Clause 15

General controls for land within zones

Part 3

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signs  
sporting facilities  
stormwater management facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 7 (5) Environmental (Living) Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

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

Clause 15 Lake Macquarie Local Environmental Plan 2004

Part 3 General controls for land within zones

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telecommunications facilities  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

**Zone 8 National Park Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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

**2 Without development consent**

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

**3 Only with development consent**

Nil.

**4 Prohibited**

Development not listed in item 2.

**Zone 9 Natural Resources Zone**

**1 Objectives of zone**

The objectives of this zone are to:

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



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Clause 15

General controls for land within zones

Part 3

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- (g) permit habitat disturbance to facilitate forestry, surface activities for underground mining and other extraction of mineral and gravel resources and energy generation works, and
  - (h) acknowledge the multiple use of State forests for tourism, conservation and sustainable harvesting of timber, and
  - (i) provide for sustainable water cycle management.

**2 Without development consent**

Exempt development as provided in Schedule 1.

**3 Only with development consent**

Development for the purpose of:  
agriculture (other than intensive agriculture)  
car parking facilities  
drainage  
earthworks  
emergency services facilities  
energy generating works  
environmental facilities  
extractive industries  
forestry  
hazardous industries  
hazardous storage establishments  
helipads  
industries  
liquid fuel depots  
mines  
offensive industries  
offensive storage establishments  
rail lines  
roads  
rural industries  
sawmills  
signs  
stormwater management facilities  
telecommunications facilities  
transport terminals  
utility installations

**4 Prohibited**

Development not listed in item 2 or 3.

|           |  |
|-----------|--|
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## **Zone 10 Investigation Zone**

### **1 Objectives of zone**

The objectives of this zone are to:

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

### **2 Without development consent**

Exempt development as provided in Schedule 1.

### **3 Only with development consent**

Development for the purpose of:  
agriculture (other than intensive agriculture)  
bed and breakfast establishments  
drainage  
dwelling houses  
earthworks  
emergency services facilities  
environmental facilities  
home businesses  
home industries  
roads  
roadside stalls  
signs  
stormwater management facilities  
telecommunications facilities  
utility installations

### **4 Prohibited**

Development not listed in item 2 or 3.

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Clause 15

General controls for land within zones

Part 3

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## **Zone 11 Lakes and Waterways Zone**

### **1 Objectives of zone**

The objectives of this zone are to:

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

### **2 Without development consent**

Exempt development as provided in Schedule 1.

Development for the purpose of:

aids to navigation required by the Waterways Authority

moorings, except commercial moorings, if in accordance with a Mooring Management Plan approved by the Waterways Authority.

### **3 Only with development consent**

Any development not listed in item 2.

### **4 Prohibited**

Nil.

Clause 16 Lake Macquarie Local Environmental Plan 2004

Part 4 Special provisions applying to all land

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## Part 4 Special provisions applying to all land

### 16 Development consent—matters for consideration

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

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

### 17 Provision of essential infrastructure

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

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

### 18 Temporary development of land

- (1) Despite any other provision of this plan, a person may carry out development on any land with development consent for any purpose for a maximum period of 28 days in any one year.
- (2) Consent may be granted under this clause only if, in the opinion of consent authority, the development contributes to the social, environmental, cultural and economic well-being of the community.
- (3) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* does not apply to a requirement made by subclause (1).

Lake Macquarie Local Environmental Plan 2004

Clause 19

Special provisions applying to all land

Part 4

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## 19 Development for the purpose of a mine

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

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

## 20 Suspension of covenants, agreements or instruments

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

## 21 Development the subject of SEPP 1 application

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

- (a) neighbourhood and local context,
- (b) topography,
- (c) solar orientation,
- (d) neighbourhood amenity and character,
- (e) privacy,
- (f) overshadowing,
- (g) security, safety and access,

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- (h) local infrastructure,
  - (i) landscape design,
  - (j) waste disposal,
- in addition to the matters referred to in that policy.

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Clause 22

Special controls for protection of the environment or for particular land

Part 5

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

### 22 Foreshore building lines

- (1) The objectives of this clause are:
  - (a) preservation and enhancement of the natural features and vegetation near where land meets the high water mark, and
  - (b) restoration of the land below any foreshore building line, so far as practicable, to a natural state, with a minimum intrusion of man-made structures, and
  - (c) removal of structures and works below any foreshore building line (particularly on redevelopment of land), other than those excepted by clause 23, and
  - (d) conservation and enhancement of waterfront structures of heritage value, and
  - (e) avoidance of adverse ecological effects on the waterways, and
  - (f) enhancement of the visual amenity of Lake Macquarie.
- (2) Clause 7 of the *Environmental Planning and Assessment Model Provisions 1980* is adopted for the purposes of this plan.

**Note.** Clause 7 of the *Environmental Planning and Assessment Model Provisions 1980* allows the Council to fix a foreshore building line and sets out the effect of such a line.
- (3) *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by clause 7 of those provisions, when adopted for the purposes of this plan, in the same way as it applies to a development standard.
- (4) The resolution of the Council cited as *Lake Macquarie Foreshore Building Line Resolution* and adopted by the Council on 18 July 1988 (copies of which are available from the office of the Council) is taken to have been made under clause 7 (1) of those provisions, as adopted for the purposes of this plan.
- (5) Any references in that resolution to a **current plan** are taken to be references to a current plan within the meaning of the *Conveyancing Act 1919*.

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

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**23 Foreshore development and development below DP high water mark**

- (1) Foreshore development and development for the purpose of utility installations may be carried out only with development consent between a foreshore building line that is fixed with respect to a DP high water mark and the DP high water mark.
- (2) Development below DP high water mark may be carried out only with development consent which must not be granted unless the consent authority is satisfied:
  - (a) that all existing structures and works on the land below DP high water mark will be removed before or within a reasonable time after development is carried out, or
  - (b) that is unreasonable or unnecessary in the circumstances of the case for that removal to occur, having regard to the objectives of clause 22 and the provisions of any relevant development control plan.

**24 Subdivision**

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



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Clause 25

Special controls for protection of the environment or for particular land

Part 5

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## 25 Demolition

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

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

- (1) This clause applies to land in Zone 1 (1), 7 (1), 7 (2), 7 (3) or 10.
- (2) In this clause:
  - dwelling lot* means:
    - (a) an existing holding, or
    - (b) a lot that complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
  - existing holding* means:
    - (a) except as provided by paragraph (b), a lot, portion or parcel of land as it was on 21 August 1981, or
    - (b) where, on 21 August 1981, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of those lots, portions or parcels as they were on that date.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of one, but not more than one:
  - (a) dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (1), 7 (2) or 7 (3), or
  - (b) dwelling house on a dwelling lot in Zone 7 (1) or 10.
- (5) However, consent must not be granted for the erection or creation of a dwelling house or dual occupancy-attached on land to which this clause applies if there already is, or a consent is in force that allows, the erection or creation of either a dwelling house or dual occupancy-attached on the land.
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 7 (3).

Clause 27 Lake Macquarie Local Environmental Plan 2004

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

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- (7) If consent is granted for the erection or creation of a dwelling house or a dual occupancy-attached on land comprising an existing holding, the consent authority may impose a condition of consent that requires the consolidation of all lots, portions or parcels that comprise that existing holding.

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

- (1) This clause applies to land in Zone 1 (2), 2 (1), 2 (2) or 7 (5).
- (2) In this clause:
- dwelling lot* means a lot that:
- (a) was a lawfully created lot at the commencement of this plan, or
  - (b) is a lot lawfully created after that commencement under a development consent granted before or after that commencement, or
  - (c) complies with such of the requirements set out in Schedule 2 (Subdivision standards) as apply to the land comprising the lot.
- (3) A dwelling must not be erected or created on land to which this clause applies, except in accordance with this clause.
- (4) Consent may be granted for the erection or creation of one but not more than one:
- (a) dwelling house on a dwelling lot in Zone 2 (2), or
  - (b) dwelling house or dual occupancy-attached on a dwelling lot in Zone 1 (2) or 7 (5), or
  - (c) dwelling house, dual occupancy-attached or dual occupancy-detached on a dwelling lot in Zone 2 (1).
- (5) However, consent must not be granted for the erection or creation of a dwelling house, dual occupancy-attached or dual occupancy-detached on land to which this clause applies if there already is, or a consent is in force that allows, the erection or creation of any one of a dwelling house (not being part of an existing dual occupancy-detached), dual occupancy-attached or dual occupancy-detached on the land.
- (6) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a neighbourhood lot in Zone 1 (2) or 7 (5).

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Clause 28

Special controls for protection of the environment or for particular land

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

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

## 29 Building heights

- (1) A person must not erect a building that exceeds 9 metres in height without development consent.
- (2) In considering an application for consent to the erection of a building the whole or part of which exceeds 9 metres, the consent authority must take into consideration whether that height is compatible with the heights of other buildings in the immediate vicinity or locality and is compatible with:
  - (a) the site attributes, and existing or proposed uses of the land to which the application relates, and
  - (b) the other requirements of this plan and the provisions of any relevant development control plan.
- (3) In the instance of development in proximity to an airport, the heights of buildings must comply with the applicable Obstacle Limitation Surface.

## 30 Control of pollution

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

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

## 31 Erosion and sediment control

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

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

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- (c) the carrying out of any other class of development.
- (2) Consent must not be granted to development to which this clause applies unless:
  - (a) the consent authority is satisfied that all reasonable and practicable control measures will be carried out to prevent or minimise the effects of erosion and sediment, and
  - (b) where the area of soil surface exposure is greater than 250 square metres, but less than 2,500 square metres, the consent authority has considered an erosion and sediment control plan complying with erosion and sediment control guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan, and
  - (c) where the area of soil surface exposure is 2,500 square metres or greater, the consent authority has considered a soil and water management plan complying with construction guidelines adopted by the Council, and whether the consent will include a condition requiring the development to be carried out in accordance with that plan.

### **32 Flood prone land**

- (1) Despite any other provision of this plan, a person must not erect a structure or carry out a work on flood prone land without development consent.
- (2) Before granting consent required by this clause, the consent authority must:
  - (a) consider the contents of any flood management plan or development control plan applying to the land that has been prepared in accordance with the principles contained in the flood management manual, which is available from the office of the Council, and
  - (b) be satisfied that to carry out the development in accordance with the consent would be consistent with flood hazard and levels of risk that are acceptable to the community.
- (3) The consent authority may, by a condition of consent to the carrying out of development referred to in subclause (1), require all floors or levels of the structure or work to be at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that structure or work, or of adjoining land.

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Clause 33

Special controls for protection of the environment or for particular land

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### 33 Bush fire considerations

- (1) This clause applies to bush fire prone land.  
**Note.** Section 146 of the Act provides that bush fire prone land is land recorded by the Council as such on a map certified by the Commissioner of the NSW Rural Fire Service as a bush fire prone land map for the area of the Council.
- (2) A person must not carry out bush fire hazard reduction work without development consent unless the person is authorised to carry out the work without consent by or under the *Rural Fires Act 1997* or another Act.
- (3) Before granting consent required by this clause, the consent authority must:
  - (a) have regard to the relevant provisions of the guidelines provided by the latest edition of the publication *Planning for Bushfire Protection* approved by the Department and the Rural Fire Service and available at the office of the Council, and  
**Note.** The latest edition of that publication when this plan commenced was the 2001 edition. The consent authority must also have regard to the relevant provisions of the *Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979*.
  - (b) be satisfied that:
    - (i) the measures proposed to avoid or mitigate the threat from bush fire, including the siting of the proposed development, the design of, and materials used in, any structures involved, the clearing of vegetation, and the provision of asset protection zones, landscaping and fire control aids (such as roads and water supplies), are adequate for the locality, and
    - (ii) as far as possible, the potential impact on the environment of mitigation measures proposed is minimised.

### 34 Trees and native vegetation

- (1) This clause applies to all land except:
  - (a) State forest or other Crown-timber lands within the meaning of the *Forestry Act 1916*, or
  - (b) land within Zone 8.
- (2) Except as provided by subclause (3), a person must not clear any tree or any native vegetation unless in accordance with a development consent.

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- (3) Consent is not required for:
- (a) the clearing or trimming of trees in accordance with Part 11 of the *Electricity Supply (General) Regulation 2001*, or
  - (b) the clearing or trimming of trees in accordance with section 88, 107, 138 or 139 of the *Roads Act 1993*, or
  - (c) the clearing or harvesting of trees grown commercially or domestically for their edible fruit, or
  - (d) the control of noxious weeds within the meaning of the *Noxious Weeds Act 1993*, or
  - (e) the clearing of commercially grown plantation trees in accordance with the *Plantations and Reafforestation Act 1999*, or
  - (f) the clearing of native vegetation without consent if authorised under the *Native Vegetation Conservation Act 1997*, any other Act or another environmental planning instrument, or
  - (g) the removal of hazardous dead trees within Zone 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (1) or 6 (2), except where the trees provide habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, or
  - (h) the removal of native vegetation on land, other than in Zone 7 (1), for the purpose of creating or maintaining landscaped and lawn areas where:
    - (i) the removal, injury or destruction of trees is not involved, and
    - (ii) the area to be cleared is less than 600 square metres in total and is on the same allotment as, and within the curtilage of, a dwelling for which development consent has been granted, and
    - (iii) the soil surface exposed in any period of 90 consecutive days will not exceed 250 square metres, and
    - (iv) the slope of the land does not exceed 15 degrees, and
    - (v) the work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*, and
    - (vi) the area is not subject to a development consent that requires the trees or native vegetation to be retained, or
  - (i) bushfire hazard reduction work exempted by section 100C of the *Rural Fires Act 1997*, or

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Special controls for protection of the environment or for particular land

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- (j) clearing of a tree or native vegetation that is within 3 metres of a building for which consent has been granted and that is on the same allotment as that building.
  - (4) Consent must not be granted for the clearing of any tree or native vegetation unless the consent authority has considered a statement of environmental effects that assesses in respect of the vicinity of the proposed clearing:
    - (a) soil stability and prevention of land degradation, and
    - (b) water quality and associated ecosystems such as streams, rivers, waterbodies or waterways, and
    - (c) scenic or environmental amenity, and
    - (d) vegetation species, communities and natural wildlife habitats.
  - (5) Nothing in this clause affects any requirement made by or under the *Native Vegetation Conservation Act 1997*.

### 35 Acid sulfate soils

- (1) For the purpose of this clause, **works** means:
  - (a) any disturbance of more than one tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, and detention basins), foundations and flood mitigation works), or
  - (b) any other works that are likely to lower the water table, or
  - (c) routine maintenance.
- (2) A person must not, without development consent, carry out works described in the following Table on land of the class specified for those works, except as provided by subclause (3).

| Class of land as shown on Acid Sulfate Soils Planning Maps | Works   |
|--|---|
| 1  | Any works.  |
| 2  | Works below the natural ground surface.<br>Works by which the watertable is likely to be lowered. |

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**Class of land as  
 shown on Acid Sulfate  
 Soils Planning Maps**

**Works**

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|   |  |
|---|--|
| 3 | Works beyond 1 metre below the natural ground surface.<br>Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface.   |
| 4 | Works beyond 2 metres below the natural ground surface.<br>Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.    |

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- (3) This clause does not require consent for the carrying out of those works if:
- (a) a copy of a preliminary assessment of the proposed works, undertaken in accordance with the *Acid Sulfate Soil Manual*, has been given to the Council, and
  - (b) the Council has provided written advice to the person proposing to carry out the works confirming that the results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soil Manual*.
- (4) Consent required by this clause must not be granted unless the consent authority has considered:
- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soil Manual*, and
  - (b) the likelihood of the proposed development resulting in the discharge of acid water, and



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Special controls for protection of the environment or for particular land

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- (c) any comments from the Department received within 28 days of the consent authority having sent that Department a copy of the development application and the related acid sulfate soils management plan.
  - (5) Despite subclause (2), development may be carried out by the Council or the Hunter Water Corporation without consent, being development consisting of:
    - (a) emergency works, or
    - (b) routine management, or
    - (c) minor works.
  - (6) Where the Council or the Hunter Water Corporation carries out development described in subclause (5) and encounters, or is likely to encounter, acid sulfate soils, the Council or the Hunter Water Corporation must properly deal with those soils in accordance with the proposed development in accordance with the *Acid Sulfate Soil Manual* so as to minimise the actual or potential impact on the environment arising from the disturbance of the soils.

### **36 Mixed use development**

- (1) Consent must not be granted for mixed use development unless the consent authority is satisfied that:
  - (a) the gross floor area that will be used for commercial, retail or recreation facilities will be not less than 20 percent of the total gross floor area within the site area to which the development application relates, and
  - (b) the gross floor area that will be used for dwellings and any accommodation for tourists will be not less than 50 percent of that total.
- (2) To avoid doubt, *State Environmental Planning Policy No 1—Development Standards* applies to a requirement made by subclause (1) (a) or (b) in the same way as it applies to a development standard.

### **37 Unzoned land**

- (1) A person must not carry out development on unzoned land without development consent.
- (2) Development of unzoned land is not exempt or complying development, despite any other provision of this plan.

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- (3) Consent must not be granted for development of unzoned land unless the consent authority has considered the objectives of the zones in which adjoining land is situated.

**38 Advertising structures and signs**

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

**39 Additional development allowed on certain land**

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

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

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

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- (b) immediately prior to the appointed day, the retained holding was within a zone in which development for the purpose of agriculture was permissible either with or without consent.
  - (3) Nothing in this plan prevents the nominated owner from carrying out development on a retained holding for the purpose of agriculture (other than intensive agriculture), but only with development consent.

#### **41 Development for the purpose of retirement villages**

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

*retirement village* means a complex containing residential premises that are predominantly or exclusively occupied, or intended to be predominantly or exclusively occupied, by persons aged 55 years or older, which provides access to meals, cleaning, emergency assistance, and a transport service for residents.
- (4) Nothing in this plan prevents a person, with development consent, from carrying out development on any land to which this clause applies for the purpose of a retirement village.
- (5) Despite subclause (4), consent may be granted to development for the purpose of a retirement village only if the consent authority is satisfied that:
  - (a) the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development, and
  - (b) the land has frontage to a formed public road servicing nearby urban areas, and
  - (c) the development is able to be serviced with reticulated water, sewerage and electricity, and

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- (d) at least 70% of the proposed development area comprises land with a slope of less than 20% grade.

**42 Consent to development subject to special requirements**

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

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## **Part 6 Heritage provisions**

### **43 Objective**

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

### **44 Protection of heritage items and heritage conservation areas**

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

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

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#### **45 Development consent is not required**

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

#### **46 Cemetery or burial grounds**

Development consent is not required for the following development in a cemetery or burial ground if there will be no disturbance to human remains, to relics in the form of grave goods or to a place of Aboriginal heritage significance:

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

#### **47 Assessment of heritage significance**

- (1) Before granting consent required by this Part, the consent authority must assess the extent to which the carrying out of the proposed development will affect the heritage significance of the heritage item or heritage conservation area concerned.
- (2) In the case of proposed development that would affect a heritage item, that assessment must include consideration of a heritage impact statement that addresses:
  - (a) the heritage significance of the item as part of the environmental heritage of Lake Macquarie City local government area,
  - (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or cultural features,
  - (c) the measures proposed to conserve the heritage significance of the item and its setting,
  - (d) whether any archaeological site or potential archaeological site will be adversely affected by the proposed development,

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- (e) the extent to which the carrying out of the proposed development will affect the form of any historic subdivision.
- (3) In the case of proposed development in a heritage conservation area, that assessment must include consideration of a heritage impact statement that addresses the following:
- (a) the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance,
  - (b) the impact that the proposed development will have on the heritage significance of the heritage conservation area,
  - (c) the compatibility of the proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the size, form, scale, orientation, setbacks, materials and detailing of the proposed development,
  - (d) the measures proposed to conserve the significance of the heritage conservation area and its setting,
  - (e) whether any landscape or horticultural features will be affected by the proposed development,
  - (f) whether any archaeological site or potential archaeological site will be affected by the proposed development,
  - (g) the extent to which the carrying out of the proposed development in accordance with the consent will affect any historic subdivision pattern.

#### **48 Development requiring notification**

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

|           |  |
|-----------|--|
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**49 Notice of demolition to Heritage Council**

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

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

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



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

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

**52 Development in vicinity of a heritage item**

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

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- (c) will otherwise have any adverse impact on the heritage significance of a heritage item or of any heritage conservation area within which it is situated.
- (3) Before granting consent for development to which this clause applies, the consent authority must take into account the impact of the proposed development on the heritage significance of the heritage item, on any heritage conservation area within which it is situated and on the visual curtilage and setting of the heritage item.
- (4) A heritage impact statement required by this clause should include recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

### **53 Conservation incentives**

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

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

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**54 Development in heritage conservation areas**

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

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Part 7 Administrative provisions

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## Part 7 Administrative provisions

### 55 Acquisition of land required for community purposes

- (1) The owner of land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2) or 10 and shown cross-hatched (but not otherwise hatched) on the map may, by notice in writing, require the Council to acquire the land.
- (2) On receipt of a notice referred to in subclause (1), but subject to subclause (3), the Council must acquire the land.
- (3) However, nothing in this plan, other than subclause (4), requires the Council to acquire land:
  - (a) if the land may be required to be dedicated to the Council as a condition of consent to the carrying out of development, or
  - (b) within Zone 6 (1) if, in the opinion of the Council, the need for the open space has not yet been created by residential development in the vicinity.
- (4) On receipt of a notice referred to in subclause (1), the Council must acquire land within Zone 6 (1) if the Council is of the opinion that the owner of the land will suffer hardship if the land is not acquired within a reasonable time.

### 56 Interim development of land required for community purposes

- (1) A person must not carry out development without development consent on land within Zone 2 (1), 3 (1), 4 (1), 4 (2), 5, 6 (1), 6 (2), 7 (1), 7 (2) or 10, and shown by cross-hatching on the map, before it is acquired in accordance with this plan.
- (2) A person must not carry out development on land referred to in subclause (1) that may be required to be acquired by the Council so as to render the land unfit for the purpose for which it is zoned.
- (3) Consent must not be granted for development of land referred to in subclause (1) before it is acquired in accordance with this plan unless the consent authority has considered:
  - (a) the need for the proposed development on the land, and
  - (b) the impact of the proposed development on the existing and likely future use of the land, and
  - (c) the need to retain the land for its existing or likely future use, and

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- (d) the effect of the proposed development on the cost of acquisition, and
  - (e) the imminence of acquisition, and
  - (f) the cost of reinstatement of the land for the purpose for which the land is to be acquired.
- (4) Conditions may be imposed on such a consent that limit the period during which development may be carried out in accordance with the consent and require:
- (a) the removal of any structure or work for which the consent was granted, and
  - (b) the reinstatement of the land or removal of any waste, refuse or contaminants,
- without the payment of compensation by the Council.

**57 Acquisition of land required for State roads**

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

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

- (1) Consent may be granted for development of any land within Zone 5 that may be required to be acquired by the RTA before it is so acquired only with the concurrence of the RTA.

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- (2) Before granting that concurrence, the RTA must take into consideration the following:
  - (a) the effect of the proposed development on the cost of acquisition,
  - (b) the imminence of acquisition,
  - (c) the cost to reinstate the land for the purpose for which the land is to be acquired.

**59 Acquisition of coastal land**

- (1) This clause applies to land within Zone 7 (1) or 7 (4) shown by hatching (but not cross-hatching) on the map.
- (2) The owner of any land to which this clause applies may, by notice in writing, require the corporation to acquire the land.
- (3) On receipt of a notice referred to in subclause (2), the corporation must acquire the land, unless the land may be required to be provided as a condition of consent to the carrying out of development.
- (4) Despite any other provision of this plan, development may be carried out only with development consent on land to which this clause applies and only for the purpose of the following:
  - (a) agriculture (and buildings incidental to the use of the land for agriculture),
  - (b) dams,
  - (c) drainage,
  - (d) dwelling houses.
- (5) Consent to the carrying out of development on land to which this clause applies may be granted only with the concurrence of the Minister.
- (6) Before granting that concurrence, the Minister must take into consideration the following:
  - (a) the need for the proposed development on the land,
  - (b) the impact of the proposed development on the existing and likely future use of the land,
  - (c) the need to retain the land for its existing or likely future use,
  - (d) the effect of the proposed development on the cost of acquisition,

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- (e) the imminence of acquisition,
  - (f) the cost to reinstate the land for the purpose for which the land is to be acquired.

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

- (1) Consent must not be granted for development on land adjoining land within Zone 5 unless the consent authority is satisfied that the proposed development will be consistent with the efficient operation of the potential or existing infrastructure development within the zone.
- (2) Consent must not be granted to development on land adjoining or adjacent to land within Zone 7 (1) unless the consent authority is satisfied that the proposed development is consistent with the effective conservation of the land within Zone 7 (1) and its protection from adverse impacts, including stormwater run-off, erosion and sedimentation, pollution, weed infestation, feral or domestic animals, chemicals, nutrients and the like.
- (3) Consent must not be granted to development on land adjoining or adjacent to land within Zone 8 unless the consent authority has sent a copy of the development application to the Director-General of the Department of Environment and Conservation and considered any response received from that Director-General within 28 days of sending the copy.

#### **61 Reclassification of community land**

- (1) The public land referred to in Schedule 3 is classified or reclassified as operational land for the purposes of the *Local Government Act 1993*.
- (2) In accordance with section 30 of the *Local Government Act 1993*, a parcel of land described in Schedule 3, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from any trusts, estates, interests, dedications, conditions, restrictions or covenants affecting the land or any part of the land, except for:
  - (a) any reservations that except land out of a Crown grant relating to the land, and
  - (b) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

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- (3) Before the relevant amending plan inserted a description of land in Schedule 3, the Governor approved of subclause (2) applying to the land.
- (4) In this clause, *the relevant amending plan*, in relation to land described in Schedule 3, means this plan or, if the description of the land is inserted into that Schedule by another local environmental plan, that plan.



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Exempt development

Schedule 1

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## 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

## Lake Macquarie Local Environmental Plan 2004

## Schedule 1 Exempt development

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- (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 33, 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

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Exempt development

Schedule 1

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- (q) is within 40 metres of a watercourse, river, stream, creek or lake—where excavation of the land (not including footings for minor structures) is proposed, or
  - (r) is a remediation site within the meaning of the *Contaminated Land Management Act 1997* or land subject to an agreement with the Environment Protection Authority under section 26 of that Act for voluntary remediation.

### 3 Criteria that must be satisfied by all exempt development

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

- (a) all structures comply with the *Building Code of Australia*, including the standards identified in that code,
- (b) all structures and activities comply with the Council's adopted building lines and setbacks, unless otherwise specified in the Table to this Schedule,
- (c) the development complies with all relevant development control plans and policies approved by the Council,
- (d) no existing condition of development consent or building approval affecting a site is contravened or compromised,
- (e) no structure is built over a sewer main, easement or natural watercourse and adequate clearance is provided to all sewer junction shafts, surcharge gullies, hot water service overflow pipes, and waste outlet pipes unless prior written agreement has been obtained from the Council or the local water and sewerage authority or supplier, as the case may require,
- (f) the development does not require the installation or alteration of a sewage management facility,
- (g) all structures have clearance from power lines in accordance with the relevant electricity authority or supplier,
- (h) all structures are built with new materials or second-hand materials which retain the structural adequacy and integrity of the material when new,
- (i) all structures are built with materials which match the design and appearance of any existing buildings on the site of the proposed development or in the immediate vicinity,
- (j) no structure or activity obstructs vehicular or human access,

## Lake Macquarie Local Environmental Plan 2004

Schedule 1 Exempt development

- 
- (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**

| <b>Column 1</b>   | <b>Column 2</b>                             | <b>Column 3</b>  |
|---|---|--|
| <b>Erection (or installation) and use, or carrying out, of the following:</b>                                 | <b>Zones in which development is exempt</b> | <b>Circumstances where exempt</b>  |
| Access ramp to a building (for able and disabled persons)   | All zones                                   | Maximum height of 1 metre (above natural ground level).<br>Maximum grade 1:14 and otherwise in compliance with AS 1428.1.<br>Located so that the structure and its use do not obstruct carparking or vehicular access.<br>Where part of a strata development, the approval of the owners corporation has been given.<br>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:<br>(a) maximum area 2 square metres in Zone 4 (1), 4 (2) or 4 (3), and<br>(b) maximum area 1 square metre in all other zones, and<br>(c) one sign per premises, and<br>(d) signs must not cover mechanical ventilation inlet or outlet vents, and<br>(e) advertising structures over public road to be at least 600mm from kerb/roadway edge, and<br>(f) signs must not be illuminated or use flashing lights or similar devices for illumination, and |

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Schedule 1

| Column 1   | Column 2                             | Column 3   |
|--|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt | Circumstances where exempt   |
|  |                                      | <ul style="list-style-type: none"> <li>(g) must comply with Council's signs requirements in <i>Lake Macquarie Development Control Plan No 1</i>, and</li> <li>(h) not erected on a heritage item unless with agreement of the Council and by using existing fixings approved for the purpose by the Council.</li> </ul>  |
| Advertising structures used for display of the following:              |                                      |  |
| (a) Business identification signs in residential areas                 | Zones 2 (1) and 2 (2)                | Satisfy general criteria above.<br>Maximum area 1 square metre.  |
| (b) Business identification signs                                      | Zones 3 (1) and 3 (2)                | <p>Suspended under awnings signs:</p> <ul style="list-style-type: none"> <li>(a) satisfy general criteria above, and</li> <li>(b) securely fixed by metal supports, and</li> <li>(c) do not affect the structural integrity of the awning or building.</li> </ul> <p>Vertical or horizontal projecting wall signs:</p> <ul style="list-style-type: none"> <li>(a) satisfy general criteria above, and</li> <li>(b) securely fixed by metal supports, and</li> <li>(c) do not affect the structural integrity of the awning or building.</li> </ul> <p>Flush wall signs:</p> <ul style="list-style-type: none"> <li>(a) satisfy general criteria above, and</li> <li>(b) securely fixed.</li> </ul> <p>Top hamper signs:</p> <ul style="list-style-type: none"> <li>(a) satisfy general criteria above, and</li> <li>(b) securely fixed.</li> </ul> |

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## Schedule 1 Exempt development

| Column 1  | Column 2   | Column 3   |
|---|--|--|
| Erection (or installation) and use, or carrying out, of the following:  | Zones in which development is exempt                                   | Circumstances where exempt   |
| (c) Business identification signs in industrial areas   | Zones 4 (1), 4 (2), 4 (3) and 9  | Satisfy general criteria above.<br>Securely fixed by metal supports.<br>If over a public road, signs erected at a height no less than 2.6m above ground level.   |
| (d) Real estate signs (advertising premises/land for sale or rent) in residential, environmental protection and rural zones               | Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5) | Satisfy general criteria above.<br>For land in Zone 2 (1) or 2 (2), have a maximum area of:<br>(a) 1.2 square metres for a "For Sale" sign, or<br>(b) 2.5 square metres for an auction sign.<br>For rural, environmental protection or conservation land, have a maximum area of 2.5 square metres.<br>Only where it is attached to an existing approved structure eg fence, dwelling house or garage. |
| (e) Real estate signs (advertising premises/land for sale or rent) in commercial, tourist and industrial areas                            | Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10            | Satisfy general criteria above.<br>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.<br>Only one (of each) per dwelling.<br>Must not project beyond property boundary.<br>Maximum height 6 metres above ridge of the roof or 10 metres above ground level if not attached to building.<br>Must not produce interference on nearby televisions, radios or electrical appliances.  |

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Exempt development

Schedule 1

| Column 1   | Column 2                             | Column 3  |
|--|--------------------------------------|---|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt | Circumstances where exempt  |
| Air conditioning units for a lawful dwelling or community building (attached to external wall or ground mounted)   | All zones                            | <p>Not located on the front facade of the dwelling. Installation must not reduce the structural integrity of the building.</p> <p>Any opening created is to be adequately weatherproofed.</p> <p>Noise level not to exceed 5dbA above ambient background noise level measured at the property boundary or wall of any dwelling on adjoining properties.</p> <p>Located wholly within the property boundaries of the subject site, not over any right-of-way or easement and not obstructing any essential accessway.</p>  |
| Amusement devices (being a small amusement device as defined in the <i>Local Government (Approvals) Regulation 1999</i> ) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc) | Zones 3 (1), 3 (2), 6 (1) and 6 (2)  | <p>The device is to be installed and is used for 1 day/ weekend events only.</p> <p>The device is erected on level ground of sufficient bearing capacity to support the device.</p> <p>The device is registered under the <i>Occupational Health and Safety Regulation 2001</i>.</p> <p>The device is erected in accordance with all the conditions set out in its certificate of registration.</p> <p>The device has a current logbook within the meaning of the <i>Occupational Health and Safety Regulation 2001</i>.</p> <p>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.</p> <p>The device meets with the operational requirements of the WorkCover Authority.</p> |

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## Schedule 1 Exempt development

| Column 1   | Column 2  | Column 3  |
|--|---|---|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt              | Circumstances where exempt  |
| Arcade amusement devices (eg pinball machines, virtual reality games etc)  | Zones 3 (1), 3 (2) and 6 (2)                      | Located wholly within the subject premises.<br>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.<br>It must: <ul style="list-style-type: none"> <li>(a) be attached to the wall of a building, and</li> <li>(b) include a bin with adequate capacity to discourage littering.</li> </ul>   |
| 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.<br>Located wholly within property boundaries.<br>Minimum setback of 5 metres from side and rear boundaries in rural and environmental protection and conservation zones.<br>Minimum setback of 900mm to side and rear boundaries in residential and commercial zones.<br>Materials used are non-reflective.<br>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.<br>Maximum height of 2.7 metres.<br>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.<br>Maximum height of 2.7 metres.<br>Must facilitate maintenance of the trade waste device and enable all weather use.<br>Constructed in materials which match and/or complement the design and appearance of existing buildings.<br>Located behind the building line.<br>Complies with front boundary setbacks for the zone.   |



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Exempt development

Schedule 1

| Column 1   | Column 2  | Column 3  |
|--|---|---|
| Erection (or installation) and use, or carrying out, of the following:                       | Zones in which development is exempt                                | Circumstances where exempt  |
| Barbecues ancillary to a building for which consent or a building approval has been granted  | All zones   | Maximum area of 4 square metres.<br>Maximum height of 2 metres.<br>Minimum setback of 900mm from side and rear boundaries.<br>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 the Council's <i>Guide for Bed and Breakfast Establishments</i> .<br>Premises must have been inspected by the Council 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.<br>Maximum height of 2.7 metres.<br>Floor to be impervious.<br>Located in rear yard.<br>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.<br>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. |
| Bus shelters   | All zones   | Must be suitably designed and constructed by or for the Council.<br>Must reflect character and amenity of the area.<br>Does not obstruct the line of sight of vehicular traffic.  |

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Schedule 1 Exempt development

| Column 1  | Column 2  | Column 3  |
|---|---|---|
| Erection (or installation) and use, or carrying out, of the following:        | Zones in which development is exempt                  | Circumstances where exempt  |
|   |   | <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>No advertising signs.</p>  |
| Bush regeneration and riparian and littoral and foreshore stabilisation works | All zones   | <p>Riparian and littoral foreshore stabilisation works must:</p> <p>(a) be undertaken by the Council or public authorities or by others on their behalf, and</p> <p>(b) be limited to beach reconstruction/shaping up to a maximum of 500 square metres in area, bank stabilisation up to a maximum of 500 square metres, rock revetment up to a maximum of 1 metre in height, foreshore planting of endemic species, and removal (in accordance with the Council's maintenance program) of silt deposition from storm water channels and outlets, and from artificial wetlands, and</p> <p>(c) involve only minor earthworks and site improvements, and</p> <p>(d) not have a deleterious effect on the location in which they are carried out or on other land.</p> |
| Cabanas/gazebos and green houses  | Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (3), 7 (5) and 10 | <p>Maximum area of 20 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>Minimum setback of 900mm to side and rear boundaries in residential zones.</p> <p>Complies with the Council's front boundary setbacks for the zone.</p> <p>Minimum setback of 5 metres to side and rear boundaries in rural and environmental protection zones.</p> <p>Constructed in non-reflective materials.</p>  |

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| Column 1   | Column 2   | Column 3  |
|--|--|---|
| Erection (or installation) and use, or carrying out, of the following:                               | Zones in which development is exempt   | Circumstances where exempt  |
| Carports   | Zones 1 (1),<br>1 (2), 2 (1),<br>2 (2), 3 (1),<br>3 (2), 4 (1),<br>4 (2), 4 (3),<br>7 (1), 7 (2),<br>7 (3), 7 (5), 9<br>and 10 | Behind front building line.<br>Maximum area 36 square metres.<br>Maximum height 2.7 metres.<br>Minimum side and rear setback 900mm.<br>Roof materials to be non-reflective.<br>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.<br>Where structure fronts the street, maximum width of carport opening of 6 metres or 50% of lot frontage, whichever is less.<br>Does not interfere with vehicle movements on site. |
| Charity bins/clothing and recycling bins   | Zones 3 (1),<br>3 (2), 4 (1),<br>4 (2) and<br>4 (3)  | Must not result in more than three bins in any one location.<br>Located 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.<br>Adequately screened from a public place or road.<br>Not located in front setback.   |
| Compost heaps  | Zones 1 (1),<br>1 (2), 2 (1),<br>2 (2), 7 (1),<br>7 (2), 7 (3),<br>7 (5) and 10  | Maximum area 2 metres by 1 metre in residential zones.<br>Maximum area 2 metres by 2 metres in rural conservation or environmental protection zones.<br>Minimum side and rear setback for residential zones is 900mm.<br>Minimum side and rear setback for rural conservation or environmental protection zones is 5 metres.<br>Not located in front setback.   |

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| Column 1  | Column 2  | Column 3  |
|---|---|---|
| Erection (or installation) and use, or carrying out, of the following:                                  | Zones in which development is exempt                                | Circumstances where exempt  |
| 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 | <p>Maximum height 2.4 metres.</p> <p>Maximum area 20 square metres.</p> <p>Minimum setback of 900mm to side and rear boundaries.</p> <p>Not associated with commercial premises.</p> <p>Not located within the front setback.</p> <p>Not located so as to compromise the effectiveness of pool fencing.</p>   |
| 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 | <p>Maximum area 20 square metres.</p> <p>Finished floor level not greater than 1 metre above natural ground level.</p> <p>Maximum width of 2 metres.</p> <p>For a timber deck—minimum clearance to the ground of 400mm and compliance with AS 3660 (termite control).</p> <p>Complies with the Council’s front boundary setbacks for the zone.</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>Roof water is discharged to street, easement, watercourse, or otherwise without causing a nuisance.</p> |
| Demolition  | All zones   | <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>.</p> <p>The structure did not or does not require development consent to be built, that is, its erection is exempt development.</p> <p>Demolition is carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i>.</p>   |

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Exempt development

Schedule 1

| Column 1   | Column 2                             | Column 3   |
|--|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following:                       | Zones in which development is exempt | Circumstances where exempt   |
| Different use resulting from change of use of shop to an office or other commercial premises | Zones 3 (1) and 3 (2)                | <p>Consent was granted for the former use.</p> <p>Not where the current use is based on existing use rights, ie where the land use zone does not support the use.</p> <p>Does not include drug use rehabilitation clinics, including methadone clinics or safe injecting rooms.</p> <p>No change to arrangements for access/parking, loading and waste disposal.</p> <p>Does not increase the fire load in the structure.</p> <p>Must be a permitted use in the zone.</p> <p>Different use must not be for the purpose of a brothel.</p> |
| Different warehouse use resulting from change from another warehouse use                     | Zones 4 (1), 4 (2) and 3 (2)         | <p>Floor area of warehouse less than 500 square metres.</p> <p>Consent was granted for the former warehouse use.</p> <p>Different use is allowed by the zoning.</p> <p>No change to arrangements for access/parking, loading and waste disposal.</p> <p>Does not increase the fire load in the structure or affect the fire safety measures of the building.</p> <p>Different use does not involve food related operations (for example, preparation, packaging, storage etc of food products).</p>                                      |
| Earthworks (rural)   | Zone 1 (1)                           | <p>Where the earthworks constitute one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) levelling of land to a maximum of 300mm,</li> <li>(b) maintenance of drainage works,</li> <li>(c) backfilling of dams with not more than 5 megalitres storage capacity,</li> <li>(d) desilting of dams,</li> <li>(e) maintenance of existing access roads within property boundaries.</li> </ul>   |

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Schedule 1 Exempt development

| Column 1   | Column 2  | Column 3  |
|--|---|---|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt              | Circumstances where exempt  |
| Fences/privacy screens/trellises                                       | All zones   | General requirements—in addition to the particular requirements listed for the different types of fences: <ul style="list-style-type: none"> <li>(a) all fences are to be constructed so that they do not prevent the natural flow of stormwater drainage,</li> <li>(b) not between a foreshore building line and the water body in relation to which it is fixed,</li> <li>(c) maximum height 2 metres if constructed of timber, metal or light weight materials.</li> </ul> |
| Fences—boundary (side, front and rear fences and corner lots)          | All zones   | Maximum height of 2 metres if constructed of timber, metal or light weight materials.<br>Maximum height of 1 metre if constructed of brick or masonry.<br>Corner lots—maximum height of 1 metre from corner of street intersection for 6 metres along both boundaries.<br>Not between a foreshore building line and the water body in relation to which it is fixed.  |
| 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> .   |
| Fences—masonry or brick  | All zones   | Maximum height of 1 metre.<br>Not between a foreshore building line and the water body in relation to which it is fixed.  |
| 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.<br>Maximum height of 3 metres.  |

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Schedule 1

| Column 1   | Column 2   | Column 3  |
|--|--|---|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt   | Circumstances where exempt  |
| 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.<br>1 per site in residential zones, all other zones 1 per 20 metres of street frontage.<br>Flag and pole wholly located within property boundary.  |
| 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.<br>Maximum height of 3 metres.<br>Minimum setback of 5 metres from side and rear boundary.<br>Complies with the Council's <i>Guide for Keeping of Animals</i> .<br>Behind front building line.<br>Materials used must blend with the environment and be non-reflective.<br>Adequate drainage to be provided.<br>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.<br>Design of structure to mitigate the effects of any noxious smell on the locality.<br>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). |

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Schedule 1 Exempt development

| Column 1   | Column 2   | Column 3   |
|--|--|--|
| Erection (or installation) and use, or carrying out, of the following:                                 | Zones in which development is exempt                         | Circumstances where exempt   |
| 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                | <p>Maximum size of 5,000 litres.</p> <p>Located wholly within the boundaries of the property.</p> <p>Bunded with capacity to contain at least 110% of the capacity of the fuel tank.</p> <p>Constructed of prefabricated metal, free-standing and not relying on other structures for support.</p> <p>Operated and maintained in accordance with AS 1940—1993, <i>The storage and handling of flammable and combustible liquids</i>.</p> <p>Not erected within 30 metres of a creek or boundary to the street or within 5 metres of a side or rear boundary.</p> <p>Minimum setback of 20 metres from adjoining dwellings.</p> |
| Garden sheds (free standing and prefabricated)   | Zones 1 (1), 1 (2), 2 (1), 2 (2), 7 (2), 7 (3), 7 (5) and 10 | <p>Maximum floor area of 20 square metres.</p> <p>Maximum overall height of 2.4 metres above ground level.</p> <p>Minimum of 900mm from side or rear boundary.</p> <p>Located in the rear yard and not within front building setback.</p> <p>Constructed using non-reflective materials.</p> <p>Roof cladding is securely fixed to roof beams or rafters.</p> <p>Supporting posts are securely fixed to concrete footings or slabs.</p> <p>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.</p> <p>Maximum 2 sheds per property.</p>   |



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| Column 1  | Column 2                             | Column 3  |
|---|--------------------------------------|---|
| Erection (or installation) and use, or carrying out, of the following:  | Zones in which development is exempt | Circumstances where exempt  |
| 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.<br>Located in public parks or recreation areas.<br>Promotional signs not to face public road.<br>Promotional signs only to be fixed to an existing structure.<br>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).   |
| Home occupation   | All zones                            | Must be carried out in an existing dwelling for which consent or a building approval has been granted.<br>Dwelling cannot be based on existing use rights (ie where the land zone does not support the use).<br>No goods are sold from the premises.  |
| Horse stables and animal shelters keeping up to 4 horses  | Zone 1 (1)                           | Maximum area of 20 square metres.<br>Maximum height of 3 metres.<br>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.<br>Constructed of timber (cut or round) or metal.<br>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.<br>Adequate drainage to be provided.<br>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. |

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| Column 1   | Column 2                             | Column 3   |
|--|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt | Circumstances where exempt   |
|  |                                      | Design of structure to mitigate the effects of any noxious smell on the locality.<br>Complies with Division 3 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (Standards for keeping birds or animals—Keeping of horses and cattle).   |
| Horse stables and animal shelters keeping up to 2 horses               | Zones 1 (2), 7 (3) and 7 (5)         | Maximum area of 10 square metres.<br>Minimum setback of 5 metres from side and rear boundary and not in front of the building line or in front of any dwelling.<br>Constructed of timber (cut or round) or metal.<br>Materials used must have non-reflective properties and earth tones and finishes which complement native vegetation.<br>Adequate drainage to be provided.<br>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.<br>Design of structure to mitigate the effects of any noxious smell on the locality.<br>Complies with Division 3 of Schedule 5 to the <i>Local Government (Orders) Regulation 1999</i> (Standards for keeping birds or animals—Keeping of horses and cattle). |
| Letter box (freestanding or in “banks”)                                | All zones                            | Maximum height of 1 metre above ground level.<br>Only 1 letterbox per occupancy.<br>Appropriate numbering for each letterbox.<br>Structurally stable with adequate footings located wholly within the site.  |

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| Column 1   | Column 2  | Column 3  |
|--|---|---|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt                                | Circumstances where exempt  |
| Minor internal alterations to domestic single dwellings  | All zones in which a dwelling is permissible                        | <p>Non-structural work only, such as:</p> <p>(a) replacement of door, wall, ceiling or floor linings, or deteriorated frame members with equivalent or improved quality materials,</p> <p>(b) 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> |
| 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>   |
| 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 | <p>Maximum area of 20 square metres.</p> <p>Maximum height of 1 metre above natural ground level.</p> <p>Stormwater from patio surface is discharged to street, easement, watercourse, or otherwise without causing a nuisance.</p> <p>Sufficient step down is to be provided to prevent the entry of water into the dwelling.</p> <p>Minimum setback of 900mm to side and rear boundaries in residential zones.</p>  |

## Lake Macquarie Local Environmental Plan 2004

Schedule 1 Exempt development

| Column 1   | Column 2   | Column 3   |
|--|--|--|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt                         | Circumstances where exempt   |
|  |  | <p>Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.</p> <p>Complies with the Council's front boundary setbacks for the zone.</p>  |
| Pergola  | Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (5) and 10 | <p>Maximum area of 30 square metres.</p> <p>Maximum height of 2.7 metres.</p> <p>If the roof is pitched, then as long as no part of the pitched roof is closer than 3 metres from the side and rear boundaries, the maximum height of the pitched section is 3.5 metres.</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 or environmental protection zones.</p> <p>If roofed, roof water is discharged to street, easement, watercourse, or otherwise without causing a nuisance.</p> <p>Complies with the Council's front boundary 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                     | Development is in accordance with plan of management approved by the Council.  |

## Lake Macquarie Local Environmental Plan 2004

Exempt development

Schedule 1

| Column 1   | Column 2   | Column 3   |
|--|--|--|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt   | Circumstances where exempt   |
| 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.<br>Designed, fabricated and installed in accordance with AS 1924 and AS 2155.<br>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:<br>(a) Maximum height of 2.1 metres.<br>(b) Maximum ground coverage of 10 square metres.<br>If for non-residential use:<br>(a) Maximum height of 2.1 metres.<br>(b) Maximum ground coverage of 10 square metres.<br>(c) Provision of soft landing surfaces.<br><br>All equipment:<br>(a) Designed, fabricated and installed in accordance with AS 1924 and AS 2155.<br>(b) 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.<br>Area of pond or pool is less than 10 square metres.<br>Not located within front setback.  |

## Lake Macquarie Local Environmental Plan 2004

Schedule 1 Exempt development

| Column 1  | Column 2                             | Column 3   |
|---|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following:          | Zones in which development is exempt | Circumstances where exempt   |
| Public meetings—use of Class 9b buildings for this purpose                      | All zones                            | The Class 9b building has development consent or a building approval.<br>Where the meeting is conducted for a not-for-profit or other charity fundraiser.<br>Notice of event provided in writing to the Council at least 14 days in advance.<br>No structural alteration to the premises.<br>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.<br>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.<br>Re-cladding not to involve structural alterations.<br>Non-reflective materials used.<br>Does not contravene the requirements of the Mine Subsidence Board for buildings in mine subsidence districts.<br>Additional requirements for roof replacement: <ul style="list-style-type: none"> <li>(a) where an existing roof is being replaced with the same material (ie metal to metal or tile to tile) and does not include changing the pitch of the roof,</li> <li>(b) 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.</li> </ul> |

## Lake Macquarie Local Environmental Plan 2004

Exempt development

Schedule 1

| Column 1   | Column 2                             | Column 3   |
|--|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt | Circumstances where exempt   |
| Retaining walls  | All zones                            | <p>Maximum height 1 metre.</p> <p>Masonry walls to comply with:</p> <p>(a) AS 3700—<i>Masonry Code</i>,</p> <p>(b) AS 3600—<i>Concrete Structures</i>,</p> <p>(c) AS 1170—<i>Loading Code</i>.</p> <p>Timber walls to comply with:</p> <p>(a) AS 1720—<i>Timber Structures</i>,</p> <p>(b) AS 1170—<i>Loading Code</i>.</p> <p>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> |
| Road works, being: <ul style="list-style-type: none"> <li>(a) maintenance, of all works and structures within the road reserve, including rehabilitation and reconstruction of pavements,</li> <li>(b) installation of traffic lights, traffic calming devices and pedestrian facilities,</li> <li>(c) installation of kerb and gutter and associated drainage works,</li> </ul> | All zones                            | <p>Effective erosion and sediment control provisions must be designed and implemented.</p>   |

## Lake Macquarie Local Environmental Plan 2004

Schedule 1 Exempt development

| Column 1   | Column 2                             | Column 3  |
|--|--------------------------------------|---|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt | Circumstances where exempt  |
| (d) minor drainage works,  |                                      |   |
| (e) making driveway crossings,   |                                      |   |
| (f) linemarking,   |                                      |   |
| (g) signposting,   |                                      |   |
| (h) sealing of gravel roads and areas,                                 |                                      |   |
| (i) footpaving and associated works.                                   |                                      |   |
| Satellite dishes   | All zones                            | Residential, rural and conservation/environmental protection zones:<br>(a) Maximum diameter of 900mm.<br>(b) Maximum height of 9 metres above existing ground level.<br>(c) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.<br>All other zones:<br>(a) Maximum diameter 1,500mm.<br>(b) The installation does not encroach on any easements, rights-of-way, vehicular access or parking required for the property.<br>(c) The installation does not obscure any landscaping required for the property. |



## Lake Macquarie Local Environmental Plan 2004

Exempt development

Schedule 1

| Column 1   | Column 2   | Column 3  |
|--|--|---|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt   | Circumstances where exempt  |
| Shade structures—<br>open weave fabric or<br>mesh shade structures<br>on residential<br>properties, schools,<br>childcare centres,<br>public playgrounds,<br>rural, conservation<br>and environmental<br>zones | Zones 1 (1),<br>1 (2), 2 (1),<br>2 (2), 3 (1),<br>3 (2), 4 (1),<br>4 (2), 4 (3), 5,<br>and 6 (1) | Maximum height of support pole not to exceed 4 metres.<br>Average height of structure not to exceed 3 metres.<br>Maximum area not to exceed 30 square metres for residential properties and childcare centres in residential zones.<br>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.<br>Located behind the dwelling or building.<br>Minimum setback of 900mm to side and rear boundaries in residential zones.<br>Minimum setback of 5 metres to side and rear boundaries in rural conservation and environmental protection zones.<br>Shade fabric is not to be placed vertically.<br>The fabric is properly tensioned to accommodate prevailing wind loads, prevent wind generated noise and to facilitate drainage. |
| Shade structures (bird nets and the like)  | Zone 1 (1)   |   |
| Silos  | Zone 1 (1)   | Maximum capacity 120 tonnes.<br>Maximum height 9 metres.<br>Constructed of prefabricated metal.<br>Freestanding and not relying on other structures for support and erected in accordance with the manufacturer's specifications and/or an engineer's certification.<br>Minimum setback to property boundary being equivalent to the height of the silo plus 1 metre.<br>Minimum front setback 30 metres.   |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 1 Exempt development

| Column 1   | Column 2  | Column 3   |
|--|---|--|
| Erection (or installation) and use, or carrying out, of the following:   | Zones in which development is exempt                                | Circumstances where exempt   |
| Skylight roof windows (including solartube 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.<br>Maximum height of shelters 3 metres.<br>Shelter constructed of timber or metal.<br>Minimum setback of 5 metres from side/rear boundary and not located in front of the building line or in front of any dwelling.<br>A minimum of 40 metres to any dwelling.<br>All runoff collected and treated to prevent pollution of any watercourse.<br>Minimum front setback of 30 metres for shelters.<br>Maximum area of shelter 120 square metres. |
| Street signs comprising name plates, directional signs and advance traffic warning signs                                 | All zones   | Constructed by or for the Council.<br>Designed, fabricated and installed in accordance with relevant SAA standards.  |
| Subdivision:<br>(a) road widening,<br>(b) creating of public reserves,   | All zones   | Subdivision certificate must be endorsed by the Council.   |

## Lake Macquarie Local Environmental Plan 2004

Exempt development

Schedule 1

| Column 1   | Column 2                             | Column 3   |
|--|--------------------------------------|--|
| Erection (or installation) and use, or carrying out, of the following: | Zones in which development is exempt | Circumstances where exempt   |
| (c) creating drainage reserves,  |                                      |  |
| (d) consolidating allotments.  |                                      |  |
| Subdivision works:   | Zones 2 (1) and 2 (2)                |  |
| (a) Battleaxe driveways  |                                      | <p>Maximum length of battleaxe drive 50 metres.<br/>           Longitudinal grade &lt; 16%.<br/>           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.<br/>           To be constructed in accordance with the Council's Subdivision Requirements and NSW Department of Housing Construction Specifications.<br/>           Any stormwater flows which are concentrated, as a result of the works, must be directly connected to a formed drainage system.</p> |
| (b) Interallotment drainage  | Zones 2 (1) and 2 (2)                | <p>Where the interallotment drainage works will be only on the land being subdivided.<br/>           Where the interallotment drainage serves less than 4 lots.<br/>           To be constructed in accordance with Department of Housing Construction Specifications.<br/>           Pipe to be 150mm minimum diameter and of UPVC sewer grade.<br/>           Connection to kerb must be via 2 x 90mm minimum diameter outlets or equivalent rectangular hollow section.</p>   |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 1 Exempt development

| Column 1   | Column 2   | Column 3  |
|--|--|---|
| Erection (or installation) and use, or carrying out, of the following:       | Zones in which development is exempt                                   | Circumstances where exempt  |
| Temporary site sheds—less than 6 months                                      | All zones  | Maximum area 20 square metres.<br>Maximum height 2.7 metres.<br>Roof water is discharged to street, easement, watercourse or otherwise without causing a nuisance.<br>Where a formal development consent or complying development certificate is not in force for the site.   |
| Temporary structures:<br>(a) portaloos,<br>(b) marquees,<br>(c) mini stages. | All zones  | Located wholly within property boundary.<br>Marquees and mini stages not in place longer than 1 week.<br>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.<br>Screened, if visible from the street.<br>Must not reduce the structural integrity of the building or involve structural alterations.<br>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:<br>(a) The tank and any stand to be installed in accordance with manufacturers' specifications.<br>(b) If within residential zones:<br>(i) Maximum diameter or width 3 metres.<br>(ii) Minimum setback 900mm to side and rear boundaries.<br>(iii) Maximum height 2.4 metres.<br>(iv) Behind the building line and not in front of the dwelling.<br>(v) Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property. |

## Lake Macquarie Local Environmental Plan 2004

Exempt development

Schedule 1

| Column 1  | Column 2   | Column 3  |
|---|--|---|
| Erection (or installation) and use, or carrying out, of the following:    | Zones in which development is exempt   | Circumstances where exempt  |
|   |  | (c) If within rural zones: <ul style="list-style-type: none"> <li>(i) Maximum diameter or width 4.5 metres.</li> <li>(ii) Minimum setback 5 metres to side and rear boundaries.</li> <li>(iii) Maximum height 2.4 metres.</li> <li>(iv) Located behind the building line.</li> <li>(v) Noise from pumps not to exceed 5dbA at the wall of a dwelling on any adjoining property.</li> </ul>  |
| 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: <ul style="list-style-type: none"> <li>(a) AS 1288, <i>Glass in buildings—Selection and installation</i>, and</li> <li>(b) AS 2208, <i>Safety Glazing Materials for Use in Buildings (Human Impact Considerations)</i>.</li> </ul> No reduction in the area provided for light and ventilation.<br>No removal of structural support members in affected walls. |
| Windpumps (for pumping water etc but not for commercial power generation) | Zones 1 (1) and 1 (2)  | Located wholly within the boundaries of the property and not to encroach onto any registered easement.<br>Freestanding and not relying on other structures for support.<br>Built in accordance with engineer's certification for the structure and footings.<br>Maximum height 9 metres.  |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 2 Subdivision standards

**Schedule 2 Subdivision standards**

(Clause 24)

| Zone and land use  | Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme   |  |   | Subdivisions for the purpose of a neighbourhood scheme  |  |
|--|---|--|---|---|--|
|  | 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 <sup>2</sup> .<br>No neighbourhood lot is to have direct frontage to a public road. | 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 <sup>2</sup> . |  |   |   |  |
| Dwelling-house, not included in small lot housing or dual occupancy—detached | 450m <sup>2</sup> (14 metres), but corner lot (two street frontages, vacant land)<br>600m <sup>2</sup> (18 metre principal frontage and width of the allotment).  | 600m <sup>2</sup> (4 metres for one, 5 metres for two, battle axe lots.<br>No more than two battle axe lots to share a single access way). | 450m <sup>2</sup> 12 x 25 metres (14 metres).                       | Neighbourhood lots as per minimum applicable lot size opposite.   |  |
| Small lot housing  | ≥250m <sup>2</sup> and <450m <sup>2</sup> (frontage not specified).   | Prohibited.  | ≥250m <sup>2</sup> and <450m <sup>2</sup> (frontage not specified). | Neighbourhood lot size ≥250m <sup>2</sup> and <450m <sup>2</sup> .  |  |

## Lake Macquarie Local Environmental Plan 2004

## Subdivision standards

## Schedule 2

| Zone and land use                     | Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme  |                                 |   | Subdivisions for the purpose of a neighbourhood scheme                     |         |
|---------------------------------------|--|---------------------------------|---|--|---------|
|                                       | Standard (rectangular) lot size  | Battle axe lot size             | Other irregular shaped lot  | Site area and lot size   | Density |
| Dual occupancy—detached development   | 600m <sup>2</sup> (17 metres).   |                                 | 600m <sup>2</sup> parent lot (17 metres).   | Neighbourhood lots as per minimum applicable lot size.                     |         |
| Dual occupancy—attached development   | 500m <sup>2</sup> (17 metres).<br>Corner lot (two street frontages).<br>Areas as specified above. (20 metres as width of the allotment). |                                 | 500m <sup>2</sup> (17 metres).  | Neighbourhood lots as per minimum applicable lot size.                     |         |
| 2 (2) Residential (Urban Living)      |  |                                 |   |  |         |
| Small lot housing                     | 1,000m <sup>2</sup> parent lot.<br>All lots created must be ≥250m <sup>2</sup> and <450m <sup>2</sup> .                                  | Prohibited.                     | 1,000m <sup>2</sup> parent lot.<br>All lots created must be ≥250m <sup>2</sup> and <450m <sup>2</sup> . | Neighbourhood lot size must be ≥250m <sup>2</sup> and <450m <sup>2</sup> . |         |
| Multiple dwelling housing development | 900m <sup>2</sup> (25 metres), but corner lot (two street frontages)<br>1,200m <sup>2</sup> (30 metres—as width of the allotment).       | 1,500m <sup>2</sup> (8 metres). | 900m <sup>2</sup> 20 x 30 metres (25 metres).   | Neighbourhood lots as per minimum applicable lot size opposite.            |         |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 2 Subdivision standards

| Zone and land use                 | Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme  |                                  |   | Subdivisions for the purpose of a neighbourhood scheme          |         |
|-----------------------------------|--|----------------------------------|---|---|---------|
|                                   | Standard (rectangular) lot size  | Battle axe lot size              | Other irregular shaped lot                      | Site area and lot size  | Density |
| Residential flat building         | 1,200m <sup>2</sup> (30 metres), but corner lot (two street frontages)<br>1,500m <sup>2</sup> (30 metres—as width of the allotment). | 2,000m <sup>2</sup> (18 metres). | 1,200m <sup>2</sup> 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 <sup>2</sup> (40 metres).   | 4,000m <sup>2</sup> (12 metres). | 4,000m <sup>2</sup> 35 x 50 metres (40 metres). | Neighbourhood lots as per applicable lot size opposite.         |         |
| 4 (2) Industrial (General)        | 1,500m <sup>2</sup> (25 metres).   | 1,500m <sup>2</sup> (9 metres).  | 1,500m <sup>2</sup> 20 x 35 metres (25 metres). | Neighbourhood lots as per applicable lot size opposite.         |         |
| 4 (3) Industrial (Urban Services) | 1,500m <sup>2</sup> (25 metres).   | 1,500m <sup>2</sup> (9 metres).  | 1,500m <sup>2</sup> 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.  |                                  |   |   |         |



## Lake Macquarie Local Environmental Plan 2004

## Subdivision standards

## Schedule 2

| Zone and land use               | Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme   |                     |                            | Subdivisions for the purpose of a neighbourhood scheme  |   |
|---------------------------------|---|---------------------|----------------------------|---|---|
|                                 | Standard (rectangular) lot size   | Battle axe lot size | Other irregular shaped lot | Site area and lot size  | Density                                 |
| 6 (2) Tourism and Recreation    | No numeric standards.   |                     |                            |   |   |
| 7 (1) Conservation (Primary)    | 40 hectares (frontage not specified), but 100 hectares (frontage not specified) within South Wallarah Peninsula being land east of the Pacific Highway and south of the land to which <i>Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula</i> applies. |                     |                            |   |   |
| 7 (2) Conservation (Secondary)  | 40 hectares (frontage not specified) in all cases.  |                     |                            |   |   |
| 7 (3) Environmental (General)   | 40 hectares (frontage not specified). Must be able to contain a minimum area of 40 x 40 metres on a less than 1 in 5 slope.   |                     |                            | 40 hectares and 2,500m <sup>2</sup> .<br>No neighbourhood lot must have direct frontage to a public road. | 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 <sup>2</sup> .<br>No neighbourhood lot must have direct frontage to a public road. | 10 lots/10 hectares eg 15 on 15 ha etc. |
| 8 National Park                 | No numeric standards.   |                     |                            |   |   |
| 9 Natural Resources             | No numeric standards.   |                     |                            |   |   |
| 10 Investigation                | Prohibited.   |                     |                            |   |   |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 2 Subdivision standards

|                                 | Subdivisions not for the purpose of a strata, community, precinct or neighbourhood scheme   |   |   | Subdivisions for the purpose of a neighbourhood scheme  |  |
|---------------------------------|---|---|---|---|--|
|                                 | Standard (rectangular) lot size   | Battle axe lot size   | Other irregular shaped lot  | Site area and lot size  | Density  |
| Explanation of entries in 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 access way width. All lots created are to have frontage to a public road. | Minimum area. To include a rectangular building site of the specified size. The figure shown in brackets is the minimum lot frontage at the front building setback. 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. |

Lake Macquarie Local Environmental Plan 2004

Reclassification of community land as operational land

Schedule 3

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**Schedule 3   Reclassification of community land as  
operational land**

(Clause 61)

## Lake Macquarie Local Environmental Plan 2004

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

## 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                 |
|-----------------|--------------|------------------------------------|---|--------------------------------------|
| <b>Argenton</b> |              |                                    |   |                                      |
| 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<br>(also see RT-09) |                                      |
| AG-03           | L            | Cockle Creek Railway Bridge        | 3 (over) Cockle Creek<br>(also see RT-03) |                                      |
| AG-05           | L            | Church Hall and Anglican Church    | 477 Lake Rd<br>475 Lake Rd                | Lot 1, DP 125686<br>Lot 2, DP 125686 |
| AG-06           | L            | Speers Point Tram Route            | Frederick St<br>(also see RT-02)          |                                      |
| <b>Awaba</b>    |              |                                    |   |                                      |
| AW-05           | L            | Gatekeeper's Cottage               | 1 Wilton Rd                               | Lot 1, DP 817297                     |
| <b>Barnsley</b> |              |                                    |   |                                      |
| 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                    |

## Lake Macquarie Local Environmental Plan 2004

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

Schedule 4

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| Item No               | Significance | Item                              | Address   | Property description   |
|-----------------------|--------------|-----------------------------------|---|--|
| <b>Belmont</b>        |              |                                   |   |  |
| BM-01                 | L            | House "Yarragee"                  | 23 Bellevue Rd  | Lot 1, DP 881605   |
| BM-04                 | L            | Captain Bain's House              | 15 George St  | Lot 2, DP 13715  |
| BM-05                 | L            | House "The Bennals"               | 45 Walter St  | Lot D, DP 402085   |
| BM-08                 | L            | Former Ferry Wharf                | 55 Brooks Pde   | Belmont Wharf  |
| <b>Belmont North</b>  |              |                                   |   |  |
| BN-01                 | L            | Former John Darling Colliery      | 65 John Fisher Rd<br>85 John Fisher Rd<br>75 John Fisher Rd<br>55 John Fisher Rd<br>John Darling Avenue | Lot 1, DP 814551<br>Lot 2, DP 814551<br>Lot 3, DP 814551<br>Lot 4, DP 814551<br>Lot 11, DP 1027724 |
| BN-04                 | L            | Former Staff Houses, Colliery Row | 3 Maranatha Cl<br>7 Maranatha Cl<br>9 Maranatha Cl<br>21 Maranatha Cl                                   | Lot 12, DP 848941<br>Lot 14, DP 848941<br>Lot 15, DP 848941<br>Lot 120, DP 853391                  |
| <b>Blackalls Park</b> |              |                                   |   |  |
| BK-02                 | L            | Railway Bridges                   | 2 (over) Mudd Creek<br>and 2 (over)<br>Stony Creek<br>(also see RT-11)                                  |  |
| BK-03                 | L            | Railway Station                   | 26 South Pde<br>(also see RT-11)  |  |
| <b>Blacksmiths</b>    |              |                                   |   |  |
| BL-01                 | L            | Fisherman's Cottage               | 167 Ungala Rd   | Lot 3, Section 23,<br>DP 237547  |
| <b>Boolaroo</b>       |              |                                   |   |  |
| BR-01                 | L            | Group of 4 Cottages               | 8 Creek Reserve Rd<br>10 Creek Reserve Rd<br>12 Creek Reserve Rd<br>14 Creek Reserve Rd                 | Lot 11, DP 616785<br>Lot 1, DP 301687<br>Lot 3, DP 8704<br>Lot 4, DP 8704                          |

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| Item No           | Significance | Item                           | Address                      | Property description                                 |
|-------------------|--------------|--------------------------------|------------------------------|--|
| 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                            |
| <b>Booragul</b>   |              |                                |                              |  |
| BU-01             | L            | Colliery Relics                | 155 Old Main Rd              | Lot 33, DP 858667                                    |
| BU-02             | L            | House "Awaba Park"             | 82 Marmong St<br>2b First St | Lot 120, DP 855520<br>Pt Lot 33, DP 755262           |
| BU-03             | L            | Quigley Grave                  | 24 Park Pde                  | Lot 466, DP 774186, Pt Lot 468, DP 774186            |
| <b>Cams Wharf</b> |              |                                |                              |  |
| CW-01             | L            | Lord of the Manor Cams Cottage | 13 Cams Wharf Rd             | Pt Lot 2, DP 616354                                  |
| <b>Cardiff</b>    |              |                                |                              |  |
| CF-01             | L            | Row of 4 Shops with Cottages   | 275 Main Rd<br>279 Main Rd   | Lot 21, DP 544989<br>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                                 |

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| Item No                   | Significance | Item                          | Address   | Property description  |
|---------------------------|--------------|-------------------------------|---|---|
| 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,<br>DP 4143  |
| CF-17                     | L            | Former Miner's Cottage        | 251 Main Rd   | Lot 1, DP 303203  |
| <b>Cardiff South</b>      |              |                               |   |   |
| CS-01                     | L            | Former Colliery<br>Tramway    | 14a Almora Cl<br>180 Macquarie Rd<br>235 Macquarie Rd<br>(also see RT-15) | Lot 38, DP 827464<br>Lot 17, DP 727746<br>Lot 673, DP 805546                          |
| <b>Catherine Hill Bay</b> |              |                               |   |   |
| CH-03                     | L            | Police Station and Lock<br>Up | 23–27 Clarke St   | Lot 1, Section F, DP<br>163, Lot 3, Section F,<br>DP 163, Lot 5, Section<br>F, DP 163 |
| CH-04                     | L            | Wallerah Hotel                | 24 Clarke St  | Lot 1, Section D,<br>DP 163   |
| CH-05                     | L            | Cottages                      | 10 Clarke St<br>12 Clarke St  | Lot 71, DP 222717<br>Lot 72, DP 222717  |
| CH-06                     | L            | Cottages                      | 21 Clarke St<br>19 Clarke St  | Lot 78, DP 222717<br>Lot 79, DP 222717  |
| CH-07                     | L            | Cottage                       | 17 Clarke St  | Lot 80, DP 222717   |
| CH-08                     | L            | Cottages                      | 9 Clarke St<br>7 Clarke St<br>5 Clarke St<br>3 Clarke St                  | Lot 84, DP 222717<br>Lot 85, DP 222717<br>Lot 86, DP 222717<br>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<br>House"     | 1a Keene St   | Lot 2031, DP 841175   |

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| Item No            | Significance | Item                                | Address  | Property description   |
|--------------------|--------------|-------------------------------------|--|--|
| 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<br>29 Flowers Dr<br>31 Flowers Dr<br>33 Flowers Dr<br>35 Flowers Dr<br>37 Flowers Dr<br>42 Flowers Dr<br>44 Flowers Dr<br>46 Flowers Dr<br>48 Flowers Dr<br>50 Flowers Dr<br>54 Flowers Dr<br>56 Flowers Dr<br>58 Flowers Dr | Lot 14, DP 222943<br>Lot 15, DP 222943<br>Lot 16, DP 222943<br>Lot 17, DP 222943<br>Lot 18, DP 222943<br>Lot 19, DP 222943<br>Lot 41, DP 222943<br>Lot 42, DP 222943<br>Lot 43, DP 222943<br>Lot 44, DP 222943<br>Lot 45, DP 222943<br>Lot 47, DP 222943<br>Lot 48, DP 222943<br>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   |
| <b>Charlestown</b> |              |                                     |  |  |
| CT-01              | L            | Miners' Cottages                    | 300 Charlestown Rd<br>304 Charlestown Rd<br>306 Charlestown Rd<br>308 Charlestown Rd   | Lot 2, DP 33470<br>Lot 4, DP 33470<br>Lot 5, DP 33470<br>Lot 6, DP 33470   |
| CT-03              | L            | Cottage                             | 32 Smith St  | Lot 1, DP 213865   |



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| Item No           | Significance | Item                            | Address  | Property description   |
|-------------------|--------------|---------------------------------|--|--|
| CT-04             | L            | Brick Cottage                   | 36 Smith St  | SP 43904   |
| <b>Coal Point</b> |              |                                 |  |  |
| CP-01             | L            | Threlkeld's Mine                | 359 Coal Point Rd  | Lot 172, DP 1037893  |
| <b>Cooranbong</b> |              |                                 |  |  |
| CB-01             | L            | Grave "Frost's Rest"            | 1 Frost Rd   | Lot 7, DP 665945   |
| 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—<br>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,<br>DP 3533   |
| CB-26             | L            | Sanitarium Health Foods Factory | 70 Central Rd<br>70 Central Rd<br>50 Central Rd<br>50 Central Rd | Lots 6, 7 and 8, Section 1, DP 3533<br>Lot 1, DP 938761<br>Lot 18, DP 129134 |

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| Item No           | Significance | Item                          | Address              | Property description  |
|-------------------|--------------|-------------------------------|----------------------|---|
| CB-27             | L            | Sanitarium Dairy Farm         | 15 Central Rd        | Lots 7 to 22, DP 3534,<br>Pt Lots 18 to 23, Sec 3,<br>DP 3533 |
| CB-28             | L            | House "Three Bells"           | 597 Freemans Dr      | Lot 20, Section 6,<br>DP 3533                                 |
| CB-29             | L            | Cottage                       | 661 Freemans Dr      | Lot A, DP 416525  |
| CB-31             | L            | House "Sunnyside"             | 27 Avondale Rd       | Lot 2, DP 204207  |
| <b>Dora Creek</b> |              |                               |                      |   |
| DC-02             | L            | House                         | 16 Dora St           | Lot 11, DP 533825   |
| DC-03             | L            | Holmes Store                  | 3 Watt St            | Lot 38, DP 528601   |
| <b>Dudley</b>     |              |                               |                      |   |
| 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<br>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,<br>DP 2304                                 |
| DL-08             | L            | Royal Crown Hotel             | 94 Ocean St          | Lot 18, Section B,<br>DP 2304                                 |
| DL-09             | L            | Former Miner's Cottage        | 31A Thomas St        | Lot 9, Section D,<br>DP 2657                                  |
| DL-10             | L            | Former Miner's Cottage        | 29 Thomas St         | Lot 11, Section D,<br>DP 2657                                 |
| <b>Edgeworth</b>  |              |                               |                      |   |
| EW-07             | L            | School Teacher's<br>Residence | 7 Minmi Rd           | Lot 106, DP 755262  |

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| Item No                   | Significance | Item                           | Address   | Property description  |
|---------------------------|--------------|--------------------------------|---|---|
| <b>Eraring</b>            |              |                                |   |   |
| ER-01                     | L            | Eraring Power Station          | 4 Cross St<br>22B MR 217, Myuna Bay<br>22C MR 217, Myuna Bay<br>20A MR 217, Myuna Bay<br>20 MR 17, Myuna Bay<br>22A MR 217, Myuna Bay | Lot 29, DP 262501<br>Lot 20, DP 840668<br>Lot 211, DP 840670<br>Lot 50, DP 840671<br>Lot 51, DP 840671<br>Lot 52, DP 840671 |
| <b>Fassifern</b>          |              |                                |   |   |
| FF-01                     | L            | Fassifern Railway Cottage      | Wallsend Rd   | Lot 1, DP 854050  |
| FF-02                     | L            | Toronto Railway Overbridge     | (over) Fassifern Rd<br>(also see RT-11)   |   |
| FF-03                     | L            | Fassifern Railway Station      | 29 Fassifern Rd   |   |
| <b>Freemans Waterhole</b> |              |                                |   |   |
| FW-01                     | L            | Headframe Former Mining Museum | 890A Freemans Dr  | Lot 80, DP 610602   |
| <b>Glendale</b>           |              |                                |   |   |
| GD-01                     | L            | Cardiff Railway Workshops      | 460 Main Rd   | Lot 1, DP 1022127   |
| <b>Holmesville</b>        |              |                                |   |   |
| 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  |

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| Item No             | Significance | Item   | Address                             | Property description                      |
|---------------------|--------------|--|-------------------------------------|---|
| HV-08               | L            | Former Police Station  | 20 Charlotte St                     | Lot 15, Section E,<br>DP 5432             |
| HV-09               | L            | Post Office Store  | 18 George St                        | Lot 1, Section L,<br>DP 3442              |
| HV-11               | L            | Holmesville Hotel  | 21 George St                        | Lot 20, Section M,<br>DP 3442             |
| HV-20               | L            | House  | 32 Seaham St                        | Lot 42, Section B,<br>DP 4479             |
| HV-24               | L            | Railway Station  | Killingworth Rd<br>(also see RT-09) |   |
| <b>Kahibah</b>      |              |  |                                     |   |
| KH-01               | S<br>L       | Glenrock Railway and<br>Mine Entrance and early<br>coal mining sites | Glenrock State<br>Recreation Area   | Lot 1, DP 523208 and<br>Lot 21, DP 575387 |
| <b>Killingworth</b> |              |  |                                     |   |
| KW-02               | L            | Elcom Newcastle<br>Substation  | 101 Killingworth Rd                 | Lot 1, DP 619513<br>Lot 2, DP 619513      |
| KW-03               | L            | Former Killingworth<br>Hotel   | 39 Killingworth Rd                  | Lot 13, Section E,<br>DP 4339             |
| KW-05               | L            | Soldier's Memorial   | 26 The Broadway                     | Lot 1, Section D,<br>DP 4339              |
| <b>Kotara South</b> |              |  |                                     |   |
| KS-01               | L            | South Waratah Colliery   | 31 Kirkdale Dr<br>(also see RT-06)  | Lot 132, DP 243393                        |
| <b>Martinsville</b> |              |  |                                     |   |
| 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                            |   |

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| Item No         | Significance | Item  | Address                            | Property description               |
|-----------------|--------------|---|------------------------------------|------------------------------------|
| MV-04           | L            | Farm House "Wonga Hill"                       | 10a Owens Rd                       | Lot 63, DP 661760                  |
| <b>Morriset</b> |              |   |                                    |                                    |
| MS-01           | L            | Stationmaster's House                         | 58 Dora St                         | Pt Lot 1, DP 1002965               |
| MS-08           | L            | Morriset High School                          | 33 Bridge St                       | Lot 3, Section 40, DP 758707       |
| MS-10           | L            | Tree—Morriset's Campsite                      | 147 Macquarie St                   | Lot 7045, DP 93593                 |
| MS-12           | S<br>L       | Morriset Hospital Wards 5 and 6               | 69a Fishing Point Rd, Bonnells Bay | Lot 39, DP 755242, Lot 1 DP 880557 |
| MS-13           | S<br>L       | Morriset Hospital Ward 9, Clinical Dept       | 69a Fishing Point Rd, Bonnells Bay | Lot 39, DP 755242, Lot 1 DP 880557 |
| MS-14           | S<br>L       | Morriset Hospital Ward 10                     | 69a Fishing Point Rd, Bonnells Bay | Lot 39, DP 755242, Lot 1 DP 880557 |
| MS-15           | S<br>L       | Morriset Hospital The Chapel                  | 69a Fishing Point Rd, Bonnells Bay | Lot 39, DP 755242                  |
| MS-16           | S<br>L       | Morriset Hospital Recreation Hall             | 69a Fishing Point Rd, Bonnells Bay | Lot 39, DP 755242                  |
| MS-17           | S<br>L       | Morriset Hospital The Main Store              | 69a Fishing Point Rd, Bonnells Bay | Lot 1 DP 880557                    |
| MS-19           | S<br>L       | Morriset Hospital Residence No 1              | 69a Fishing Point Rd, Bonnells Bay | Lot 1 DP 880557                    |
| MS-20           | S<br>L       | Morriset Hospital Ward 17, General Psychiatry | 69a Fishing Point Rd, Bonnells Bay | Lot 1 DP 880557                    |
| MS-23           | S<br>L       | Morriset Hospital Ward 12                     | 69a Fishing Point Rd, Bonnells Bay | Lot 1 DP 880557                    |
| MS-24           | S<br>L       | Morriset Hospital Residence No 3              | 69a Fishing Point Rd, Bonnells Bay | Lot 1 DP 880557                    |

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| Item No                      | Significance | Item   | Address   | Property description  |
|------------------------------|--------------|--|---|---|
| MS-25                        | S<br>L       | Morisset Hospital<br>Maximum Security<br>Division                              | 69a Fishing Point Rd,<br>Bonnells Bay   | Lot 1 DP 880557   |
| MS-26                        | S<br>L       | Morisset Hospital<br>Cottage Row Residence<br>Nos 16, 17, 18, 19, 20<br>and 21 | 69a Fishing Point Rd,<br>Bonnells Bay   | Lot 1 DP 880557   |
| MS-29                        | S<br>L       | Morisset Hospital Water<br>Supply Dam—<br>Pourmalong Creek                     | 69a Fishing Point Rd,<br>Bonnells Bay   | Lot 1 DP 880557   |
| <b>Nords Wharf</b>           |              |  |   |   |
| NW-01                        | L            | Former Guesthouse<br>“Kurrawilla”  | 127 Marine Pde  | Lot 4 to 9, DP 23483  |
| NW-02                        | L            | “Nords Wharf”  | 43c Nords Wharf Rd  | PO 1970/126   |
| <b>Pelican</b>               |              |  |   |   |
| PF-01                        | L            | Cabbage Trees  | 5 Soldiers Rd<br>25 Soldiers Rd<br>35 Soldiers Rd   | Pt Lot 135, DP 755233<br>Lot 103, DP 755233<br>Lot 102, DP 755233 |
| <b>Railways and tramways</b> |              |  |   |   |
| RT-01                        | L            | West Wallsend Steam<br>Tram Line   | West Wallsend to<br>Newcastle via<br>Wallsend,<br>Holmesville,<br>Estelville, Edgeworth<br>and Glendale |   |
| RT-02                        | L            | Speers Point Steam<br>Tram Line  | Newcastle to Speers<br>Point via West<br>Wallsend   |   |
| RT-03                        | L            | Great Northern Railway   | Line passes through<br>Lake Macquarie from<br>Garden Suburb to<br>Wye                                   |   |

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| Item No | Significance | Item  | Address   | Property description |
|---------|--------------|---|---|----------------------|
| 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 |                      |
| 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   |                      |

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| Item No             | Significance | Item                                | Address   | Property description |
|---------------------|--------------|-------------------------------------|---|----------------------|
| RT-18               | L            | Catherine Hill Bay Colliery Railway | From Mine Camp, north of the township, to the coal loader |                      |
| <b>Rathmines</b>    |              |                                     |   |                      |
| RM-01               | L            | Catalina Memorial Nursing Home      | 171 Dorrington Rd   | Lot 2, DP 226531     |
| RM-02               | L            | Community Hall                      | 1 Overhill Rd   | Pt Lot 64, DP 596913 |
| RM-03               | L            | Catamaran Club                      | 1 Overhill Rd   | Pt 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   | Pt 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   | Pt 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   | Pt Lot 64, DP 596913 |
| RM-10               | L            | Boat Slip                           | 1 Overhill Rd   | Pt Lot 64, DP 596913 |
| <b>Redhead</b>      |              |                                     |   |                      |
| 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   |
| <b>Speers Point</b> |              |                                     |   |                      |
| SP-03               | L            | House                               | 10 Council St   | Lot 1, DP 518527     |
| SP-04               | L            | House                               | 8 Council St  | Lot 1, DP 521920     |

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| <b>Item No</b> | <b>Significance</b> | <b>Item</b>                            | <b>Address</b>    | <b>Property description</b> |
|----------------|---------------------|--|-------------------|-----------------------------|
| 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            |

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## Lake Macquarie Local Environmental Plan 2004

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

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| Item No              | Significance | Item                             | Address           | Property description                    |
|----------------------|--------------|----------------------------------|-------------------|---|
| <b>Swansea</b>       |              |                                  |                   |   |
| SS-02                | L            | The Swansea Hotel                | 196 Pacific Hwy   | Lot 2, DP 634759                        |
| <b>Swansea Heads</b> |              |                                  |                   |   |
| 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                        |
| <b>Teralba</b>       |              |                                  |                   |   |
| 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       | Lots 6 and 7, DP 447469                 |
| TA-11                | L            | House "AS"                       | 101 Railway St    | Lot 261, DP 554269                      |
| TA-12                | L            | Station Master's Cottage         | 150 Railway St    | Lot 3, DP 831957                        |
| TA-13                | L            | Teralba Cemetery Billygoat Hill  | 20 Pitt St        | Lot 31, DP 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,<br>Lot 13, DP 755262 |
| <b>Toronto</b>       |              |                                  |                   |   |
| 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      | MD 500 MS 3070                          |
| TT-09                | L            | Toronto Hotel                    | 74 Victory Pde    | Lot 201, DP 549239                      |

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## Lake Macquarie Local Environmental Plan 2004

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

Schedule 4

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| <b>Item No</b>     | <b>Significance</b> | <b>Item</b>                     | <b>Address</b>   | <b>Property description</b>             |
|--------------------|---------------------|---------------------------------|------------------|---|
| TT-11              | L                   | Former Railway Station          | 16 Victory Row   | Lot 22, DP 858519                       |
| TT-12              | L                   | Frith's Store                   | 66 The Boulevard | Lot B, DP 390795                        |
| TT-15              | L                   | Building Restaurant             | 24 Victory Pde   | Lot 1, DP 301366                        |
| TT-16              | L                   | Royal Motor Yacht Club Annex    | 8 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 |
| 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, 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                      |
| <b>Wangi Wangi</b> |                     |                                 |                  |   |
| WG-01              | S<br>L              | Wangi Power Station             | 80 Donnelly Rd   | Lot 101, DP 880089                      |
| WG-04              | L                   | House "Dobell House"            | 47 Dobell Dr     | Lot 13, DP 8840                         |

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## Lake Macquarie Local Environmental Plan 2004

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

| Item No              | Significance | Item                                  | Address  | Property description                                  |
|----------------------|--------------|---------------------------------------|--|---|
| <b>Warners Bay</b>   |              |                                       |  |   |
| 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  |   |
| <b>West Wallsend</b> |              |                                       |  |   |
| 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 6, 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                             |

## Lake Macquarie Local Environmental Plan 2004

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

Schedule 4

| Item No | Significance | Item                        | Address   | Property description  |
|---------|--------------|-----------------------------|---|---|
| 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<br>6 Withers St<br>8 Withers St | Lot 7, Section E, DP 2252<br>Lot 8, Section E, DP 2252<br>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   |

## Lake Macquarie Local Environmental Plan 2004

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

| Item No            | Significance | Item  | Address                            | Property description   |
|--------------------|--------------|---|------------------------------------|--|
| WW-33              | L            | Presbyterian Church                                 | 48a Wallace St                     | Lot 1, Section O,<br>DP 2253   |
| WW-35              | L            | Baptist Church                                      | 49 Wallace St                      | Lot 15, Section K,<br>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,<br>DP 231108, Lot 21,<br>DP 223395, Lot 1,<br>DP 207238, Lot 1,<br>DP 338999, Lot 121,<br>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,<br>DP 589701   |
| WW-52              | L            | West Wallsend Valve House and Underground Reservoir | 30a George Booth Dr,<br>Estelville | Lot 1, DP 923587   |
| <b>Whitebridge</b> |              |   |                                    |  |
| WH-01              | L            | Whitebridge Cemetery                                | 132a Dudley Rd                     | Lots 1697, 1698 and<br>1731, DP 755233   |
| WH-02              | L            | House   | 105 Burwood Rd                     | Lot 7, DP 800730   |
| WH-08              | L            | Railway Cutting and Bridge                          | Old Dudley Rd<br>(also see RT-04)  |  |
| WH-09              | L            | Captain Bulls Garden                                | 76 Bulls Garden Rd                 | Lot 10, DP 220823  |

Lake Macquarie Local Environmental Plan 2004

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

Schedule 4

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| Item No    | Significance | Item        | Address   | Property description |
|------------|--------------|-------------|---|----------------------|
| <b>Wye</b> |              |             |   |                      |
| WY-02      | L            | Wye Channel | Extending north, from the Wye 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        |                      |
| 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   | L            | Railway Station cottage  | 34 Brisbane St, Awaba                 |                      |

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## Lake Macquarie Local Environmental Plan 2004

Schedule 5 Natural heritage items

**Schedule 5 Natural heritage items**

(Clause 49)

**Part 1 Items relating to fossils**

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



Lake Macquarie Local Environmental Plan 2004

Places or potential places of Aboriginal heritage significance

Schedule 6

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## 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 |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 7 Additional development allowed on certain land

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## Schedule 7 Additional development allowed on certain land

(Clause 39)

| Item No | Column 1   | Column 2   |
|---------|--|--|
| 1       | Land at Bonnells Bay, Lot 1, DP 707797, 70 Regent Street, Bonnells Bay.  | Residential development providing up to 30 dwellings subject to provision of a single integrated sewerage system to the satisfaction of the Hunter Water Corporation and Environment Protection Authority.   |
| 2       | Land at Wyee Point being Lot 48, DP 1035946.   | Development for the purpose of eco-tourism facilities.   |
| 3       | Land at Redhead, part of Lot 6001, DP 10262, Kalaroo Road, Redhead.  | Long term residential occupation of movable dwellings.   |
| 4       | Land at Wyee Point, incorporating the parcels created by Strata Plans Nos SP 33591, SP 34019, SP 51315, SP 52847, SP 53446, SP 58403, SP 63806, SP 63807, SP 64978, SP 65565, 77 Rutleys Road, Wyee Point. | Development providing permanent residential accommodation and other buildings, works and land uses predominantly providing a tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs. |
| 5       | Land in the vicinity of Rafferty's Road Cam's Wharf, shown in Deposited Plan Nos DP 270043, DP 285138, DP 285268, DP 285325, DP 285410, DP 285518, DP 285546, DP 285579, DP 285636.                        | Development predominantly providing a tourist destination as an integrated community containing tourist facilities and which may contain a range of accommodation types (including dwellings) and a combination of land uses including retailing, recreational and community activities appropriate to the community's needs.  |
| 6       | Land at Cams Wharf, being Lot 1 DP 926581 and subdivided as Lots 321, 322, 323 and 324, DP 864517.   | Erection of one dwelling house on each of the 4 lots within DP 864517.   |

Lake Macquarie Local Environmental Plan 2004

Additional development allowed on certain land

Schedule 7

| Item No | Column 1   | Column 2  |
|---------|--|---|
| 7       | <p>So much of the land in the vicinity of Minmi Road, Cameron Park Drive and George Booth Drive, Edgeworth, in Lot 216, DP 1036819 as is within Zone 7 (2) and is not the subject of acquisition by the Council.</p> | <p>Development that results in cluster housing or tourist facilities (or both) on a site area consisting of land described in Column 1, but only if:</p> <ul style="list-style-type: none"> <li>(a) the ratio of the part (if any) of the site area occupied by tourist facilities to the whole of the site area does not exceed 0.5:1, and</li> <li>(b) not more than 2.5% of the site area is physically disturbed by the carrying out of development for the purpose of dwelling houses, and</li> <li>(c) the density of the dwelling houses (if any) must not exceed one dwelling house for every 5 hectares of the site area.</li> </ul> <p>If land is subdivided after any such development has been carried out on it, or if consent is granted for the carrying out of any such development on land at the same time as consent is given for subdivision of the land, the subdivision may be carried out only under the <i>Strata Schemes (Freehold Development) Act 1973</i>, the <i>Strata Schemes (Leasehold Development) Act 1986</i> or the <i>Community Land Development Act 1989</i>.</p> <p>Any development that is allowed on land in the adjoining zone may be carried out, but only if the consent authority, before granting consent for any such development, has had regard to the guidelines and parameters adopted in the establishment of the relevant zone boundary (as evidenced by any environmental study, assessment or report prepared in relation to the creation of that zone boundary) and is satisfied:</p> <ul style="list-style-type: none"> <li>(a) that the land is suitable having regard to all likely environmental impacts, including slope, access, drainage, bushfire hazard, conservation value, geotechnical instability, erosion hazard, visual significance, and</li> <li>(b) that the development will not reduce the area of open space required to meet the needs of any population increase as a result of the development, and</li> </ul> |

## Lake Macquarie Local Environmental Plan 2004

## Schedule 7 Additional development allowed on certain land

| Item No | Column 1  | Column 2   |
|---------|---|--|
|         |   | (c) that the development will not reduce the conservation value of the locality required for the protection of flora and fauna species, having regard to all matters, including perimeter effects and the impact of the development on the total area of land identified as relevant for conservation. |
| 8       | Land at Mirrabooka, being Lot 16, DP 28068, Hillcrest Road, Mirrabooka.   | Subdivision into not more than 4 lots and the erection of a dwelling house on each lot so created.   |
| 9       | Land at Mirrabooka, being Lot 17, DP 28068, Hillcrest Road, Mirrabooka.   | Subdivision into not more than 2 lots and the erection of a dwelling house on each lot so created.   |
| 10      | Land at Mirrabooka being Lots 18 and 20, DP 28068, Hillcrest Road, Mirrabooka.  | Subdivision of each lot into not more than 2 lots and the erection of a dwelling house on each vacant lot so created.  |
| 11      | Land at Morisset, Lot 9, DP 758707, Terrigal Street, Morisset.  | Development for the purpose of a mortuary.   |
| 12      | Land at Cam's Wharf, being a resubdivision of Lot 2, DP 517892, subdivided as Lots 1, 2 and 3, DP 1022805, Cam's Wharf Road, Cam's Wharf. | The erection of a dwelling house on each lot within DP 1022805.  |
| 13      | Land at Morisset, Lot 401, DP 1001919.  | Development for the purpose of a retail market, being operated on Saturday and Sunday between the hours 7:30am to 6:00pm, with a gross floor area no greater than 10,300 square metres.  |
| 14      | Land at Fairfax Road, Warners Bay, being so much of Lot 22, DP 1015155 as is within Zone 7 (2).   | Subdivision into not more than 3 lots, but only if each of the existing dwellings is located on a separate lot and the remaining lot is of such a size and configuration, and in such a location, as to satisfy drainage requirements and is reserved for drainage.                                    |

Lake Macquarie Local Environmental Plan 2004

Land subject to special development requirements

Schedule 8

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## Schedule 8 Land subject to special development requirements

(Clause 42 (1))

| Item No | Column 1  | Column 2   |
|---------|---|--|
| 1       | Land at Buttaba being land in DP 1128, DP 12507, DP 584905 and DP 807936, zoned 2 (1) or 7 (1).   | A development control plan must have been approved by the Council before consent is granted for any development. This development control plan must include recommendations about flora and fauna conservation, soil erosion and sedimentation control, drainage and water management, bushfire risk management, conservation of Aboriginal archaeology, urban design, subdivision pattern and development staging, and appropriate construction types and methods.  |
| 2       | Land at Morisset Park, being Lot 38 DP 755242, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004". | A master plan must have been adopted by the Council before consent is granted for any development. This master plan must include recommendations about the following: <ol style="list-style-type: none"> <li>(a) measures to assess, support, manage and conserve places and items of cultural heritage,</li> <li>(b) measures to deliver a diversity of social and economic opportunities including employment,</li> <li>(c) a strategy for the staged delivery of social infrastructure and services,</li> <li>(d) measures that will achieve a balance between ecological, visual, scenic, cultural and heritage values and site sensitive development,</li> <li>(e) the application of ESD principles,</li> <li>(f) principles and a detailed strategy for the management of natural features, foreshore processes and hazards,</li> </ol> |

## Lake Macquarie Local Environmental Plan 2004

Schedule 8 Land subject to special development requirements

| Item No | Column 1 | Column 2  |
|---------|----------|---|
|         |          | <ul style="list-style-type: none"> <li data-bbox="715 591 1262 678">(g) measures to achieve development that is complementary to and reflects the character of surrounding urban developments,</li> <li data-bbox="715 689 1262 837">(h) the location and design of development in a manner that complements the on-site and surrounding natural environment, including recommendations for the retention of vegetation,</li> <li data-bbox="715 848 1262 1028">(i) the precise location of development within different parts of the site to allow detailed site planning to achieve the most appropriate configuration of buildings, roads and other works to minimise potential environmental and visual impacts,</li> <li data-bbox="715 1039 1262 1249">(j) providing for a diversity of built form that considers building height, form, massing, materials, colour and reflectivity, among others, in the design process with the intent of minimising impacts with surrounding developments and the lakeshore environment,</li> <li data-bbox="715 1261 1262 1317">(k) meeting the objectives of the NSW Coastal Policy in planning and design across the site,</li> <li data-bbox="715 1328 1262 1444">(l) retaining the natural form of the foreshore of Lake Macquarie and providing for public access links to the adjoining Lake Macquarie State Recreation Area,</li> <li data-bbox="715 1456 1262 1512">(m) an urban form and structure that encourages walking, cycling and public transport use,</li> <li data-bbox="715 1523 1262 1639">(n) the location and design of roads and pedestrian/cycleway systems to maximise the opportunity for public access to foreshore areas.</li> </ul> |

Lake Macquarie Local Environmental Plan 2004

Land subject to special development requirements

Schedule 8

| Item No | Column 1  | Column 2  |
|---------|---|---|
| 3       | Land at Morisset Park in Zone 2 (1) as shown edged with a broken black line within the area edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 2004", being part Lot 38, DP 755242. | <p>For all land described opposite, the master plan referred to in item 2 above must include recommendations about the following additional matters:</p> <ul style="list-style-type: none"> <li>(a) location and design of development in a manner that allows site sensitive residential development that responds to existing vegetation values, ecological values and visual aspects of this part of the site,</li> <li>(b) location and design of developments in a manner that complements the on-site and surrounding natural environment, including retention of existing vegetation,</li> <li>(c) measures to locate and design development within this part of the site to conserve and enhance the visual, ecological and environmental values of the site, including recommendations for the retention of vegetation,</li> <li>(d) measures to provide for a diversity of built form that considers building height, form, massing, variable roof forms, materials, colour and reflectivity, among others, in the design and process and complements surrounding developments and the lakeshore environment,</li> <li>(e) measures to site, consolidate and/or cluster buildings to create built forms that maintain existing vegetation cover and minimise potential environmental and visual impacts.</li> </ul> |
| 4       | Land at Macquarie Hills, fronting Lawson Road, being part of Lots 1-3, DP 218658 and Lot 30, DP 879072.   | A development control plan applying only to the land must have been adopted by the Council before consent is granted for any development. This development control plan must address, to the satisfaction of the Council, habitat corridors, slope stability, drainage, water quality management, visual impact and access to the proposed development.   |

Lake Macquarie Local Environmental Plan 2004

Schedule 9 Consent to development subject to special requirements

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## Schedule 9 Consent to development subject to special requirements

(Clauses 42 (2))

| Item No | Column 1  | Column 2   |
|---------|---|--|
| 1       | Land at Warners Bay, being Lot 1, DP 204920, Myles Avenue, Warners Bay.   | Provision for future vehicle and pedestrian access through Hillsborough Road, Warners Bay in a manner that is satisfactory to the Council.   |
| 2       | Land at Estelville, being land in Lot 1, DP 877349, Part 301, DP 866450 and Part 1000, DP 870854, Cameron Park Drive, Cameron Park, being land in Zone 4 (1). | All stormwater must be detained and treated within the site boundaries. There must be no direct vehicular access to or egress from the site from or to the F3 Freeway, George Booth Drive or the Newcastle Link Road. There must be no direct vehicular or pedestrian access to Cameron Park Drive from lots fronting Cameron Park Drive.<br>A vegetation buffer is to be established along the adjoining F3 Freeway, the Newcastle Link Road and Cameron Park Drive to the satisfaction of the Council. |

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Lake Macquarie Local Environmental Plan 2004

Development by public authorities

Schedule 10

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## Schedule 10 Development by public authorities

(Clause 10)

### 1 Rail transport

The carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:

- (a) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
- (b) the erection within the limits of a railway station of buildings for any purpose, but excluding:
  - (i) the construction of new railways, railway stations and bridges over roads, and
  - (ii) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration, so as materially to affect their design, of railway stations or bridges, and
  - (iii) the formation or alteration of any means of access to a road, and
  - (iv) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place.

### 2 Water, sewerage, drainage, electricity and gas

The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings:

- (a) development of any description at or below the surface of the ground,
- (b) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,

## Lake Macquarie Local Environmental Plan 2004

## Schedule 10 Development by public authorities

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- (c) the installation or erection of any plant or other structures or erections by way of addition to, or replacement or extension of, plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housing of stone, concrete or brickworks,
  - (d) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (e) the erection of service reservoirs on land acquired or in the process of being acquired for the purpose before the appointed day, provided reasonable notice of the proposed erection is given to the Council,
  - (f) routine maintenance and emergency works,
  - (g) any other development, except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings, so as materially to affect their design or external appearance, or
    - (ii) the formation or alteration of any means of access to a road.

**3 River transport**

The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
- (b) the formation or alteration of any means of access to a road.

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#### **4 Air transport**

The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

#### **5 Road transport**

The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by roads, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

#### **6 Mines**

The carrying out by the owner or lessee of a mine (other than a mineral sands mine), on the mine, of any development required for the purpose of a mine, except:

- (a) the erection of buildings (not being plant or other structures or erections required for the mining, working, treatment or disposal of minerals) and the reconstruction, alteration or extension of buildings, so as materially to affect their design or external appearance, or
- (b) the formation of any means of access to a road.

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## **7 Roads**

The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road.

## **8 Forestry**

The carrying out of any forestry work by the Forestry Commission, a School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the *Forestry Act 1916*.

## **9 Rural land protection**

The carrying out by a rural lands protection board of any development required for the improvement and maintenance of travelling stock and water reserves, except:

- (a) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect their design or purpose, or
- (b) any development designed to change the use or purpose of any such reserve.

## **10 Water resources**

The carrying out or causing to be carried out by the Council when engaged in flood mitigation works or by the Department of Infrastructure, Planning and Natural Resources of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the *Water Act 1912*, the *Farm Water Supplies Act 1946*, the *Rivers and Foreshores Improvement Act 1948* or the *Water Management Act 2000*, except:

- (a) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect their design or external appearance, or
- (b) the formation or alteration of any means of access to a road.

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(Clause 7 (1))

***Acid Sulfate Soil Manual*** means the document with that title as last adopted by the Director-General.

***acid sulfate soils*** means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Manual*.

***Acid Sulfate Soils Planning Maps*** means the series of maps marked “Lake Macquarie Local Environmental Plan 2004—Acid Sulfate Soils Planning Maps” kept in the office of the Council.

***advertising structure*** means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

***agriculture*** means:

- (a) the production of crops or fodder, or
- (b) the keeping or breeding of cattle, horses or birds, or
- (c) horticulture including fruit, vegetable and flower crop production, or
- (d) the grazing of livestock.

***airline terminal*** means a building or place used for the assembly of passengers and goods prior to the transport of those passengers and goods either to or from an airport or an aerodrome.

***airport*** means a place for the arrival and departure of aircraft by air and may include buildings associated with aircraft storage, maintenance and control.

***animal establishment*** means a place used for the boarding, breeding, keeping or training of animals for business purposes, and includes a riding school.

***appointed day*** means the day on which this plan commences.

***aquaculture*** means the commercial breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals such as fin-fish, crustaceans, molluscs or other aquatic invertebrates.

***archaeological site*** means a site of one or more relics.

***area*** has the same meaning as in the *Local Government Act 1993*.

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***Australian Height Datum (AHD)***, in relation to heights, means the level of the control point approved by the Surveyor-General for measuring the heights for the purpose of establishing Australian Height Datum.

***Average Recurrence Interval (ARI)*** means the average period between the recurrence of a storm event of a given rainfall intensity. The ARI represents a statistical probability. For example, a 10-year ARI indicates an average of 10 events over a 100-year period.

***bed and breakfast establishment*** means a dwelling house occupied by the permanent residents of same who provide overnight accommodation for visitors in no more than 5 bedrooms of that dwelling house, for a maximum period of 7 consecutive days and who provide at least breakfast to those visitors.

***boarding house*** means a building let in permanent lodgings or a hostel, but does not include a motel.

***brothel*** means a building or place regularly used for the purposes of prostitution.

***building frontage*** is the facade of the building that faces a street.

***building products warehouse and showroom*** means a building used predominantly for warehousing or distribution of building materials, supplies, plumbing supplies, air-conditioning systems, swimming pools and the like, with an ancillary component for the sale of such goods, materials or supplies by retail or auction.

***bulk store*** means a building or place used for the bulk storage of goods where the goods stored, or to be stored, are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

***bulky goods showroom*** means a building or place used for the sale by retail or auction of goods or materials that are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

but does not include a building or place used for the sale of foodstuffs or clothing.

***bus shelter*** means a small-scale structure or place used to pick up or set down passengers travelling by bus.

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**bus station** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

**bushfire hazard reduction work** means the reduction or modification (by controlled burning or by mechanical, chemical or manual means) of material that constitutes a bushfire hazard.

**bushfire prone land** has the same meaning as in the Act.

**car parking facility** means a building or place used for parking vehicles, whether operated for gain or not, and any manoeuvring space and access to that building or place, but does not include car parking ancillary to a permissible use.

**car repair station** means a building or place used for the purpose of carrying out repairs and/or detailing including washing, to motor vehicles, caravans, boats or agricultural machinery and the like, not being:

- (a) body building, or
- (b) panel beating which involves dismantling, or
- (c) spray painting other than of a minor nature.

**caravan park** means land (including a camping ground) on which caravans, cabins and other moveable dwellings are, or are to be, placed or erected.

**cemetery** or **crematorium** means a building or place for the burying or cremation of deceased people or animals and may include a chapel, temple or other religious place for conducting funeral services.

**child care centre** means a building or place, whether operated for gain or not, which is used for the purpose of educating, supervising or caring for children (whether or not any of the children are related to the owner or operator), where:

- (a) there are 6 or more children under 6 years of age who do not attend a government school or a registered non-government school within the meaning of the *Education Act 1990*, and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator),

and which may operate before and after school hours as an out of school hours care centre for children over 6 years of age.

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**clear** includes:

- (a) kill, destroy, poison, ringbark, uproot or burn a tree or native vegetation, or
- (b) cut down, fell, thin, log or remove a tree or native vegetation, or
- (c) underscrub a tree or native vegetation, or
- (d) sever or lop a branch, a limb, a stem or a trunk of a tree or native vegetation, or
- (e) damage a tree or native vegetation in any other way,

or cause or permit any of the above.

**club** means premises registered under the *Registered Clubs Act 1976* that are also licensed to serve alcohol under the *Liquor Act 1982*.

**commercial mooring** has the same meaning as in the *Lake Macquarie Mooring Management Plan* prepared and adopted from time to time by the Waterways Authority.

**commercial premises** means a building or place used as an office or for other business or commercial purposes but, in the Table in Part 3, does not include a building or place elsewhere specifically defined in this clause.

**community facility** means a building or place owned or controlled by a public authority or non-profit community organisation, which provides for the physical, social, cultural or intellectual development, welfare or safety of the local community.

**community land** has the same meaning as in the *Local Government Act 1993*.

**community title subdivision** means subdivision in accordance with the *Community Land Development Act 1989*.

**complying development** is identified in clause 9.

**conservation management plan** means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**corporation** has the same meaning as in the Act.



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**demolish** a heritage item, or a building, work, archaeological site, tree or place in a heritage conservation area, means wholly or partly destroy, dismantle or deface the item or the building, work, archaeological site, tree or place.

**Department** has the same meaning as in the Act.

**depot** means a building or place used for the storage (but not sale) and maintenance of plant, machinery, goods or materials used or intended to be used by the owner or occupier of the building or place but, in the Table in Part 3, does not include a building or place elsewhere defined in this Dictionary.

**development** has the same meaning as in the Act.

**DP high water mark** for any land is the mean high water mark shown on the current plan (within the meaning of the *Conveyancing Act 1919*) for the land.

**drainage** means works carried out for the purpose of drainage which are not incidental or ancillary to development for which consent has been granted.

**dual occupancy—attached** means two dwellings in a single building on a single allotment of land.

**dual occupancy—detached** means two detached dwellings on a single allotment of land.

**dwelling** means a room or a suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing one but not more than one dwelling.

**dwelling house—exhibition** means a dwelling house used for the purpose of displaying to potential customers, the dwelling house, its contents and its surrounds for a limited period.

**earthworks** means a work involving the addition or removal of any solid matter on, to or from land, or any other work that will significantly alter:

- (a) the level of the land from the existing ground level, or
- (b) the character of the surface of that land, or
- (c) the drainage of the land.

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***eco-tourism facility*** means a building or place used primarily for tourist accommodation or recreation, or both, and may include holiday cabins, camp or caravan sites, where the total number of beds does not exceed 20, that is in a natural or rural setting and may involve education and interpretation of the natural environment, and does not have a deleterious effect on the ecology of its location.

***educational establishment*** means a building used as a pre-school, school or tertiary institution within the meaning of a State or Commonwealth Act, whether or not accommodation for staff or students is provided, or a gallery or museum but, in the Table in Part 3, does not include a building or place elsewhere defined.

***emergency services facility*** means a building or place used for the provision of police, fire and ambulance services or the like, and may include training rooms and administration buildings, and buildings or places used to store, service or repair vehicles or equipment.

***energy generation works*** means a building or place used primarily for the purpose of making or generating forms of energy.

***entertainment facility*** means a building or place used for the purpose of sport, entertainment, exhibitions, displays or cultural events, and includes:

- (a) sports stadiums, conference facilities, function centres, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls and the like.

***environmental facility*** means a structure or work that provides for:

- (a) nature study or display facilities, such as walking trails, board walks, observation decks, bird hides or the like, or
- (b) environmental management and restoration, such as bush restoration, wetland restoration, erosion and run off prevention works, dune restoration or the like,

and may include ancillary kiosks or cafes.

***ESD***—see principles of ecologically sustainable development.

***exempt development*** is identified in clause 8.

***extractive industry*** means:

- (a) the winning of extractive material, or

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- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land on which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

**extractive material** means sand, gravel, clay, turf, soil, rock, stone or similar substances.

**flood prone land** means land affected by the 1% Average Recurrence Interval (ARI).

**foreshore building line** means a foreshore building line fixed under clause 7 of the *Environmental Planning and Assessment Model Provisions 1980*, as adopted by clause 22.

**foreshore development** means a boatshed, jetty, slipway, boat ramp, in-ground swimming pool, inclinators, landscaping, barbecues or other similar structures.

**forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

**function centre** means a building or place used to hold conferences, wedding receptions and the like, and may include a restaurant.

**general store** means a building or place for the retail sale of convenience goods that may include the facilities of a post office and/or for the sale of take-away food and that has a maximum gross floor area of 75 square metres but, in the Table in Part 3, does not include a building or place elsewhere defined.

**group home** has the same meaning as in *State Environmental Planning Policy No 9—Group Homes*.

**hazardous industry** means an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

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**hazardous storage establishment** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**height** in relation to a building or structure, means the distance measured vertically from the topmost element of the building or structure to the natural ground level immediately below that point.

**helipad** means an area or place, whether or not open to public use, set apart for the taking off and landing of helicopters.

**heliport** means an area or place open to public use that is licensed by the Commonwealth for the taking off and landing of helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters.

**heritage conservation area** means an area of land that is shown edged by a heavy black broken line on the map, and includes buildings, works, archaeological sites, trees and places situated on or within the land.

**heritage impact statement** means a document consisting of a statement demonstrating the heritage significance of a heritage item or heritage conservation area, or a building, work, archaeological site, tree or place within a heritage conservation area, and an assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

**heritage item** means a building, work, archaeological site, potential archaeological site or place:

- (a) the site and nature of which is described in Schedule 4, 5 or 6, and
- (b) that is more particularly specified in an inventory of heritage items available at the office of the Council, and

in the case of an item described in Schedule 6 as a place or potential place of Aboriginal heritage significance, the item includes any component, fixture or fitting that is attached to it.

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***heritage significance*** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

***high technology industry*** means an enterprise which has as its primary function the manufacture, development, production, processing or assembly of, or research into, any of the following:

- (a) electronic and micro-electronic systems, goods and components,
- (b) information technology, computer software and hardware,
- (c) instrumentation and instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods and components,
- (e) other goods, systems and components intended for use in science and technology.

***home business*** means the use of part of a dwelling house or dwelling as an office or for business, where:

- (a) the use is ancillary to the residential use of, and is contained within, the main dwelling, and
- (b) the use is undertaken by the permanent residents of the dwelling, and
- (c) the use does not involve the employment of more than two persons on site in addition to those residents, and
- (d) the use does not cause any unacceptable impact on the environment or interference with the amenity of the surrounding area, and
- (e) the use does not involve the exhibition of any notice, advertisement or sign (other than a non-illuminated notice or sign to indicate the name or occupation of the resident), and
- (f) the use does not involve the retailing of any items from the premises, and
- (g) the use is not as a brothel.

***home industry*** means an industry carried on in a building (other than a dwelling house or a dwelling) where:

- (a) the building does not occupy a gross floor area exceeding 50 square metres and is erected within the curtilage of the dwelling house or dwelling occupied by the person carrying on the industry, or on adjoining land owned by that person, and

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- (b) the industry does not involve the employment of more than one person on site in addition to those residents, and
  - (c) the industry does not:
    - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
    - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
    - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
    - (iv) involve the sale of goods from the premises.

**home occupation** means an occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit or oil, or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors, and

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- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used by hospital staff or health care workers, and whether or not any such use is a commercial use.

**hotel** means the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

**industry** means the manufacturing, assembling, altering, formulating, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up or adapting of any goods or any articles or any part of a good or an article for trade or sale or gain but, in the Table in Part 3, does not include any other use specifically defined in this Dictionary.

**intensive agriculture** means a form of agriculture, involving:

- (a) intensive livestock enterprises such as piggeries, cattle feed lots or poultry farms, which requires particular treatment or practices for the management of wastes (including faeces or other by-products), or
- (b) other intensive rural production enterprises such as hydroponic crop production, glass house fruit, flowers and vegetables, and the like.

**junk yard** means land used:

- (a) for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods, or
- (b) for the collection, dismantling, storage, salvaging or abandonment of vehicles or machinery, or
- (c) for the sale of parts derived from those vehicles or machinery.

**Lake** means the lake known as Lake Macquarie.

**land** has the same meaning as in the Act.

**light industry** means an industry, not being a hazardous industry or offensive industry, in which the processes carried on, the transportation involved, or the machinery or materials used, do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

**liquid fuel depot** means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other flammable liquid.

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***maintenance*** in Part 6 (Heritage provisions) means the ongoing protective care of a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area. It does not include alterations, such as carrying out extensions or additions, or the introduction of new materials or exotic species and artificial landscapes or technology.

***marina*** means a pontoon, jetty, pier or similar structure operated for commercial gain and designed or adapted to provide moorings for boats used primarily for pleasure or recreation and may include ancillary works such as slipways, facilities for the hire, repair and maintenance of boats and the provision of fuel, accessories and parts for boats and foodstuff.

***medical centre*** means a building or place used as an outpatient day surgery, health centre, pathology laboratory or collection centre, diagnostic centre or the like.

***mine*** means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef on, in or by which any operation is carried on for or in connection with the purpose of obtaining any metal, mineral or gas by any mode or method and includes any place on which any product of the mining there is stacked, stored, crushed or otherwise treated, but does not include a quarry.

***mixed use development*** means development that comprises a mix of some or all of the following uses: dwellings; accommodation for tourists; shops; commercial premises; recreation facilities; restaurants.

***motel*** means a building or buildings substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used for the provision of meals to those people or the general public but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

***motor showroom*** means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed there.

***multiple dwelling housing*** means three or more dwellings, not being a residential flat building, and may include villas, town houses and terraces.



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***native vegetation*** means any of the following types of indigenous vegetation, not being trees:

- (a) understorey plants,
- (b) groundcover plants,
- (c) plants occurring in a wetland.

***natural heritage*** means:

- (a) natural features consisting of physical and biological formations or groups of such formations, which are of identifiable value from the aesthetic or scientific point of view, or
- (b) geological and physiographical formations and delineated areas, which constitute the habitat of threatened species of animals and plants of identifiable value from the point of view of science or conservation, or
- (c) natural sites or delineated natural areas of identifiable value from the point of view of science, conservation or natural beauty regardless of evidence of human intervention.

***offensive industry*** means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***offensive storage establishment*** means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

***operational land*** has the same meaning as in the *Local Government Act 1993*.

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***place of Aboriginal heritage significance*** means:

- (a) a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include heritage items (refer to Schedule 6) and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature that may include natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

***place of public worship*** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

***potential archaeological site*** means a site:

- (a) that is specified in Schedule 4 or 5 and described in that schedule as a potential archaeological site and shown on the map, or
- (b) that, in the opinion of the Council, has the potential to be an archaeological site even if it not so specified.

***potential place of Aboriginal heritage significance*** means a place:

- (a) that is specified in Schedule 6 as a potential place of Aboriginal heritage significance, or
- (b) that, in the opinion of the Council, has the potential to have Aboriginal heritage significance, even if it is not so specified.

***principles of ecologically sustainable development*** means the following statements of principle:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for

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postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
- (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
  - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
  - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

***professional consulting rooms*** means a room or a number of rooms forming either the whole or part of, attached to or within the curtilage of, an existing dwelling house and used by not more than 3 persons providing medical services, or similar health care services, and who employ not more than 3 employees connected with those particular services.

***public utility undertaking*** means any of the following undertakings carried on or permitted or suffered to be carried on by or by

## Lake Macquarie Local Environmental Plan 2004

## Dictionary

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authority of any government department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government department, corporation, firm or authority carrying on the undertaking.

**recreation facility** means a building or place used for indoor recreation, whether used for the purpose of gain or not but, in the Table in Part 3, does not include any other building specifically defined in this Dictionary or used for a land use so defined.

**relic** means:

- (a) any deposit, object or material evidence (which may consist of human remains) that is more than 50 years old, relating to the use or settlement, not being Aboriginal habitation, of Lake Macquarie City local government area and that is a fixture or is wholly or partly within the ground, or
- (b) any deposit, object or material evidence (which may consist of human remains) of any age relating to Aboriginal habitation of that area, or
- (c) any deposit, object or material evidence of any age relating to the existence or evolution of fauna and flora species and geology and geomorphology.

**residential flat building** means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building is also used for other purposes, such as shops),

but does not include a Class 1a building or Class 1b building within the meaning of the *Building Code of Australia*.

**Note.** Class 1a and Class 1b buildings are commonly referred to as "town houses" or "villas" where the dwelling units are side by side, rather than on top of each other.

Lake Macquarie Local Environmental Plan 2004

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**restaurant** means a building or place, principally providing food to seated paying customers and may include take-away, kiosk and drive-through services.

**restricted premises** means premises (other than a newsagency or pharmacy) where:

- (a) publications classified Category 1 restricted, Category 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise made accessible or available to the public, or
- (b) a business to which section 578E of the *Crimes Act 1990* applies is conducted.

**retail plant nursery** means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there.

**road** means a public thoroughfare used for the passage of vehicles, pedestrians or animals and includes:

- (a) the airspace above the surface of the road, and
- (b) the soil beneath the surface of the road, and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

**roadside stall** means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail.

**rural industry** means the handling, treating, processing or packing of primary products and/or the servicing in a workshop of plant or equipment used for rural purposes.

**sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil, gas or other petroleum products, whether or not the building or place is also used for one or more of the following purposes:

- (a) the sale by retail of spare parts and accessories for motor vehicles, or the hiring of trailers or other vehicles,
- (b) washing and greasing of motor vehicles,

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- (c) installation of accessories,
  - (d) repairing and servicing of motor vehicles (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),
  - (e) a shop.

**shop** means a building or place used for the purpose of selling, exposing or offering for sale by retail, food, goods, merchandise or materials but, in the Table in Part 3, does not include any other building or place specifically defined in this Dictionary.

**sign** means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like.

**site area** means the area of land to which an application for consent under the Act relates, exclusive of any land on which the development to which the application relates is not permitted by or under this plan.

**small lot housing** means a single dwelling on an allotment of land with an area of not less than 250 square metres but less than 450 square metres.

**sporting facility** means a building or place used for outdoor recreational activities, whether for the purpose of gain or not but, in the Table to Part 3, does not include any other building or place specifically defined in this Dictionary.

**storage facility** means a building or place used for the purpose of storing the belongings or materials of individuals in separate compartments.

**stormwater management facility** means a building or work used to control the quality of stormwater and includes detention basins, artificial wetlands, silt traps, gross pollutant traps, swales, channels and the like.

**strata title subdivision** means subdivision under the *Strata Schemes (Freehold Development) Act 1973*.

**subdivision of land** has the same meaning as in the Act.

**sustainable generating works** means a building or place used for the purpose of generating electricity using energy derived from water, wind or sun.

Lake Macquarie Local Environmental Plan 2004

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***sustainable water cycle management*** means water cycle management that incorporates the principles and practice of water smart and water sensitive urban design philosophies.

***telecommunications facility*** means a facility used to receive and transmit telecommunications including, but not limited to, towers, antennae, ground based and underground facilities.

***the Act*** means the *Environmental Planning and Assessment Act 1979*.

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

***the map*** means the series of maps marked “Lake Macquarie Local Environmental Plan 2004”, as amended by the maps, or sheets of maps, marked as follows:

***the Regulation*** means the *Environmental Planning and Assessment Regulation 2000*.

***tourist resort*** means a building or place that provides accommodation for tourists together with any one or more of the following:

- (a) on-site facilities to satisfy the recreational, entertainment, dining and business needs of tourists,
- (b) a function centre.

***transport terminal*** means a building or place used mainly for the bulk handling of goods for transport by road, rail or air and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles, and includes a road transport terminal and a rail terminal.

***tree*** includes a sapling, a shrub greater than 3 metres in height, or with a trunk diameter at ground level of 75mm or more, scrub, or a tree listed on the Council’s *Significant Tree Register*.

***unzoned land*** means land not zoned by this plan.

***utility installation*** means a building or work used for a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom.

***veterinary hospital*** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

## Lake Macquarie Local Environmental Plan 2004

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**warehouse** means a building used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

**waste management and/or recycling facility** means a building or place used for the collection, storage, abandonment, sorting and/or sale of waste materials and/or the preparation of those recycled materials for further use.

**water cycle management** means the handling of water and water resources in a manner that has regard to the whole of the hydrological process. This includes having regard to the quality and quantity of the resource from its various sources and its use and transport in the natural and built environment.

**water pollution or pollution of waters** has the same meaning as in the *Protection of the Environment Operations Act 1997*.

**waterbody** means:

- (a) a natural waterbody, including:
  - (i) a lake or lagoon either naturally formed or artificially modified, or
  - (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the river or stream, or
  - (iii) tidal waters including any bay, estuary or inlet, or
- (b) an artificial waterbody, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other construction that is only intended to hold water intermittently.

**wetland** means those areas where flora are dependent on, or are significantly adapted to living in, wet conditions for a significant part of their life cycle.

**wholesale plant nursery** means a building or place used for both the growing and wholesaling of plants.



## Natural Resources

### WATER ACT 1912

AN application under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

An application for a joint water supply scheme under section 20 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

*Unregulated Barwon/darling River Valley*

BACK OF BOURKE FRUITS PTY LIMITED and OTHERS for 7 pumps on the Darling River Lots 8 and 9, DP 753570 and Lot 660, DP 761689, Part section 3 Wharf Reserve 975, Lot 3, DP 753570, Parish of North Bourke, County of Gunderbooka, Lot 3055, DP 765250, Lot 27, DP 753574, Parish of Pera, County of Gunderbooka, 2 pumps on the Big Billabong, Lots 23 and 30, DP 753574, Parish of Pera, County of Gunderbooka and an earthen bywash dam on the Big Billabong Lots 4, 5 and 20, DP 753574, Parish of Pera, County of Gunderbooka, for conservation of water and water supply for stock, domestic, industrial purposes and irrigation of 242.5 hectares of citrus, stone fruit and vine vegetables (replacement of existing water entitlements – replacement of existing water, existing licence numbers 80SL042402, 80SL047802, 80SL095133, 80SL095401, 80SL095844 and 80SL031784) (Application No.: 80SA010618) (GA2: 494469).

The subject application seeks to combine existing licence entitlements into a joint water supply scheme to enhance the efficiency of existing water entitlements on the applicant company's holdings. Note no increase in area, no increase in annual volumetric limit.

Any enquires regarding the above should be directed to the undersigned (telephone: 6872 2144).

Written objections to the application specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed area and must be lodged with the Department's office at Bourke within twenty-eight (28) days as prescribed by the Act.

ALLAN AMOS,  
Natural Resource Project Officer  
(Resource Access).

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 342, Bourke, NSW 2840.

### WATER ACT 1912

APPLICATIONS under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Water Act 1912.

Applications for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

*Murray River Valley*

Vittoria GILARDI for 1 pump on the Murray River, Lot1/1057133, Parish of Mourquong, County of Wentworth, for irrigation of 4 hectares (replacement licence due to separation

of an existing entitlement – no increase in commitment to Murray River storage's) (Reference: 60SL085471) (GA2: 512602).

Anthony Peter KERR for 1 pump on Gol Gol Creek, Crown Land fronting Lot 2/1008577, Parish of Gol Gol, County of Wentworth, for irrigation of 6 hectares (replacement licence – due to the amalgamation of existing licences – no increase in commitment to Murray River storages) (Reference: 60SL085473) (GA2:512603).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged with the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,  
Natural Resource Project Officer,  
Murray-Murrumbidgee Region.

Department of Infrastructure, Planning and  
Natural Resources  
32 Enterprise Way (PO Box 363), Buronga, NSW 2739,  
Telephone: (03) 5021 9400.

### WATER ACT 1912

THE Local Land Board for the Land District of Cowra will, at 10:00 a.m., on Wednesday, 14 April 2004, at the Cowra Court House, publicly inquire as to the desirability of granting an application for a licence under Part 2 of the Water Act 1912, by Ian James BRYANT and Jennifer Fae BRYANT, for a drain in the catchment of Crowther Creek on Lots 12 and 13, DP 285019, Parish of Mulyan, County of Forbes, for the drainage of runoff water.

Any person who thinks their interests may be affected by the granting of this application may present their case at this hearing. (Reference: 70SL090943) (GA2:466317).

VIV RUSSELL,  
Resource Access Manager,  
Central Western Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 136, Forbes, NSW 2871,  
Telephone: (02) 6852 1222.

### WATER ACT 1912

APPLICATIONS for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

Applications for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

*Lachlan River Valley*

CRANDELL PTY LIMITED for a pump on the Lachlan River on Lot 137/752936, Parish of Cumbijowa, County of Forbes, for water supply for irrigation of 464.83 hectares (new licence – increase in allocation – combining existing

entitlement with additional entitlement obtained by way of permanent transfer scheme) (Reference: 70SL090967) (GA2:466314).

Christopher Anthony JONES for 1 pump on Lachlan River on Lot 36/752356, Parish of Whyaddra, County of Dowling, for water supply for domestic and stock purposes and for irrigation of 444.50 hectares (cereals) (new licence – increase in pump size – no increase in area or allocation – amalgamation of existing entitlements – in lieu of advertising in Government Gazette No. 174, dated 31 October 2003 and Condobolin Lachlander, dated 31 October 2003) (Reference: 70SL090941) (GA2:466316).

APPLICATIONS for an authority under section 20 of Part 2 of the Water Act 1912, have been received as follows:

*Lachlan River Valley*

Peter NEWTON, Megan Louise SCHOLEFIELD and Katherine Louise SCHOLEFIELD, for a pump on Lachlan River, on Lots 142 and 264/752962, Parish of Wongajong, County of Forbes, for water supply for domestic and stock purposes and irrigation purposes 23.50 hectares (new authority – splitting existing entitlement – no increase in area – no increase in allocation) (Reference: 70SA009614) (GA2:466313).

Geoffrey Percival FRICKER and Graeme John FRICKER for 3 pumps on Lachlan River on Lot 1/856988 and Lots 108, 2, 3 and 20A/752935 and Lot 1/857695, Parish of Cudgelong, County of Forbes, for water supply for stock and domestic purposes and for irrigation of 80.00 hectares (lucerne) (new authority – amalgamating existing entitlement – no increase in area – no increase in allocation) (Reference: 70SA009615) (GA2:466315).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

VIV RUSSELL,  
Resource Access Manager,  
Water Access.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 136, Forbes, NSW 2871,  
Telephone: (02) 6852 1222.

### WATER ACT 1912

#### Notice Under Section 22B – Pumping Restrictions Yanco Creek System U/S of Darlot

THE Water Administration Ministerial Corporation, pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available or likely to be available in the Yanco Creek System which includes Yanco Creek, Colombo Creek, Forrest Creek and Billabong Creek upstream of Darlot is insufficient to meet all requirements with respect to the taking of water from that section of the river hereby gives notice to:

Holder of licences issued under Part 2 of the Water Act 1912, **other than for stock and domestic water supply purposes.**

That from 8:00 a.m., Wednesday, 17 March 2004, until 8:00 a.m., Thursday, 18 March 2004, the taking of water from the Yanco Creek System is restricted as follows:

#### All pumping for irrigation is suspended.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation \$22,000: or in the case of a continuing offence to further penalty not exceeding \$2,200 per day.
- (b) where the offence was committed by any other person \$11,000: or in the case of a continuing offence to further penalty not exceeding \$1,100 per day.

Dated this 17th day of March 2004.

DAVID HARRISS,  
Regional Director,  
Murrumbidgee Region.

### WATER ACT 1912

APPLICATIONS for a licence under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

DEPARTMENT OF ENVIRONMENT AND CONSERVATION (Park Service Division) for a pump on Cattai Creek 323/826352 (Mitchell Park), Parish of Pitt Town, County of Cumberland, for water supply for industrial purposes (camping ground amenities) (new licence – existing works – lodged under the 1998 NSW Water Amnesty – not subject to the Hawkesbury/Nepean Embargo) (Reference: 10SL55738) (GA2:462949).

DEPARTMENT OF ENVIRONMENT AND CONSERVATION (Park Service Division) for a pump on the Hawkesbury River 1/605329 (Part Cattai National Park), Parish of Maroota, County of Cumberland, for water supply for industrial purposes (camping ground amenities) and the irrigation of 40.0 hectares (improved pasture) (replacement licence – amendment to purpose – existing works – not subject to the Hawkesbury/Nepean Embargo) (Reference: 10SL56558) (GA2:462949).

Any inquiries regarding the above should be directed to the undersigned (Telephone: 9895 7194).

Written objections specifying grounds thereof must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,  
Natural Resource Project Officer,  
Sydney/South Coast Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 3935, Parramatta, NSW 2124.

## Department of Lands

### FAR WEST REGIONAL OFFICE

**45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830**

**Phone: (02) 6883 3000      Fax: (02) 6883 3099**

#### ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

#### SCHEDULE

| COLUMN 1                      | COLUMN 2   |
|-------------------------------|--|
| Wharf Area Park Reserve Trust | Reserve No. 1010089<br>Public Purpose:<br>Public Recreation<br>Notified: This Day<br>File Reference: WL04R29/1 |

#### APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

#### SCHEDULE

| COLUMN 1   | COLUMN 2                     | COLUMN 3  |
|--|------------------------------|---|
| James Francis Baird<br>(new member)<br>Eleanor Margaret<br>Blows<br>(new member) | Menindee Lakes<br>Park Trust | Reserve No. 83184<br>Public Purpose:<br>Public Recreation<br>Notified: 19 May 1961<br>File Reference: WL90R65/4 |

For a term commencing this day and expiring 19 December 2006.

#### RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

#### SCHEDULE

| COLUMN 1   | COLUMN 2  |
|--|---|
| Land District: Bourke<br>Local Government Area:<br>Bourke Shire Council<br>Locality: Bourke<br><br><i>Lot Sec. D.P. No. Parish County</i><br>11 85 758144 Bourke Cowper<br><br>Area: 13m2<br>File Reference: WL04R29/1 | Reserve No. 1010089<br>Public Purpose:<br>Public Recreation |

Notes: This notice revokes Reserve 86118 for Ambulance Station which is no longer required.

#### APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

#### SCHEDULE

| COLUMN 1                | COLUMN 2                         | COLUMN 3   |
|-------------------------|----------------------------------|--|
| Bourke Shire<br>Council | Wharf Area Park<br>Reserve Trust | Reserve No. 1010089<br>Public Purpose:<br>Public Recreation<br>Notified: This Day<br>File Reference: WL04R29/1 |

For a term commencing this day.

#### ERRATUM

IN the Government Gazette of 27 February 2004, Folios 929 to 933 under the heading "Revocation of Reservation of Crown Land" in column 2 of the Schedule relating to Reserve No. 97901 (folio 933) below Lot 1531 D.P. 763377 "Lot 1605 D.P. 763377" should be included and the area should read 28.73ha.

File No.: WL04R9.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

### ALTERATION OF CONDITIONS OF WESTERN LANDS LEASES

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions set out below attach to any Western Lands Leases where application has been made by the lessees for the addition of such conditions to allow for "Farm Tourism" and where approval has been granted.

CRAIG KNOWLES MP,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

#### SPECIAL CONDITIONS

1. (a) Before using the lease area for farm tourism the lessee shall take steps in the manner provided for in paragraph (c) to identify any aboriginal sites or relics located on that part of the lease area to be used for farm tourism.
  - (b) Where the existence and location of any aboriginal site or relic is identified as a result of action taken under this condition or the existence or location of such a site or relic is otherwise within the knowledge of the lessee, the lessee shall ensure by taking such precautions as may be necessary that the site or relic is not interfered with, damaged, destroyed or defaced.
  - (c) The lessee shall consult with the Local Aboriginal Land Council with a view to identifying and locating any aboriginal site or relics on the lease area.
  - (d) The lessee shall be familiar with the provisions of the National Parks and Wildlife Act 1974 relating to the protection of, interference with or the damaging or destruction of aboriginal sites or relics.
  - (e) If an aboriginal site is discovered the lessee should contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Service, Western Directorate, Dubbo.
2. The lessee shall not in using the subject land for farm tourism, observe, or allow any other person to observe, activities or cultural works of Aboriginal peoples or Torres Strait Islanders.
  3. (a) The lessee shall not use any vehicle for the purpose of "farm tourism" (and shall take all reasonable steps to prevent any other person from using any vehicle for the purpose of "farm tourism") on any part of the lease identified under the provisions of the Soil Conservation Act 1938 as protected land or as being environmentally sensitive.
  - (b) The lessee shall ensure that any access tracks must be arranged in such a manner as to minimise the disturbance of any land surface.
  4. The lessee shall not destroy populations of any endangered or threatened species, damage the critical habitat of endangered species, populations and ecological communities or damage the habitat of any threatened species, populations or ecological communities scheduled in the Threatened Species Conservation Act 1995 on any part of the lease whilst using the land for the purpose of farm tourism and shall prevent any other person from doing the same.
  5. The lessee shall ensure that any European heritage sites, artefacts, buildings or other areas of significance will not be damaged, destroyed or defaced by either the lessee or other persons present on the leased land.
  6. The lessee shall ensure that any fuel management and/or fire trail access should be undertaken in accordance with fire mitigation measures to the satisfaction of the Bush Fire Authority.
  7. The lessee shall undertake any appropriate measures, at his/her own expense as ordered by the Commissioner to rehabilitate any degraded or disturbed areas.
  8. The lessee shall ensure that all traffic is contained to the designated tracks in order to reduce the impact on soil and vegetation including potential wind and water erosion on those tracks. erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.

### ALTERATION OF CONDITIONS OF WESTERN LANDS LEASES

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions set out below attach to any Western Lands Leases where application has been made by the lessees for the addition of such conditions to allow for "Film Making" and where approval has been granted.

CRAIG KNOWLES MP,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

#### SPECIAL CONDITIONS

1. No excavation will be undertaken on the lease area for the purpose of film making.
2. No building, structure or other thing that is a fixture (other than a fence or gate) shall be constructed or placed on the lease area for the purpose of film making.
3. No garbage or poisonous, toxic or hazardous substance arising from the use of the land for film making shall be stored or disposed of on the lease area.
4. No clearing of the land shall be undertaken for the purpose of film making.
5. (a) Before using the lease area for film making or granting any licence for that purpose the lessee shall take steps in the manner provided for in paragraph (c) to identify any aboriginal sites or relics located on that part of the lease area to be used for film making.
- (b) Where the existence and location of any aboriginal site or relic is identified as a result of action taken under this condition or the existence or location of such a site or relic is otherwise within the knowledge of the lessee, the lessee shall ensure by taking such precautions as may be necessary that the site or relic is not interfered with, damaged, destroyed or defaced.



- (c) The lessee shall consult with the applicant for any native title determination in respect of the lease area, any parties to that application of aboriginal descent and the Local Aboriginal Land Council with a view to identifying and locating any aboriginal site or relics on the lease area.
  - (d) The lessee shall ensure that any licensee is aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of interference with or the damaging or destruction of aboriginal sites or relics.
  - (e) If an Aboriginal site is discovered the lessee should contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Service, Western Directorate, Dubbo.
6. The lessee may grant a licence to a person to undertake film making on the lease area provided:
    - (a) the licence is in writing; and
    - (b) contains conditions in or to the effect of the following:
      - (i) the licence does not confer on the licensee any right to the exclusive possession of the land;
      - (ii) the licensee shall not excavate or clear any land;
      - (iii) the licensee shall not construct or place on the land by building, structure or other thing being a fixture (other than a fence or gate);
      - (iv) the licensee shall not deposit or store on the land any garbage or poisonous, toxic or hazardous substances;
      - (v) (A) The licensee shall ensure that before any film making operations commences and during such operations on the licence area, steps are taken to protect any aboriginal sites or relics on the licence area from damage, interference or destruction.
      - (B) The licensee shall ensure that all persons engaged in film making operations on the licence area are aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of, interference with and the damaging and destruction of aboriginal sites and relics.
  7. The lessee shall ensure that any European heritage sites, artefacts, buildings or other areas of significance will not be damaged, destroyed or defaced by either the lessee or other persons present on the leased land.
  8. The lessee shall ensure that any fuel management and/or fire trail access should be undertaken in accordance with fire mitigation measures to the satisfaction of the Bush Fire Authority.
  9. The lessee shall undertake any appropriate measures, at his/her own expense as ordered by the Commissioner to rehabilitate any degraded or disturbed areas.
  10. The lessee shall ensure that any access tracks must be arranged in such a manner as to minimise the disturbance of any land surface.
  11. The lessee shall ensure that all traffic is contained to the designated tracks in order to reduce the impact on soil and vegetation including potential wind and water erosion on those tracks.

## ALTERATION OF CONDITIONS OF WESTERN LANDS LEASES

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions set out below attach to any Western Lands Leases where application has been made by the lessees for the addition of such conditions to allow for "Recreational Hunting" and where approval has been granted.

CRAIG KNOWLES MP,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

### SPECIAL CONDITIONS

1. No excavation will be undertaken on the subject land area for the purpose of recreational hunting.
2. No building, structure or other thing that is a fixture (other than a fence or gate) shall be constructed or placed on the subject land for the purpose of recreational hunting.
3. No garbage or poisonous, toxic or hazardous substance arising from the use of the subject land for recreational hunting shall be stored or disposed of on the subject land.
4. No clearing of the subject land shall be undertaken for the purpose of recreational hunting.
5. (a) The lessee shall not use the subject land for recreational hunting on more than 100 days in any one calendar year.
- (b) The lessee shall in using the subject land for recreational hunting take all reasonable precautions to ensure that persons are not put at risk or interfered with in the exercise of their rights and interests by reason of the use of the land for that purpose.
- (c) The lessee shall when using the subject land for recreational hunting:
  - (i) ensure that all persons entering upon the land for recreational hunting are licensed to carry firearms under the Firearms Act 1996
  - (ii) take all reasonable precautions to ensure that hunting is undertaken in a safe manner and that ethical firearm practices are observed when shooting near boundaries
  - (iii) ensure that all persons entering upon the land for recreational hunting are provided with a map of the property clearly defining the lease/property boundaries
  - (iv) place at the perimeter of the subject land appropriate warning signs stating that the subject land is being used for recreational hunting
  - (v) ensure that only feral animals are hunted except where persons are otherwise licensed to take or kill fauna under the National Parks and Wildlife Act 1976.
  - (vi) ensure that adequate provision is made for the removal and disposal of animal carcasses.
  - (vii) ensure that all persons entering upon the land for recreational hunting comply with the provisions of the Game & Feral Animal Control Act, 2002 and any regulations under that Act.

6. (a) Before using the subject land for recreational hunting or granting any licence for that purpose the lessee shall take steps in the manner provided for in paragraph (c) to identify any aboriginal sites or relics located on the subject land.
- (b) Where the existence and location of any aboriginal site or relic is identified as a result of action taken under this condition or the existence or location of such a site or relic is otherwise within the knowledge of the lessee, the lessee shall ensure by taking such precautions as may be necessary that the site or relic is not interfered with, damaged, destroyed or defaced.
- (c) The lessee shall consult with the applicant for any native title determination in respect of the subject land, any parties to that application of aboriginal descent and the Local Aboriginal Land Council with a view to identifying and locating any aboriginal site or relics on the subject land.
- (d) The lessee shall ensure that any licensee is aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of interference with or the damaging or destruction of aboriginal sites or relics.
- (e) If an aboriginal site is discovered the lessee should contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Service, Western Directorate, Dubbo.
7. (a) The lessee shall not use any vehicle for the purpose of recreational hunting (and shall take all reasonable steps to prevent any other person from using any vehicle for the purpose of recreational hunting) on any part of the lease identified under the provisions of the Soil Conservation Act 1938 as protected land or as being environmentally sensitive.
- (b) The lessee shall ensure that any access tracks must be arranged in such a manner as to minimise the disturbance of any land surface.
8. The lessee shall not destroy populations or any endangered or threatened species, damage the critical habitat of endangered species, populations and ecological communities or damage the habitat of any threatened species, populations or ecological communities scheduled in the Threatened Species Conservation Act 1995 on any part of the lease whilst using the lands for the purpose of recreational hunting and shall prevent any other person from doing the same.
9. The lessee will not without the written consent of the Minister by any act matter or deed or by failure or omission cause or permit to be imposed on the Minister any liability of the Holder under or by virtue of this Lease in the use of the land for the purpose of recreational hunting.
10. (a) For the purposes of this clause the term Minister shall include Her Majesty the Queen Her Heirs and Successors the State of New South Wales the Minister and the agents servants employees and contractors of Her Majesty Her Majesty's Heirs and Successors the State of New South Wales and the Minister.
- (b) The lessee agrees that the lessee will indemnify and keep indemnified the Minister from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses in respect of any accident or injury to any person or property which may arise out of the use of the subject land for the purpose of recreational hunting.
- (c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this lease in respect of any act deed matter or thing happening before such expiration or determination.
11. (a) The lessee will forthwith take out and thereafter during the term keep current a public risk insurance policy for the amount of \$10 000 000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the Holder) in respect of the use of the land for recreational hunting whereby the Minister shall during the continuance of the lease be indemnified against all actions suits claims demands proceedings losses damages compensation costs charges and expenses.
- (b) The following provisions apply to all policies of insurance required to be effected by the lessee:
- (i) Where the Minister serves a notice on the holder directing the holder to enter into a policy with an insurer approved by the Minister the policy is to be entered into with an insurer approved by the Minister. The Minister shall specify a list of approved insurers in any notice served under this paragraph. Where the Minister does not serve a notice as provided for in this paragraph policies of insurance shall be entered into with an insurer carrying on business in Australia.
- (ii) All policies are to contain conditions and exclusions commonly effected in relation to the type of activity undertaken on the Premises and the nature of the premises provided that the Minister may by notice served on the holder direct the holder to enter into a policy containing specified provisions or which does not contain specified provisions or exclusions and the holder shall use his best endeavours to comply with the direction.
- (iii) All policies are to be taken out in the names of the Minister and the holder for their respective rights and interests and in the name of such other parties having an insurable interest as the Minister may require.
- (iv) Duplicate or certified copies of the policies and all renewal certificates and endorsement slips are to be lodged by the holder with the Minister if required by the Minister.
- (v) All premiums payable in respect of policies and renewals of policies are to be paid punctually by the holder and the receipt of each premium payable in respect of each policy (or other proof of payment to the Minister's satisfaction) is to be produced by the holder to the Minister at the request of the Minister.
- (vi) Where the Minister has served notice on the holder under paragraph (I) the holder will use all reasonable endeavours to ensure that the

- insurer which issues a policy advises the Minister of any failure by the holder to renew any policy or pay any premium in respect thereof.
- (vii) The holder will not at any time during the Term do or bring upon the premises anything whereby any insurance relating to the premises against damage by fire and other risks may be rendered void or voidable. If the holder does or brings anything upon the premises whereby the premium on the insurance shall be liable to be increased the holder will obtain insurance cover for the increased risk and pay all additional premiums (if any) required to be paid.
- (viii) The holder will use all reasonable endeavours to ensure that full true and particular information is given to the insurer with which the insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect any policy of insurance or the payment of all or any moneys thereunder.
- (c) The Minister in his own name or as the attorney of the holder in the name of the holder shall be entitled to institute all proceedings against any insurer which issues a policy of insurance required by the lease to recover from it any amount for loss damage or injury or other money payable under any indemnity in favour of the Minister. The holder hereby appoints the Minister the attorney of the holder for the purpose as aforesaid.
- (d) The holder expressly agrees that the provisions of subclause (b) continue in force after the termination date.
12. The lessee may grant a licence to a person to use the subject land for recreational hunting provided:
- (a) the licence is in writing; and
  - (b) contains conditions in or to the effect of the following:
    - (i) the licence does not confer on the licensee any right to the exclusive possession of the subject land;
    - (ii) the licensee shall not excavate or clear the subject land;
    - (iii) the licensee shall not construct or place on the subject land by building, structure or other thing being a fixture (other than a fence or gate);
    - (iv) the licensee shall not deposit or store on the subject land any garbage or poisonous toxic or hazardous substances;
    - (v) (a) The licensee shall ensure that before any operations on the subject land commences and during such operations of the subject land, steps are taken to protect any aboriginal sites or relics on the subject land from damage, interference or destruction.
    - (b) The licensee shall ensure that all persons using the subject land for recreational hunting are made aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of, interference with and the damaging and destruction of aboriginal sites and relics.
- (vi) (a) The licensee shall not use the subject land for recreational hunting on more than 100 days in any one calendar year.
- (b) The licensee shall in using the subject land for recreational hunting take all reasonable precautions to ensure that persons are not put at risk or interfered with in the exercise of their rights and interests by reason of the use of the subject land for that purpose.
- (c) The licensee will place at the perimeter of the subject land appropriate warning signs stating that the subject land is being used for recreational hunting.
- (d) The licensee shall comply with the provisions of the Game & Feral Animal Control Act, 2002 and any regulations under that Act.
13. The lessee shall ensure that any European heritage sites, artefacts, buildings or other areas of significance will not be damaged, destroyed or defaced by either the lessee or other persons present on the leased land.
14. The lessee shall ensure that any fuel management and/or fire trail access should be undertaken in accordance with fire mitigation measures to the satisfaction of the Bush Fire Authority.
15. The lessee shall undertake any appropriate measures, at his/her own expense as ordered by the Commissioner to rehabilitate any degraded or disturbed areas.
16. The lessee shall ensure that all traffic is contained to the designated tracks in order to reduce the impact on soil and vegetation including potential wind and water erosion on those tracks.

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#### ALTERATION OF CONDITIONS OF WESTERN LANDS LEASES

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions set out below attach to any Western Lands Leases where application has been made by the lessees for the addition of such conditions to allow for "Shooting Range" and where approval has been granted.

CRAIG KNOWLES MP,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

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#### SPECIAL CONDITIONS

1. No excavation will be undertaken on the subject land area for the purpose of shooting range.
2. No building, structure or other thing that is a fixture (other than a fence or gate) shall be constructed or placed on the subject land for the purpose of shooting range.
3. No garbage or poisonous, toxic or hazardous substance arising from the use of the subject land for shooting range shall be stored or disposed of on the subject land.
4. No clearing of the subject land shall be undertaken for the purpose of a shooting range.

5. (a) The lessee shall not use the subject land as a shooting range on more than 100 days in any one calendar year.
  - (b) The lessee shall in using the subject land for a shooting range take all reasonable precautions to ensure that persons are not put at risk or interfered with in the exercise of their rights and interests by reason of the use of the land for that purpose.
  - (c) The lessee shall when using the subject land for a shooting range place at the perimeter of the subject land appropriate warning signs stating that the subject land is being used for a shooting range.
6. (a) Before using the subject land for a shooting range or granting any licence for that purpose the lessee shall take steps in the manner provided for in paragraph (c) to identify any aboriginal sites or relics located on the subject land.
  - (b) Where the existence and location of any aboriginal site or relic is identified as a result of action taken under this condition or the existence or location of such a site or relic is otherwise within the knowledge of the lessee, the lessee shall ensure by taking such precautions as may be necessary that the site or relic is not interfered with, damaged, destroyed or defaced.
  - (c) The lessee shall consult with the applicant for any native title determination in respect of the subject land, any parties to that application of aboriginal descent and the local aboriginal land council with a view to identifying and locating any aboriginal site or relics on the subject land.
  - (d) The lessee shall ensure that any licensee is aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of, interference with or the damaging or destruction of aboriginal sites or relics.
7. The lessee will not without the written consent of the Minister by any act matter or deed or by failure or omission cause or permit to be imposed on the Minister any liability of the Holder under or by virtue of this Lease in the use of the land for the purpose of shooting range.
8. (a) For the purposes of this clause the term Minister shall include Her Majesty the Queen Her Heirs and Successors the State of New South Wales the Minister and the agents servants employees and contractors of Her Majesty Her Majesty's Heirs and Successors the State of New South Wales and the Minister.
  - (b) The lessee agrees that the lessee will indemnify and keep indemnified the Minister from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses in respect of any accident or injury to any person or property which may arise out of the use of the subject land for the purpose of shooting range.
  - (c) The lessee expressly agrees that the obligations of the lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act deed matter or thing happening before such expiration or determination.
9. The lessee may grant a licence to a person to use the subject land for a shooting range provided:
    - (a) the licence is in writing; and
    - (b) contains conditions in or to the effect of the following:
      - (i) the licence does not confer on the licensee any right to the exclusive possession of the subject land;
      - (ii) the licensee shall not excavate or clear the subject land;
      - (iii) the licensee shall not construct or place on the subject land by building, structure or other thing being a fixture (other than a fence or gate);
      - (iv) the licensee shall not deposit or store on the subject land any garbage or poisonous toxic or hazardous substances;
      - (v) (a) The licensee shall ensure that before any operations on the subject land commences and during such operations of the subject land, steps are taken to protect any aboriginal sites or relics on the subject land from damage, interference or destruction.
    - (b) The licensee shall ensure that all persons using the subject land as a shooting range are made aware of the provisions of the National Parks and Wildlife Act 1974 relating to the protection of, interference with and the damaging and destruction of aboriginal sites and relics.
    - (c) If an Aboriginal site is discovered the lessee should contact the Manager, Cultural Heritage Unit, National Parks and Wildlife Service, Western Directorate, Dubbo.
      - (vi) (a) The licensee shall not use the subject land as a shooting range on more than 100 days in any one calendar year.
      - (b) The lessee shall in using the subject land for a shooting range take all reasonable precautions to ensure that persons are not put at risk or interfered with in the exercise of their rights and interests by reason of the use of the land for that purpose.
      - (c) The licensee will place at the perimeter of the subject land appropriate warning signs stating that the subject land is being used for a shooting range.
      - (vii) (a) The licensee will forthwith take out thereafter during the Term keep current a public risk insurance policy for the amount of \$10,000,000 for any one claim (or such other reasonable amount as the Minister may from time to time specify in writing to the Holder) whereby the Minister shall during the continuance of the Licence be indemnified against all actions suits claims demands proceedings losses damages compensation costs charges and expenses.
      - (b) The following provisions apply to all policies of insurance required to be effected by the licensee:



- (i) Where the Minister serves a notice on the Holder directing the Holder to enter into a policy with an insurer approved by the Minister the policy is to be entered into with an insurer approved by the Minister. The Minister shall specify a list of approved insurers in any notice served under this paragraph. Where the Minister does not serve a notice as provided for in this paragraph policies of insurance shall be entered into with an insurer carrying on business in Australia.
- (ii) All policies are to contain conditions and exclusions commonly effected in relation to the type of activity undertaken on the Premises and the nature of the Premises provided that the Minister may by notice served on the Holder direct the Holder to enter into a policy containing specified provisions or which does not contain specified provisions or exclusions and the Holder shall use his best endeavours to comply with the direction.
- (iii) All policies are to be taken out in the names of the Minister and the Holder for their respective rights and interests and in the name of such other parties having an insurable interest as the Minister may require.
- (iv) Duplicate or certified copies of the policies and all renewal certificates and endorsement slips are to be lodged by the Holder with the Minister if required by the Minister.
- (v) All premiums payable in respect of policies and renewals of policies are to be paid punctually by the Holder and the receipt of each premium payable in respect of each policy (or other proof of payment to the Minister's satisfaction) is to be produced by the Holder to the Minister at the request of the Minister.
- (vi) Where the Minister has served notice on the Holder under paragraph (i) the Holder will use all reasonable endeavours to ensure that the insurer which issues a policy advises the Minister of any failure by the Holder to renew any policy or pay any premium in respect thereof.
- (vii) The Holder will not at any time during the Term do or bring upon the Premises anything whereby any insurance relating to the Premises against damage by fire and other risks may be rendered void or voidable. If the Holder does or brings anything upon the Premises whereby the premium on the insurance shall be liable to be increased the Holder will obtain insurance cover for the increased risk and pay all additional premiums (if any) required to be paid.
- (viii) The Holder will use all reasonable endeavours to ensure that full true and particular information is given to the insurer with which the insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect any policy of insurance or the payment of all or any moneys thereunder.
- (c) The Minister in his own name or as the attorney of the Holder in the name of the Holder shall be entitled to institute all proceedings against any insurer which issues a policy of insurance required by the Lease to recover from it any amount for loss damage or injury or other money payable under any indemnity in favour of the Minister. The Holder hereby appoints the Minister the attorney of the Holder for the purpose as aforesaid.
- (d) The Holder expressly agrees that the provisions of subclause (b) continue in force after the Termination Date.
10. The lessee shall ensure that any European heritage sites, artefacts, buildings or other areas of significance will not be damaged, destroyed or defaced by either the lessee or other persons present on the leased land.
11. The lessee shall ensure that any fuel management and/or fire trail access should be undertaken in accordance with fire mitigation measures to the satisfaction of the Bush Fire Authority.
12. The lessee shall undertake any appropriate measures, at his/her own expense as ordered by the Commissioner to rehabilitate any degraded or disturbed areas.
13. The lessee shall ensure that any access tracks must be arranged in such a manner as to minimise the disturbance of any land surface.
14. The lessee shall ensure that all traffic is contained to the designated tracks in order to reduce the impact on soil and vegetation including potential wind and water erosion on those tracks.

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**ALTERATION OF CONDITIONS OF A  
WESTERN LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the conditions of the undermentioned Western lands Lease have been altered as shown.

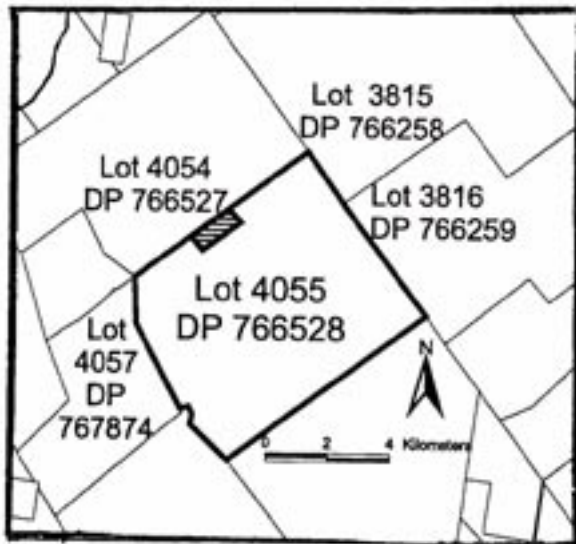
CRAIG KNOWLES MP,  
Minister for Infrastructure and Planning  
Minister for Natural Resources

—————  
*Administrative District — Walgett;  
Shire — Walgett;  
Parish — Bundah, Campbell & Somerville;  
County — Finch*

The conditions of Western Lands Lease 8349, being the land contained within Folio Identifier 4055/766528 has been altered effective from 17 March 2004.

**SPECIAL CONDITIONS ATTACHED TO  
WESTERN LANDS LEASE 8349**

TH area of 90 hectares (comprising of a 600-metre buffer on the north-western boundary) within Western Lands Lease 8349 (Portion WL 4055) shown hatched on the accompanying diagram shall not be cleared or cultivated and the lessee acknowledges that the Commissioner will not grant any consents for clearing and cultivation over the area.



**GRAFTON OFFICE****76 Victoria Street (Locked Bag 10), Grafton, NSW 2460****Phone: (02) 6640 2000****Fax: (02) 6640 2035****REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

**SCHEDULE**

| COLUMN 1  | COLUMN 2   |
|---|--|
| Land District: Mirrool                          | The whole being  |
| Local Government Area:<br>Griffith City Council | <i>Lot Sec. D.P. No. Parish County</i><br>1 86 758476 Jondaryan Cooper |
| Locality: Griffith                              | of an area of 9.682ha  |
| Reserve No. 71914                               |  |
| Public Purpose:<br>Public Recreation            |  |
| Notified: 10 May 1946.                          |  |
| File Reference: GH02R69/1.                      |  |

Notes: The Land upon revocation will be re-reserved and amalgamated for the purpose of public recreation and community purposes.

**REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

**SCHEDULE**

| COLUMN 1   | COLUMN 2   |
|--|--|
| Land District: Mirrool                           | The whole being  |
| Local Government Area:<br>Griffith City Council  | <i>Lot Sec. D.P. No. Parish County</i><br>2 86 758476 Jondaryan Cooper |
| Locality: Jondaryan                              | of an area of 4350m2   |
| Reserve No. 78056                                |  |
| Public Purpose:<br>Public Recreation<br>Addition |  |

Notified: 4 November 1955.  
File Reference: GH02R69/1.

Notes: The land upon revocation will be re-reserved and amalgamated for the purpose of public recreation and community purposes.

**REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

**SCHEDULE**

| COLUMN 1   | COLUMN 2   |
|--|--|
| Land District: Mirrool                           | The whole being  |
| Local Government Area:<br>Griffith City Council  | <i>Lot Sec. D.P. No. Parish County</i><br>3 86 758476 Jondaryan Cooper |
| Locality: Griffith                               | of an area of 2314m2   |
| Reserve No. 82326                                |  |
| Public Purpose:<br>Public Recreation<br>Addition |  |
| Notified: 29 January 1960.                       |  |
| File Reference: GH02R69/1.                       |  |

Notes: The Land upon revocation will be re-reserved and amalgamated for the purpose of public recreation and community purposes.

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

**SCHEDULE**

| COLUMN 1  | COLUMN 2   |
|---|--|
| Land District: Mirrool                          | Reserve No. 1010108  |
| Local Government Area:<br>Griffith City Council | Public Purpose:<br>Public Recreation<br>Community Purposes |
| Locality: Griffith                              |  |
| <i>Lot Sec. D.P. No. Parish County</i>          |  |
| 3 86 758476 Jondaryan Cooper                    |  |
| 2 86 758476 Jondaryan Cooper                    |  |
| 1 86 758476 Jondaryan Cooper                    |  |

Area: 10.35ha.  
File Reference: GH02R69/1.

Notes: Reserve No.s 71914, 78056 and 82326 revoked and amalgamated to create a new reserve with Griffith City Council as Trust Manager.

**GRIFFITH OFFICE**  
**2nd Floor, Griffith City Plaza,**  
**120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680**  
**Phone: (02) 6962 7522 Fax: (02) 6962 5670**

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

Description

*Land District — Mirrool;*  
*Local Government Area — Griffith*

Road being Lot 1 DP 1062017, Parish Jondaryan, County Cooper.

Note: On closing, the land within the former road remains vested in Griffith City Council as operational land for the purposes of the Local Government Act 1993.

File No: GH00H47.

Council Reference: 348:TB:AI.

**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay, NSW 2711**  
**Phone: (02) 6993 1306 Fax: (02) 6993 1135**

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closure, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,  
 Minister assisting the Minister for  
 Natural Resources (Lands)

Description

*Land District of Deniliquin;*  
*Council of Berrigan*

Lot 990 D.P. 1063313, Parish of Ulupna, County of Denison,  
 File No: HY 02 H 68.

Note: On closing, title for the land comprised in Lot 990 remains vested in the Berrigan Shire Council as Operational Land.

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

SCHEDULE

COLUMN 1

Land District: Hay  
 Local Government Area:  
 Carrathool Shire Council  
 Locality: Gunbar

| Lot | Sec. | D.P. No. | Parish | County    |
|-----|------|----------|--------|-----------|
| 4   | 4    | 759145   | Honuna | Nicholson |
| 5   | 4    | 759145   | Honuna | Nicholson |
| 6   | 4    | 759145   | Honuna | Nicholson |
| 7   | 4    | 759145   | Honuna | Nicholson |
| 1   |      | 661789   | Honuna | Nicholson |

Area: 1.05ha.

File Reference: HY81R10.

COLUMN 2

Reserve No. 1010069  
 Public Purpose:  
 Public Recreation

**MAITLAND OFFICE****Cnr Newcastle Road & Banks Street (PO Box 6), East Maitland, NSW 2323****Phone: (02) 4934 2280****Fax: (02) 4934 2252****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

\_\_\_\_\_  
Description

*Parish – Wallarah;  
County – Northumberland;  
Land District – Newcastle;  
Local Government Area – Lake Macquarie*

Road Closed: Lot 41 DP 1042026 at Swansea.

File Reference: MD 01 H 242.

Note: On closing, the land within Lot 41 DP 1042026 will remain land vested in the Crown as Crown land.

**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

\_\_\_\_\_  
Description

*Parish – Liddell;  
County – Durham;  
Land District – Singleton;  
Local Government Area – Singleton and Muswellbrook*

Road Closed: Lot 1 DP 48536 and Lots 1 and 2 DP 48556 at Liddell.

File Reference: MD 96 H 402.

Note: On closing, the land within Lot 1 DP 48536 and Lots 1 and 2 DP 48556 will remain land vested in the Crown as Crown land.

**ORANGE OFFICE****92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****DRAFT ASSESSMENT OF LAND AT GOOLOOGONG  
UNDER PART 3 OF THE CROWN LANDS ACT 1989  
AND CROWN LANDS REGULATIONS, 2000**

A Draft Land Assessment has been prepared for Crown land situated at Gooloogong, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets Orange 2800.

(P.O. Box 2146), Cabonne Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 19<sup>th</sup> March 2004, and should be addressed to Louise Harcombe, Orange at the above address.

TONY KELLY, M.L.C.,  
Minister assisting the Minister for Natural  
Resources (Lands)

**DESCRIPTION**

*Parish — Nanami;*  
*County — Ashburnham;*  
*Land District — Molong;*  
*Shire — Cabonne*

9.417 hectares of reserved Crown land fronting the Lachlan River at Gooloogong. The parcel consists of Lot 142 DP 750175, being expired Special Lease 76466 for Dairying. The land contains minor native pasture and arable footslope terrain. A private Treaty Sale Application has initiated this assessment.

Reference: OE83H674.

**APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

**SCHEDULE**

|                      |                   |                       |
|----------------------|-------------------|-----------------------|
| COLUMN 1             | COLUMN 2          | COLUMN 3              |
| Dennis Michael       | Gooloogong Public | Reserve No. 95500     |
| Dowd                 | Recreation and    | Public Purpose:       |
| (re-appointment)     | Racecourse Trust  | Racecourse            |
| William Thomas       |                   | Public Recreation     |
| Haydon               |                   | Notified: 3 July 1981 |
| (re-appointment)     |                   | File Reference:       |
| Gary Francis McGrath |                   | OE80R188/3            |
| (re-appointment)     |                   |                       |

For a term commencing this day and expiring 18 March 2009.

**TAMWORTH OFFICE**  
**25-27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340**  
**Phone: (02) 6764 5100 Fax: (02) 6766 3805**

**APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.I.C.,  
 Minister Assisting the Minister  
 for Natural Resources (Lands).

—————  
 SCHEDULE

| Column 1   | Column 2  | Column 3   |
|--|---|--|
| Garnet Roy<br>MEISSNER<br>(New Member),<br>Edward Mark<br>LEYDEN<br>(Re-appointment)<br>Bruce William<br>NORTHEY<br>(Re-appointment) | Manilla Public<br>Recreation<br>Reserve Trust<br>(Brady Park) | Reserve No. 76443<br>Purpose: Public Recreation<br>Notified: 11th December 1953<br>Locality: Manilla<br>File No: TH80R29 |

For a term commencing this day and expiring on 5<sup>th</sup> November, 2008.



**SYDNEY METROPOLITAN OFFICE**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935), Parramatta, NSW 2124**  
**Phone: (02) 9895 7657 Fax: (02) 9895 6227**

**ERRATUM**

IN the Government Gazette of 13 February 2004, Folio 677, under the heading of "Notification of Vesting of Lands under the Crown Lands Act 1989", the vesting of Lot 1496 in DP 752011 in Randwick City Council and revocation of R82568 for Senior Citizen's Centre is hereby cancelled.

MN98R37

TONY KELLY, MLC.,  
Minister Assisting the Minister for Natural  
Resources (Lands).

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**TAREE OFFICE**

**102-112 Victoria Street (PO Box 440), Taree, NSW 2430**  
**Phone: (02) 6552 2788 Fax: (02) 6552 2816**

**DRAFT ASSESSMENT OF LAND UNDER PART 3 OF  
THE CROWN LANDS ACT 1989 AND CROWN  
LANDS REGULATION 2000**

THE Minister Assisting the Minister for Natural Resources (Lands) has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Department of Lands, 98 Victoria Street, Taree and at the Offices of Greater Taree City Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 19<sup>th</sup> March 2004 to 19<sup>th</sup> April 2004 and should be sent to the Manager, Mid North Coast, Department of Lands, P.O. Box 440, Taree, 2430. Telephone enquiries should be directed to the Taree office on 02 6552 2788.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

Description: 0.6 hectares being a 20 metre wide strip of part of the bed of the south channel of the Manning River fronting freehold land, being Lot 36 DP 627592, at the western end of Cabbage Tree Island, Parish of Oxley, County of Macquarie.

Reason: To determine appropriate future land use and management options of the Crown land, including consideration of application for combination domestic timber jetty/slipway and wet area fronting freehold land.

Contact Officer: Mr Bob Birse

(File No. TE03H187)



**WAGGA WAGGA REGIONAL OFFICE**  
**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650**  
**Phone: (02) 6937 2709 Fax: (02) 6921 1851**

**ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

*Parish — Gerogery;*  
*County — Goulburn;*  
*Land District — Albury;*  
*Shire — Hume*

**SCHEDULE 1**

Crown Public Road 20.117 metres wide and described as the road separating Lot 9 DP 10665 and Lot 22 DP 1049166 from Lot 11 DP 10665.

**SCHEDULE 2**

Roads Authority: Hume Shire Council.

File No: WA04H46.

**NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

**Description**

*Parish — Adelong;*  
*County — Wynyard;*  
*Land District — Tumut;*  
*Shire — Tumut*

Road Closed: Lot 50 in DP 1063419 at Adelong.

File No: WA00H227.

Note: On closing, the land within Lot 50 in DP 1063419 remains vested in the State of New South Wales as Crown land.

**ERRATUM**

IN the Government Gazette dated 27th February 2004, (Folio 942) under the heading "RESERVATION OF CROWN LAND". Please amend the notification by deleting "1.315 hectares" and replacing it with "1.19 hectares". WA03R21

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

**SCHEDULE**

| COLUMN 1   | COLUMN 2   |
|--|--|
| Urana Shire Council Crown Reserves Reserve Trust | Reserve No. 84110<br>Public Purpose: Water Supply<br>Notified: 14 December 1962<br>File Reference: WA03R17 |

**DISSOLUTION OF RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

**SCHEDULE**

| COLUMN 1                        | COLUMN 2  |
|---------------------------------|---|
| Frampton (220054) Reserve Trust | Reserve No. 220054<br>Public Purpose:<br>Environmental Protection<br>Access<br>Notified: 20 August 1993<br>File Reference: WA99R1 |

**SCHEDULE**

| COLUMN 1   | COLUMN 2   |
|--|--|
| Jindalee Landcare Group Crown Reserves Reserve Trust | Reserve No. 1002212<br>Public Purpose:<br>Environmental Protection<br>Notified: 11 December 1998<br>File Reference: WA99R1 |

**ESTABLISHMENT OF RESERVE TRUST**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

SCHEDULE

| COLUMN 1   | COLUMN 2  |
|--|---|
| Cootamundra Landcare Network<br>Crown Reserves Trust | Reserve No. 1002212<br>Public Purpose:<br>Environmental Protection<br>Notified: 11 December 1998<br>Reserve No. 220054<br>Public Purpose:<br>Environmental Protection<br>Access<br>Notified: 20 August 1993<br>File Reference: WA99R1 |

**APPOINTMENT OF CORPORATION TO  
MANAGE RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

SCHEDULE

| COLUMN 1  | COLUMN 2   | COLUMN 3  |
|---|--|---|
| Cootamundra<br>Landcare Network<br>Incorporated | Cootamundra<br>Landcare Network<br>Crown Reserves<br>Trust | Reserve No. 1002212<br>Public Purpose:<br>Environmental Protection<br>Notified: 11 December 1998<br>Reserve No. 220054<br>Public Purpose:<br>Environmental Protection<br>Access<br>Notified: 20 August 1993<br>File Reference: WA99R1 |

For a term commencing this day.

## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T04-0040)

No. 2302, MICHAEL JOHN KEEGAN, area of 13 units, for Group 2 and Group 3, dated 8 March, 2004. (Armidale Mining Division).

(T04-0041)

No. 2303, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 37 units, for Group 1, dated 8 March, 2004. (Armidale Mining Division).

(T04-0042)

No. 2304, HARVEST EXPLORATION PTY LTD (ACN 003 069 501), area of 73 units, for Group 1, dated 8 March, 2004. (Sydney Mining Division).

(T04-0043)

No. 2305, Pioneer Nickel Limited (ACN 103 423 981), area of 98 units, for Group 1, dated 10 March, 2004. (Sydney Mining Division).

(T04-0044)

No. 2306, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 12 units, for Group 1, dated 11 March, 2004. (Orange Mining Division).

(T04-0045)

No. 2307, MATILDA RESOURCES PTY LTD (ACN 106 708 838), area of 99 units, for Group 1, dated 11 March, 2004. (Broken Hill Mining Division).

(T04-0046)

No. 2308, GERALD SYLVESTER BYRNES, area of 1 unit, for Group 2, dated 12 March, 2004. (Broken Hill Mining Division).

(T04-0047)

No. 2309, PIONEER NICKEL LIMITED (ACN 103 423 981), area of 58 units, for Group 1, dated 12 March, 2004. (Sydney Mining Division).

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following application for renewal has been received:

(C90-0237)

Authorisation No. 424, DEPARTMENT OF MINERAL RESOURCES, area of 173 square kilometres. Application for renewal received 10 March, 2004.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T87-0330)

Exploration Licence No. 2984, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Bathurst, Map Sheet (8731), area of 16 units, for a further term until 10 January, 2006. Renewal effective on and from 26 February, 2004.

(T90-0618)

Exploration Licence No. 4155, RIO TINTO EXPLORATION PTY LIMITED (ACN 000 057 125), County of Ashburnham, Map Sheet (8631), area of 23 units, for a further term until 15 December, 2005. Renewal effective on and from 8 March, 2004.

(T93-1013)

Exploration Licence No. 4632, ANGLOGOLD AUSTRALIA LIMITED (ACN 008 737 424) and TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Yancowinna, Map Sheet (7133, 7233, 7234), area of 70 units, for a further term until 20 December, 2005. Renewal effective on and from 1 March, 2004.

(T97-1003)

Exploration Licence No. 5420, ILUKA MIDWEST LIMITED (ACN 008 763 666), County of Taila, Map Sheet (7428, 7429), area of 129 units, for a further term until 7 January, 2006. Renewal effective on and from 1 March, 2004.

(T97-1022)

Exploration Licence No. 5421, ILUKA MIDWEST LIMITED (ACN 008 763 666), Counties of Caira and Taila, Map Sheet (7529), area of 124 units, for a further term until 7 January, 2006. Renewal effective on and from 1 March, 2004.

(T98-1028)

Exploration Licence No. 5664, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), County of Taila, Map Sheet (7429, 7529), area of 40 units, for a further term until 4 January, 2006. Renewal effective on and from 1 March, 2004.

(T98-1029)

Exploration Licence No. 5665, PEREGRINE MINERAL SANDS N.L. (ACN 009 307 591), Counties of Kilfera and Manara, Map Sheet (7530, 7531), area of 40 units, for a further term until 4 January, 2006. Renewal effective on and from 1 March, 2004.

(T99-0144)

Exploration Licence No. 5675, ALKANE EXPLORATION LTD (ACN 000 689 216), Counties of Ashburnham, Kennedy and Narromine, Map Sheet (8531, 8532), area of 87 units, for a further term until 16 January, 2006. Renewal effective on and from 11 March, 2004.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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## Roads and Traffic Authority

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**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at Tyndale and Maclean in the Clarence Valley Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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SCHEDULE

All those pieces or parcels of land situated in the Clarence Valley Council area, Parishes of Tyndale and Taloumbi and County of Clarence, shown as:

Lots 18, 20, 21, 22, 25, 27 and 28 Deposited Plan 805843;

Lot 15 Deposited Plan 112731; and

Lots 49, 52 and 54 Deposited Plan 230180.

(RTA Papers: FPP 10/274.1258)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at Boggabri in the Narrabri Shire Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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SCHEDULE

All those pieces or parcels of land situated in the Narrabri Shire Council area, Parishes of Boggabri and Gulligal, County of Pottinger, shown as:

Lots 9 to 14 inclusive Deposited Plan 771680; and

Lots 7 to 10 inclusive Deposited Plan 771681.

(RTA Papers: 319.143)

**ROADS ACT 1993****LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of compulsory acquisition of land at Liverpool in the Liverpool City Council area

The Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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SCHEDULE

All those pieces or parcels of land situated in the Liverpool City Council area, Parish of St Luke and County of Cumberland, shown as:

Lot 3 Deposited Plan 1050030, being part of the land in Certificate of Title 736/533701; and

Lot 16 Deposited Plan 1050036, being part of the land in Certificate of Title A/26897.

The land is said to be in the possession of Liverpool City Council.

(RTA Papers FPP 4M240; RO 259.12387 & 259.12386)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road  
at Kincumber in the Gosford City Council area

THE Roads and Traffic Authority of New South Wales,  
by its delegate, dedicates the land described in the  
schedule below as public road under section 10 of the  
Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

---

**SCHEDULE**

All those pieces or parcels of land situated in the Gosford  
City Council area, Parish of Kincumber, County of  
Northumberland, shown as:

Lot 11 Deposited Plan 1053127; and

Lot 12 Deposited Plan 1045816.

(RTA Papers: 184.1268)

## ROADS ACT 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Wakool Shire Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

CRAIG MOFFITT,  
General Manager  
Wakool Shire Council  
(by delegation from the Minister for Roads)

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### Schedule

**1. Citation**

This Notice may be cited as th Wakool Shire Council B-Doubles Notice No 1, 2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31<sup>st</sup> December 2009 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

**B-Double routes within the Wakool Shire Council.**

| Type | Road No | Road Name   | Starting Point | Finishing Point | Conditions |
|------|---------|-------------|----------------|-----------------|------------|
| 25   | 000     | Impimi Road | Sturt Highway  | End             | -          |
|      |         |             |                |                 |            |
|      |         |             |                |                 |            |

## ROADS ACT 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Culcairn Shire Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

STEVEN PINNUCK,  
General Manager  
Culcairn Shire Council  
(by delegation from the Minister for Roads)

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### Schedule

**1. Citation**

This Notice may be cited as the Culcairn Shire Council B-Doubles Notice No 1, 2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2005 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

**B-Double routes within the Culcairn Shire Council.**

| Type | Road No | Road Name                   | Starting Point | Finishing Point | Conditions                               |
|------|---------|-----------------------------|----------------|-----------------|--|
| 25   | 000     | Federal Street,<br>Culcairn | Balfour Street | King Street     | Ingress/Egress<br>forward motion<br>only |

## ROADS ACT 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Culcairn Shire Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which 4.6 m high vehicles may be used subject to any requirements or conditions set out in the Schedule.

STEVEN PINNUCK,  
General Manager  
Culcairn Shire Council  
(by delegation from the Minister for Roads)

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### Schedule

**1. Citation**

This Notice may be cited as the Culcairn Shire Council 4.6 metre High Vehicle Notice No 1, 2004.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2005 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to 4.6 metre high vehicles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

**4.6 metre High Vehicle routes within the Culcairn Shire Council.**

| Type | Road No | Road Name              | Starting Point  | Finishing Point                 | Conditions |
|------|---------|------------------------|-----------------|---------------------------------|------------|
| 4.6m | 000     | Henty-Cookardinia Road | Olympic Highway | Henty Machinery Field Days site |            |



## ROADS ACT 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Wollongong City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ROD OXLEY,  
General Manager  
Wollongong City Council  
(by delegation from the Minister for Roads)

### Schedule

#### 1. Citation

This Notice may be cited as the Wollongong City Council B-Double Notice No 1/2004.

#### 2. Commencement

This Notice takes effect from the date of gazettal.

#### 3. Effect

This Notice remains in force until 31 December 2009 unless it is amended or repealed earlier.

#### 4. Application

4.1 This Notice applies to B-Doubles that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

#### 5. Routes

##### B-Double routes within the City of Wollongong

| Type | Rd No | Road Name                | Starting point  | Finishing point                       | Conditions  |
|------|-------|--------------------------|-----------------|---------------------------------------|---|
| 25   | 000   | Berkeley Rd, Unanderra   | Investigator Dr | Unanderra Coil Processing works (UCP) | 1. The only places of access permitted for B-Doubles on this route are the UCP works & Smorgan ARC<br>2. Eastbound exit along Berkeley Rd <b>must turn right</b> at Investigator Dr |
| 25   | 000   | Resolution Dr, Unanderra | Berkeley Rd     | Bisalloy Steel                        |   |

## ROADS ACT 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Clarence Valley Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

KEN BOYLE  
 General Manager  
 Clarence Valley Council  
 (by delegation from the Minister for Roads)

### Schedule

**1. Citation**

This Notice may be cited as the Clarence Valley Council B-Doubles Notice No 1/ 2004.

**2. Commencement**

This Notice takes effect from date of gazettal.

**3. Effect**

This Notice remains in force until 1 February 2007 unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

**B-Double routes within the Clarence Valley Council**

| Type | Road No | Road Name            | Starting point       | Finishing point | Conditions |
|------|---------|----------------------|----------------------|-----------------|------------|
| 25m  | 000     | Mulgi Drive, Grafton | Armidale Road (MR74) | Terminal End    |            |

## Other Notices

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001* has made the following Vocational Training Order in relation to the recognised trade vocation of Electrotechnology Trade.

#### CITATION

The Order is cited as the Electrotechnology Trade Order.

#### ORDER

A summary of the Order is given below.

**(a) Term of Training**

Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

**(b) Competency Outcomes**

Apprentices will be trained in and learn the relevant competencies in accordance with the packaging guidelines contained in the endorsed Electrotechnology Industry Training Package (UTE99).

**(c) Courses of Study to be undertaken**

Apprentices will undertake the following certificate from the Electrotechnology Industry Training Package (UTE99)

**Certificate IV in Electrotechnology Apparatus Servicing UTE40199**

**Certificate IV in Electrotechnology Communications UTE40302**

**Certificate IV in Electrotechnology Computer Systems UTE40499**

**Certificate IV in Electrotechnology Entertainment and Servicing UTE40602**

**Certificate IV in Electrotechnology Explosion-protections UTE40799**

**Certificate IV in Electrotechnology Instrumentation UTE40999**

**Certificate IV in Electrotechnology Radar Systems UTE41099**

**Certificate IV in Electrotechnology Refrigeration and Air Conditioning UTE41199**

**Certificate IV in Electrotechnology Systems Electrician UTE41202**

#### AVAILABILITY TO INSPECT

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001* has made the following Vocational Training Order in relation to the recognised trade vocation of Higher Engineering.

#### CITATION

The Order is cited as the Higher Engineering Trade Order.

#### ORDER

A summary of the Order is given below.

**(a) Term of Training**

Training shall be given for a nominal period of 4 years or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

**(b) Competency Outcomes**

Apprentices will be trained in and learn the relevant competencies in accordance with the packaging guidelines contained in the endorsed National Metal and Engineering Training Package (MEM98).

**(c) Courses of Study to be undertaken**

Apprentices will undertake the following certificate from the National Metal and Engineering Training Package (MEM98).

**Certificate IV in Engineering MEM40103**

#### AVAILABILITY TO INSPECT

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

### ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4)(a)

TAKE NOTICE that the company "Swedenborg Association of Australia Limited" formerly registered under the provisions of the *Corporations Act 2001* is now incorporated under the *Associations Incorporation Act 1984* as "Swedenborg Association of Australia Incorporated" effective 11 March 2004.

LINDA FULLER,  
Delegate of Commissioner

Office of Fair Trading  
11 March 2004

### APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001*, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Transport and Distribution.

#### CITATION

The order is cited as the Transport and Distribution Order.

**ORDER**

A summary of the Order is given below.

(a) Term of Training**(i) Full-time**

Training shall be given for a nominal term of 12 months for a Certificate II, 24 months for a Certificate III and 36 months for a Certificate IV or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

**(ii) Part-time**

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

**School based traineeships**

In the case of school-based part-time traineeships, where the nominal full-time term is twelve (12) months, training shall be for nominal terms up to 30 months within which period(s) trainees shall be required to demonstrate competencies relevant to the Vocational Training Order. Training may extend to 36 months where the Higher School Certificate is being delivered over a three (3) year period.

Students may work full-time during school vacations. They are not required to attend on-the-job or off-the-job training for more than 7.6 hours per week during examination periods or exam preparation periods.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

| Full-time Traineeship Term | 6 mths                         | 12 mths | 18 mths | 24 mths       | 30 mths | 36 mths | 48 mths |
|----------------------------|--------------------------------|---------|---------|---------------|---------|---------|---------|
| Weekly Hours               | Nominal Term Required (Months) |         |         |               |         |         |         |
| 15                         | 15                             | 30      | 45      | Not Allowable |         |         |         |
| 16                         | 15                             | 29      | 44      |               |         |         |         |
| 17                         | 14                             | 28      | 42      |               |         |         |         |
| 18                         | 14                             | 27      | 41      |               |         |         |         |
| 19                         | 13                             | 26      | 39      |               |         |         |         |
| 20                         | 13                             | 25      | 38      |               |         |         |         |
| 21                         | 12                             | 24      | 36      | 48            |         |         |         |
| 22                         | 12                             | 23      | 35      | 46            |         |         |         |
| 23                         | 11                             | 22      | 33      | 44            | 55      |         |         |
| 24                         | 11                             | 21      | 32      | 42            | 53      |         |         |
| 25                         | 10                             | 20      | 30      | 40            | 50      | 60      |         |
| 26                         | 10                             | 19      | 29      | 38            | 48      | 57      |         |
| 27                         | 9                              | 18      | 27      | 36            | 45      | 54      | 72      |
| 28                         | 9                              | 17      | 26      | 34            | 43      | 51      | 68      |
| 29                         | 8                              | 16      | 24      | 32            | 40      | 48      | 64      |
| 30                         | 8                              | 15      | 23      | 30            | 38      | 45      | 60      |
| 31                         | Not Allowable                  |         | 22      | 28            | 35      | 42      | 56      |
| 32                         | Not Allowable                  |         | 20      | 26            | 33      | 39      | 52      |

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Transport and Distribution Industry Competency Standards.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II Transport and Distribution (Warehousing & Storage) TDT20102**
- Certificate III Transport and Distribution (Warehousing & Storage) TDT30102**
- Certificate IV Transport and Distribution (Warehousing & Storage) TDT40102**
- Certificate II Transport and Distribution (Road Transport) TDT20202**
- Certificate III Transport and Distribution (Road Transport) TDT30202**
- Certificate IV Transport and Distribution (Road Transport) TDT40202**
- Certificate III Transport and Distribution (Cash in Transit) TDT30802**
- Certificate III Transport and Distribution (Mobile Crane Operation) TDT30902**
- Certificate IV Transport and Distribution (Mobile Crane Operation) TDT40902**
- Certificate II Transport and Distribution (Stevedoring) TDT20302**
- Certificate III Transport and Distribution (Stevedoring) TDT30302**
- Certificate IV Transport and Distribution (Stevedoring) TDT40302**
- Certificate II Transport and Distribution (Rail Infrastructure) TDT20702**
- Certificate III Transport and Distribution (Rail Infrastructure) TDT30702**
- Certificate IV Transport and Distribution (Rail Infrastructure) TDT40702**
- Certificate II Transport and Distribution (Rail Operations) TDT20402**
- Certificate III Transport and Distribution (Rail Operations) TDT30402**
- Certificate IV Transport and Distribution (Rail Operations) TDT40402**
- Certificate II Transport and Distribution (Administration) TDT21102**
- Certificate III Transport and Distribution (Administration) TDT31102**
- Certificate IV Transport and Distribution (Administration) TDT41102**
- Diploma of Logistics Management TDT51002**
- Certificate II Transport and Distribution (Maritime Operations) TDM20101**
- Certificate III Transport and Distribution (Maritime Operations) TDM30101**
- Certificate IV Transport and Distribution (Maritime Operations) TDM40101**
- Certificate II Transport and Distribution (Marine Engine Driving) TDM20201**
- Certificate III Transport and Distribution (Marine Engine Driving) TDM30201**

**Certificate IV Transport and Distribution (Marine Engineering) TDM40201**  
**Certificate II in Transport and Distribution (Aviation Flight Operations) TDA20203**  
**Certificate II in Transport and Distribution (Aviation Ground Operations and Services) TDA20403**  
**Certificate III in Transport and Distribution (Aviation Flight Operations) TDA30203**  
**Certificate III in Transport and Distribution (Aviation Ground Operations and Services) TDA30403**  
**Certificate IV in Transport and Distribution (Aviation Flight Operations) TDA40203**  
**Certificate IV in Transport and Distribution (Aviation Ground Operations and Services) TDA40403**

#### AVAILABILITY FOR INSPECTION

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

The package of units must comprise:

#### ASSOCIATIONS INCORPORATION ACT 1984

Transfer of Incorporation Pursuant to Section 48 (4)(a)  
 TAKE NOTICE that the company "Swedenborg Association of Australia Limited" formerly registered under the provisions of the *Corporations Act 2001* is now incorporated under the *Associations Incorporation Act 1984* as "Swedenborg Association of Australia Incorporated" effective 11 March 2004.

LINDA FULLER,  
 Delegate of Commissioner

Office of Fair Trading  
 11 March 2004

#### ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to sections 55A and 55B

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the *Associations Incorporation Act, 1984*.

Cancellation is effective as at the date of gazettal.

Central Coast Seniors' Computer Network Incorporated  
 Cessnock Meals on Wheels Service Incorporated  
 Girls Accommodation Unit Incorporated  
 Queanbeyan Bushrangers Flyball Club Incorporated  
 Upper Barbingal Creek Landcare Group Incorporated  
 Upper Hunter Orchid Society Incorporated

COLIN CROSSLAND,  
 General Manager

Registry of Co-operatives & Associations

Office of Fair Trading  
 Department of Commerce  
 12 March 2004

#### BANKS AND BANK HOLIDAYS ACT 1912

##### PROCLAMATION

(L.S.) Marie Bashir, Governor.

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Tuesday, 28 December 2004, to be observed as a public holiday throughout New South Wales.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
 Minister for Industrial Relations.

GOD SAVE THE QUEEN !

#### BANKS AND BANK HOLIDAYS ACT 1912

##### PROCLAMATION

(L.S.) Marie Bashir, Governor.

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 3 January 2005, to be observed as a public holiday throughout New South Wales.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
 Minister for Industrial Relations.

GOD SAVE THE QUEEN !

#### BANKS AND BANK HOLIDAYS ACT 1912

##### PROCLAMATION

(L.S.) Marie Bashir, Governor.

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Saturday, 26 March 2005, to be observed as a public holiday throughout New South Wales for the purpose of Easter Saturday.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
 Minister for Industrial Relations.

GOD SAVE THE QUEEN !



**BANKS AND BANK HOLIDAYS ACT 1912**

## PROCLAMATION

(L.S.) Marie Bashir, Governor.

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 13 June 2005, to be observed as a public holiday throughout New South Wales for the purpose of celebrating the Anniversary of the Birthday of Her Majesty the Queen.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations.

GOD SAVE THE QUEEN !

**BANKS AND BANK HOLIDAYS ACT 1912**

## PROCLAMATION

(L.S.) Marie Bashir, Governor.

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 3 October 2005, to be observed as a public holiday throughout New South Wales for the purpose of Labour Day.

Signed and sealed at Sydney, this 17th day of March 2004.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations.

GOD SAVE THE QUEEN !

**CONTAMINATED LAND MANAGEMENT ACT 1997**

Environment Protection Authority  
Declaration of Remediation Site

Section 21 of the Contaminated Land Management Act 1997

Declaration Number 21051

THE Environment Protection Authority declares the following land to be a remediation site under the *Contaminated Land Management Act 1997* ("the Act"):

**1. Land to which this declaration applies ("the site"):**

Lot 1 in Deposited Plan 515727, which is the service station site at 2 General Holmes Drive, part of Cook Park (Crown Plan #8085-3000 Southern Reserve gazetted on 30 March

1886, Northern Reserve gazetted on 25 September 1931) opposite the Shell service station site and a portion of General Holmes Drive located between the service station and Cook Park, in Brighton Le Sands and all in the local government area of Rockdale.

A map showing the site has been prepared and is available for inspection at the offices of the Department of Environment and Conservation at 59-61 Goulburn Street, Sydney.

**2. Nature of the substance causing the contamination:**

Total petroleum hydrocarbons (TPH) in the fractions C<sub>6</sub>-C<sub>9</sub>, (including benzene, toluene, ethylbenzene and xylene) and C<sub>10</sub>-C<sub>36</sub>.

**3. Nature of harm that the substance may cause:**

The EPA has considered the matters in section 9 of the Act and found that the site is contaminated with the contaminants listed above in such a way as to present a significant risk of harm to human health and the environment.

In particular, the EPA has found that:

1. there is significant petroleum hydrocarbon contamination of groundwater, including separate phase petroleum hydrocarbon, and of soils onsite;
2. groundwater contaminated with dissolved phase petroleum hydrocarbon has migrated offsite towards Brighton Beach. In particular benzene has been detected in high concentrations underneath Cook Park.

Potential health risks exist for people who access contaminated soil and groundwater at the site (for example by carrying out work on service trenches).

There is also a risk that contaminated groundwater will discharge to Botany Bay with contaminants at concentrations that may impact on aquatic and benthic ecosystems.

**4. Further action under the Act**

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of section 26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

**5. Submissions invited**

The EPA advises that the public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site or
- Any other matter concerning the site.

The EPA will consider all submissions regarding soil and groundwater contamination associated with this site.

Submissions should be made in writing to:

Director Contaminated Sites  
Department of Environment and Conservation  
PO Box A290  
SYDNEY SOUTH NSW 1232

or faxed to:  
02 9995 5930

by not later than  
**4 weeks from the date of this notice.**

CAROLYN STRANGE,  
Director Contaminated Sites

Department of Environment and Conservation

Date: 19 March 2004.

#### NOTE:

##### Remediation order may follow

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

##### Variation/Revocation

This declaration remains in force until it is otherwise varied or revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

##### Information recorded by the EPA

S.58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

##### Information recorded by councils

S.59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently an area covered by a declaration issued under the Act. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is removed.

##### The EPA is part of the Department of Environment and Conservation NSW

#### DISTRICT COURT OF NEW SOUTH WALES

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Lismore 10.00 a.m. 26th July 2004 (2 weeks)  
In lieu of 16th August 2004  
(2 weeks)

Dated this 8th day of March 2004.

R. O. BLANCH,  
Chief Judge

#### DISTRICT COURT OF NEW SOUTH WALES

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Bourke 10:00am 24th May 2004 (2 week)  
In lieu of 17th May 2004  
(3 weeks)

Dated this 8th day of March 2004.

R. O. BLANCH,  
Chief Judge

#### GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder:

|                       |                                      |
|-----------------------|--------------------------------------|
| <i>Assigned Name:</i> | <i>Royal Hospital for Women Park</i> |
| Designation:          | Reserve                              |
| L.G.A.:               | Woollahra Municipal Council          |
| Parish:               | Alexandria                           |
| County:               | Cumberland                           |
| L.P.I. Map:           | Botany Bay                           |
| 1:100,000 Map:        | Sydney 9130                          |
| Reference:            | GNB 4979                             |

|                       |                              |
|-----------------------|------------------------------|
| <i>Assigned Name:</i> | <i>Edna Seehusen Reserve</i> |
| Designation:          | Reserve                      |
| L.G.A.:               | Hornsby Shire Council        |
| Parish:               | South Colah                  |
| County:               | Cumberland                   |
| L.P.I. Map:           | Hornsby                      |
| 1:100,000 Map:        | Sydney 9130                  |
| Reference:            | GNB 4974                     |

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

WARWICK WATKINS,  
Chairperson.

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

#### GEOGRAPHICAL NAMES ACT 1966

Notice of Assignment of Geographical Names

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the name "Fairmile Cove" to an area between Mortlake Point and Breakfast Point adjacent to City of Canada Bay Local Government Area.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

WARWICK WATKINS,  
Chairperson.

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

## HOUSING ACT 1976

Dedication of Land as a Public Reserve

### ERRATUM

THE Notification of Dedication appearing in the Government Gazette of 23 August 1996, Folios 4934 and 4935, under the above heading is amended as follows:

#### SCHEDULE

by the deletion of the words and figures “and 2177” in the second-last paragraph which begins “The land shown as Lots 2171, 2174 and 2177 in Deposited Plan No. 776426, as Public Reserve at Erskine Park .....”.

Dated at Sydney this 9th day of March 2004.

(Ref: LE/661).

CARL SCULLY, M.P.,  
Minister for Housing and Minister for Roads

## INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement

Bonnyrigg

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council that the interests in land described in Schedule 1 and Schedule 2 of this notice affecting the land described in Schedule 3 of this notice are acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, for the purposes of the *Electricity Supply Act 1995*.

Dated at Huntingwood this 11th day of December 2003.

JOHN WALLACE,  
General Manager, Engineering Performance

Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

### SCHEDULE 1

Easement for padmount substation as set out in Memorandum No 3021852 filed at Land & Property Information NSW. For the purposes of this notice, “**lot burdened**” means Lot 259 DP 876388

### SCHEDULE 2

Easement for underground cables as set out in Memorandum No 3021851 filed at Land & Property Information NSW. For the purposes of this notice, “**lot burdened**” means Lot 259 DP 876388

### SCHEDULE 3

All that piece or parcel of land at Bonnyrigg in the City of Fairfield County of Cumberland Parish of St Luke being the sites of the proposed easement for padmount substation 2.75 wide and the proposed easement for underground cables 1 wide within Lot 259 DP 876388 shown as (E) and (F) in DP 875854.

## INTEGRAL ENERGY AUSTRALIA

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement

DaptoDapto

INTEGRAL ENERGY AUSTRALIA declares, with the approval of Her Excellency the Governor and the Executive Council, that the interest in land described in Schedule 1 of this notice affecting the land described in Schedule 2 of this notice is acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Electricity Supply Act 1995*.

Dated at Huntingwood this 20th day of February 2004.

JOHN WALLACE,  
General Manager Engineering Performance

Integral Energy Australia  
51 Huntingwood Drive  
Huntingwood NSW 2148

### SCHEDULE 1

Easement for overhead power lines as set out in Memorandum No 9262884 filed at Land & Property Information NSW. For the purposes of this notice, “**lot burdened**” means Lot 101 DP617745/Lot 101 DP617745.

### SCHEDULE 2

All that piece or parcel of land at Dapto, in the local government area of Wollongong, Parish of Kembla, and County of Camden, being the site of the proposed easement for overhead power lines 9 wide affecting that part of Lot 101 DP617745 designated (A) in DP1050988.

## MENTAL HEALTH ACT 1990

Order under section 208

I, Robyn Kruk, Director-General of the NSW Department of Health, in pursuance of the provisions of section 208 of the Mental Health Act 1990, DO HEREBY declare the Hall Ward of The Royal Alexandra Hospital for Children to be a hospital for the purposes of the Mental Health Act 1990.

Signed this 12th day of March 2004.

ROBYN KRUK,  
Director-General



## PASSENGER TRANSPORT ACT 1990

Guidelines relating to Drug & Alcohol Programs for Bus Operators pursuant to Section 9c(1)(A) of The Passenger Transport Act 1990

### 1.0 INTRODUCTION

Individual employees are under an obligation to take reasonable care for the health, safety and welfare of others and to cooperate with employers in their efforts to comply with the requirements of the Passenger Transport Act 1990 and the relevant occupational health and safety requirements.

Operators are responsible for ensuring that risks to health and safety in the workplace are identified and assessed, then eliminated or controlled. These risks include those posed by the use of alcohol or other drugs.

The Guidelines promote a consistent approach across the bus sector to managing the risks posed by drug and alcohol use.

The Guidelines set out the principles governing operator policies and the approaches needed to manage this potential problem. The Guidelines state the context in which drug & alcohol testing will take place but do not prescribe the basis of that testing or how it is to be administered.

The systems an operator needs to implement the Guidelines should correlate to its size and resources.

### 2.0 SCOPE

2.1 The Guidelines shall have force subject to section 9C of the Passenger Transport Act 1990 ('the Act').

### 3.0 APPLICATION

3.1 The Guidelines shall apply to all accredited bus operators providing public passenger services under the Act and whose transport safety employees are engaged in transport safety work.

3.2 The terms used in the Guidelines have the same meaning as they have in the Act and any regulation made thereunder. The term Director-General refers to the Director-General of the Ministry of Transport.

### 4.0 ELEMENTS OF A DRUG AND ALCOHOL PROGRAM

4.1 Operators, members of the public and transport safety employees need to have confidence that the safety hazards posed by alcohol and other drugs are being monitored and controlled in an ongoing and rigorous fashion.

4.2 The systems used to implement an operator's drug and alcohol program must embody risk management principles and may take account of the principles contained in:

- AS/NZS4804: 2001, Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques, as amended from time to time,
- AS/NZS4801: 2001, Occupational health and safety management systems – Specification with guidance for use, as amended from time to time,

- AS/NZS4360: 1999, the Australian Risk Management Standard, as amended from time to time,
- Another equivalent Standard, as amended from time to time.

4.3 Programs developed by operators to manage alcohol and other drugs are to be based on the following principles:

- (a) Alcohol and other drug problems are to be dealt with as health problems, with an emphasis on education and rehabilitation in so far as it is consistent with the requirements of safety,
- (b) Transport safety employees and their representatives are to be consulted at all stages of program development and implementation,
- (c) Operators must inform all transport safety employees of their responsibilities in relation to the consumption or use of alcohol or other drugs which may adversely affect work performance or conduct,
- (d) Operators must provide practical guidelines and training to managers and supervisors for dealing with transport safety employees whose work performance or conduct is adversely affected by alcohol or other drugs, including the application of disciplinary sanctions,
- (e) Transport safety employees and their representatives must comply with all employer directives applicable to alcohol and other drugs in the workplace and cooperate fully with employers to prevent incidents arising from the consumption or use of alcohol or other drugs,
- (f) Transport safety employees who attend treatment or rehabilitation may have access to accrued annual leave, sick leave or leave without pay,
- (g) Personal information received from transport safety employees during counselling treatment or rehabilitation is to be treated in strict confidence,
- (h) Policies and programs developed by operators should be tailored to address their operational circumstances. The level of detail in a policy and program will reflect the size of the employer's operations, the extent of the risk and any applicable statutory requirement.

### 5.0 OPERATOR PROGRAMS

5.1 Operators must take the following matters into account when preparing and implementing an alcohol and other drug program:

- (a) Taking measures to achieve a workplace culture that supports fitness for work,
- (b) Reducing the effects in the workplace of the consumption or use of alcohol and other drugs including risks to safety and absenteeism,
- (c) Informing transport safety employees of the potential work related problems that may arise from the consumption or use of alcohol and other drugs and of their responsibilities in relation to safety, conduct and performance,
- (d) Establishing a system to maintain the confidentiality of all information communicated to them concerning alcohol and other drug related problems,

- (e) Providing information to transport safety employees about referral to counselling, treatment and rehabilitation services where this is appropriate.

## 6.0 RESPONSIBILITIES TO BE REQUIRED OF TRANSPORT SAFETY EMPLOYEES BY OPERATORS

6.1 The training and assessment component of an operator's program shall involve the operator making transport safety employees aware of their responsibility for:

- (a) Ensuring that they do not, by the consumption of alcohol and other drugs, endanger their own safety or the safety of any other person in the workplace or a member of the public,
- (b) Attending and resuming work not under the influence of alcohol or other drugs,
- (c) Notifying their manager or supervisor if they are aware that their work performance or conduct could be adversely affected or if there is a risk to the safety of themselves or other persons as a result of a prescribed or non-prescribed drug,
- (d) Consulting with their manager, supervisor, union or occupational health and safety representative if they are concerned about other transport safety employees because of a perceived safety risk,
- (e) Following the operator's directives and rules applicable to alcohol and other drugs in the workplace and also in respect of rehabilitation programs endorsed by the operator.

## 7.0 ELEMENTS OF AN ALCOHOL AND OTHER DRUG PROGRAM

As a minimum, the program shall consist of the following elements:

### An alcohol and other drug policy

7.1 A policy that outlines the operator's aims in relation to alcohol and other drug use with the objectives linked to the reduction of hazards and risks associated with alcohol and other drug use. The policy may also detail the 'supporting measures' including strategies and action plans to meet the objectives.

### 'Supporting measures'

7.2 The 'supporting measures' for an alcohol and other drugs program shall include information and procedures on the:

- (a) Measures to reduce alcohol and other drug related problems in the workplace through proper personnel management, good employment practices, improved working conditions and the proper arrangement of work,
- (b) Measures to prohibit or restrict the availability of alcohol and other drugs in the workplace,
- (c) Prevention of alcohol and other drug related problems in the workplace through information, education, training and other means. Guideline 6.1 contains some matters that the program should include,
- (d) Identification, assessment and referral of those who have alcohol or other drug related problems,

- (e) Measures relating to intervention and the treatment and rehabilitation of individuals with alcohol or other drug related problems,
- (f) Rules governing conduct in the workplace relating to alcohol and other drugs, the violation of which could result in the invoking of disciplinary and or criminal proceedings.

### Alcohol and other drug testing

7.3 An operator shall satisfy itself that it has adequate arrangements in place for the testing of the transport safety employees under its control.

7.4 The pro-active management of risk may involve the targeted or random testing of transport safety employees. Whenever targeted or random testing is implemented, the operator's program shall require that:

- (a) Targeted testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or other drugs,
- (b) Random testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or other drugs. Measures to achieve this end may include,
  - (i) The conduct of random tests on a pre and post sign-on basis for all persons engaged in transport safety work without the giving of prior notification for such testing,
  - (ii) The conduct of random tests according to the provisions of the Passenger Transport (Drug and Alcohol Testing) Regulation 2004 or the provisions of a registered industrial agreement,
  - (iii) Administering of random urine tests according to AS/NZS4308:2001: Procedures for the collection, detection and quantitation of drugs of abuse in urine. The Australian Standard sets out the procedures for the sample collection and detection and quantitation of drugs of abuse in human urine. The method may be used for workplace detection of any or all of the following classes of drugs: opiates, sympathomimetic amines, cannabis metabolites, cocaine metabolites or benzodiazepines,
- (c) Periodic assessments by an operator of the effectiveness of its drug and alcohol testing according to accepted risk management principles.

### Disciplinary action, fair procedures, education and assistance

7.5 An alcohol and other drug program must clearly set out the:

- (a) Sanctions applicable in the event of breaches of its requirements. This would include sanctions consequent upon a first breach of the program or where a transport safety employee refuses or fails to fully comply with the terms of a rehabilitation program agreed with the operator,

- (b) Rules governing the application of the sanctions, including grievance resolution and appeal mechanisms,
- (c) Protocols for fair procedures agreed with transport safety employees and their representatives,
- (d) Education and assistance available to a transport safety employee who self identifies as someone whose consumption of alcohol or other drugs could impair his or her ability to safely undertake transport safety work,
- (e) Protocols for fair procedures, education and assistance available to a transport safety employee who tests positive for the presence of a drug where:
  - (i) The drug has been prescribed by a medical practitioner for the person or purchased by the person in respect of an identified medical condition, and
  - (ii) The person has taken the medication according to the instructions of the medical practitioner or the instructions given on the label of the medication, and
  - (iii) The person taking the medication gave full and timely warning to his or her supervisor of this, and
  - (iv) The person was rostered for duty when testing took place.

## 8.0 PERFORMANCE MILESTONES

- 8.1 Where full and immediate compliance with the duty imposed by these Guidelines is impossible because of real resource constraints, an accredited operator may nominate performance milestones it must achieve over time and request the accrediting body's endorsement of such an arrangement. The operator is taken to have complied with the duty imposed by these Guidelines if it complies with the endorsed performance milestones.

## 9.0 SOURCES OF INFORMATION ON DRUG AND ALCOHOL MANAGEMENT

- 9.1 There are a number of sources from which information on managing drug and alcohol related problems and risks can be obtained. These include:

### United Nations

- The International Labour Organisation offers extensive resources designed to assist governments, employers and employees in the management of workplace-related risks. Reference should be made to the 1995 Code of Practice entitled, 'Management of Alcohol and Drug Related Issues in the Workplace': [www.ilo.org](http://www.ilo.org)

### National Governments

The following publish a wide range of investigation, policy and research papers on human factor related risks like drugs and alcohol:

- Australian Transport Safety Bureau:  
[www.atsb.gov.au](http://www.atsb.gov.au)
- National Transport Commission (formerly the National Road Transport Commission):  
[www.ntc.gov.au](http://www.ntc.gov.au)

- National Transportation Safety Board of the United States:  
[www.nts.gov](http://www.nts.gov)
- National Aeronautics and Space Administration of the United States:  
[www.nasa.gov](http://www.nasa.gov)
- Transport Canada:  
[www.tc.gc.ca](http://www.tc.gc.ca)

### State Governments

- New South Wales Independent Transport Safety and Reliability Regulator:  
[www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

### Peak union organisations

- The New South Wales Labor Council publishes detailed fact sheets and policies to assist employers and employees in the workplace. These have been developed with the assistance of various NSW Government agencies.

The Labor Council *Policy on Managing Alcohol, Other Drugs and Fatigue in the Workplace for Employees covered by the Rail Safety and Passenger Transport Acts* has been endorsed by the Independent Transport Safety and Reliability Regulator as a compliant policy for the purposes of these Guidelines.

For fact sheets: [www.unionsafe.labor.net.au/safety\\_reps/](http://www.unionsafe.labor.net.au/safety_reps/)

For policies: [www.unionsafe.labor.net.au/officials/index](http://www.unionsafe.labor.net.au/officials/index)

### Peak industry associations

- New South Wales Minerals Council:  
[www.nswmin.com.au](http://www.nswmin.com.au)
- Charter Vessels Association:  
[www.chartervessels.com.au](http://www.chartervessels.com.au) Telephone (02) 9 968 1184

### Research bodies

- Centre for Sleep Research, University of South Australia:  
[www.unisa.edu.au/sleep/](http://www.unisa.edu.au/sleep/)
- Injury Risk Management Research Centre, University of New South Wales:  
[www.irmrc.unsw.edu.au](http://www.irmrc.unsw.edu.au)
- Minerals Industry Safety & Health Centre, University of Queensland:  
[www.mishc.uq.edu.au](http://www.mishc.uq.edu.au)
- Sleep Health & Respiratory Support Clinic, Royal Prince Alfred Hospital:  
[www.rpasleep.org.au](http://www.rpasleep.org.au) or [www.sleepsydney.org](http://www.sleepsydney.org)
- Karolinska Institutet in Sweden:  
[www.info.ki.se](http://www.info.ki.se)
- Institut National de Recherche et de Securite (INRS) in France:  
[www.inrs.fr](http://www.inrs.fr)
- Division of Sleep Medicine, University of Pennsylvania:  
[www.uphs.upenn.edu/sleepctr/divisionofsleep](http://www.uphs.upenn.edu/sleepctr/divisionofsleep)

- American Academy of Sleep Medicine:  
[www.aasmnet.org/](http://www.aasmnet.org/)
- Human Psychopharmacology Research Unit,  
University of Surrey, UK:  
[www.surrey.ac.uk/departments/](http://www.surrey.ac.uk/departments/)

JOHN LEE,  
Director-General  
Ministry of Transport

## PASSENGER TRANSPORT ACT 1990

Guidelines relating to Drug & Alcohol Programs for Ferry  
Operators pursuant to section 53c(2)(a) of the Passenger  
Transport Act 1990

### 1.0 INTRODUCTION

Individual employees are under an obligation to take reasonable care for the health, safety and welfare of others and to cooperate with employers in their efforts to comply with the requirements of the Passenger Transport Act 1990 and the relevant occupational health and safety requirements.

Operators are responsible for ensuring that risks to health and safety in the workplace are identified and assessed, then eliminated or controlled. These risks include those posed by the use of alcohol or other drugs.

The Guidelines promote a consistent approach across the ferry sector to managing the risks posed by drug and alcohol use.

The Guidelines set out the principles governing operator policies and the approaches needed to manage this potential problem. The Guidelines state the context in which drug & alcohol testing will take place but do not prescribe the basis of that testing or how it is to be administered.

The systems an operator needs to implement the Guidelines should correlate to its size and resources.

### 2.0 SCOPE

2.1 The Guidelines shall have force subject to section 53C of the Passenger Transport Act 1990 ('the Act').

### 3.0 APPLICATION

3.1 The Guidelines shall apply to all ferry operators providing public passenger services under the Act and whose transport safety employees are engaged in transport safety work.

3.2 The terms used in the Guidelines have the same meaning as they have in the Act and any regulation made thereunder. The term Director-General refers to the Director-General of the Ministry of Transport.

### 4.0 ELEMENTS OF A DRUG AND ALCOHOL PROGRAM

4.1 Operators, members of the public and transport safety employees need to have confidence that the safety hazards posed by alcohol and other drugs are being monitored and controlled in an ongoing and rigorous fashion.

4.2 The systems used to implement an operator's drug and alcohol program must embody risk management principles and may take account of the principles contained in:

- AS/NZS4804: 2001, Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques, as amended from time to time,
- AS/NZS4801: 2001, Occupational health and safety management systems – Specification with guidance for use, as amended from time to time,
- AS/NZS4360: 1999, the Australian Risk Management Standard, as amended from time to time,
- Another equivalent Standard, as amended from time to time.

4.3 Programs developed by operators to manage alcohol and other drugs are to be based on the following principles:

- (a) Alcohol and other drug problems are to be dealt with as health problems, with an emphasis on education and rehabilitation in so far as it is consistent with the requirements of safety,
- (b) Transport safety employees and their representatives are to be consulted at all stages of program development and implementation,
- (c) Operators must inform all transport safety employees of their responsibilities in relation to the consumption or use of alcohol or other drugs which may adversely affect work performance or conduct,
- (d) Operators must provide practical guidelines and training to managers and supervisors for dealing with transport safety employees whose work performance or conduct is adversely affected by alcohol or other drugs, including the application of disciplinary sanctions,
- (e) Transport safety employees and their representatives must comply with all employer directives applicable to alcohol and other drugs in the workplace and cooperate fully with employers to prevent incidents arising from the consumption or use of alcohol or other drugs,
- (f) Transport safety employees who attend treatment or rehabilitation may have access to accrued annual leave, sick leave or leave without pay,
- (g) Personal information received from transport safety employees during counselling treatment or rehabilitation is to be treated in strict confidence,
- (h) Policies and programs developed by operators should be tailored to address their operational circumstances. The level of detail in a policy and program will reflect the size of the employer's operations, the extent of the risk and any applicable statutory requirement.

### 5.0 OPERATOR PROGRAMS

5.1 Operators must take the following matters into account when preparing and implementing an alcohol and other drug program:

- (a) Taking measures to achieve a workplace culture that supports fitness for work,



- (b) Reducing the effects in the workplace of the consumption or use of alcohol and other drugs including risks to safety and absenteeism,
- (c) Informing transport safety employees of the potential work related problems that may arise from the consumption or use of alcohol and other drugs and of their responsibilities in relation to safety, conduct and performance,
- (d) Establishing a system to maintain the confidentiality of all information communicated to them concerning alcohol and other drug related problems,
- (e) Providing information to transport safety employees about referral to counselling, treatment and rehabilitation services where this is appropriate.

## 6.0 RESPONSIBILITIES TO BE REQUIRED OF TRANSPORT SAFETY EMPLOYEES BY OPERATORS

6.1 The training and assessment component of an operator's program shall involve the operator making transport safety employees aware of their responsibility for:

- (a) Ensuring that they do not, by the consumption of alcohol and other drugs, endanger their own safety or the safety of any other person in the workplace or a member of the public,
- (b) Attending and resuming work not under the influence of alcohol or other drugs,
- (c) Notifying their manager or supervisor if they are aware that their work performance or conduct could be adversely affected or if there is a risk to the safety of themselves or other persons as a result of a prescribed or non-prescribed drug,
- (d) Consulting with their manager, supervisor, union or occupational health and safety representative if they are concerned about other transport safety employees because of a perceived safety risk,
- (e) Following the operator's directives and rules applicable to alcohol and other drugs in the workplace and also in respect of rehabilitation programs endorsed by the operator.

## 7.0 ELEMENTS OF AN ALCOHOL AND OTHER DRUG PROGRAM

As a minimum, the program shall consist of the following elements:

### An alcohol and other drug policy

7.1 A policy that outlines the operator's aims in relation to alcohol and other drug use with the objectives linked to the reduction of hazards and risks associated with alcohol and other drug use. The policy may also detail the 'supporting measures' including strategies and action plans to meet the objectives.

### 'Supporting measures'

7.2 The 'supporting measures' for an alcohol and other drugs program shall include information and procedures on the:

- (a) Measures to reduce alcohol and other drug related problems in the workplace through proper

personnel management, good employment practices, improved working conditions and the proper arrangement of work,

- (b) Measures to prohibit or restrict the availability of alcohol and other drugs in the workplace,
- (c) Prevention of alcohol and other drug related problems in the workplace through information, education, training and other means. Guideline 6.1 contains some matters that the program should include,
- (d) Identification, assessment and referral of those who have alcohol or other drug related problems,
- (e) Measures relating to intervention and the treatment and rehabilitation of individuals with alcohol or other drug related problems,
- (f) Rules governing conduct in the workplace relating to alcohol and other drugs, the violation of which could result in the invoking of disciplinary and or criminal proceedings.

### Alcohol and other drug testing

7.3 An operator shall satisfy itself that it has adequate arrangements in place for the testing of the transport safety employees under its control.

7.4 The pro-active management of risk may involve the targeted or random testing of transport safety employees. Whenever targeted or random testing is implemented, the operator's program shall require that:

- (a) Targeted testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or other drugs,
- (b) Random testing be conducted in a manner that maximises its effectiveness as a control for the risks posed by the consumption of alcohol or other drugs. Measures to achieve this end may include,
  - (i) The conduct of random tests on a pre and post sign-on basis for all persons engaged in transport safety work without the giving of prior notification for such testing,
  - (ii) The conduct of random tests according to the provisions of the Passenger Transport (Drug and Alcohol Testing) Regulation 2004 or the provisions of a registered industrial agreement,
  - (iii) Administering of random urine tests according to AS/NZS4308:2001: Procedures for the collection, detection and quantitation of drugs of abuse in urine. The Australian Standard sets out the procedures for the sample collection and detection and quantitation of drugs of abuse in human urine. The method may be used for workplace detection of any or all of the following classes of drugs: opiates, sympathomimetic amines, cannabis metabolites, cocaine metabolites or benzodiazepines,
- (c) Periodic assessments by an operator of the effectiveness of its drug and alcohol testing according to accepted risk management principles.

### Disciplinary action, fair procedures, education and assistance

- 7.5 An alcohol and other drug program must clearly set out the:
- (a) Sanctions applicable in the event of breaches of its requirements. This would include sanctions consequent upon a first breach of the program or where a transport safety employee refuses or fails to fully comply with the terms of a rehabilitation program agreed with the operator,
  - (b) Rules governing the application of the sanctions, including grievance resolution and appeal mechanisms,
  - (c) Protocols for fair procedures agreed with transport safety employees and their representatives,
  - (d) Education and assistance available to a transport safety employee who self identifies as someone whose consumption of alcohol or other drugs could impair his or her ability to safely undertake transport safety work,
  - (e) Protocols for fair procedures, education and assistance available to a transport safety employee who tests positive for the presence of a drug where:
    - (i) The drug has been prescribed by a medical practitioner for the person or purchased by the person in respect of an identified medical condition, and
    - (ii) The person has taken the medication according to the instructions of the medical practitioner or the instructions given on the label of the medication, and
    - (iii) The person taking the medication gave full and timely warning to his or her supervisor of this, and
    - (iv) The person was rostered for duty when testing took place.

### 8.0 PERFORMANCE MILESTONES

- 8.1 Where full and immediate compliance with the duty imposed by these Guidelines is impossible because of real resource constraints, an operator may nominate performance milestones it must achieve over time and request the accrediting body's endorsement of such an arrangement. The operator is taken to have complied with the duty imposed by these Guidelines if it complies with the endorsed performance milestones.

### 9.0 SOURCES OF INFORMATION ON DRUG AND ALCOHOL MANAGEMENT

- 9.1 There are a number of sources from which information on managing drug and alcohol related problems and risks can be obtained. These include:

#### United Nations

- The International Labour Organisation offers extensive resources designed to assist governments, employers and employees in the management of workplace-related risks. Reference should be made to the 1995 Code of Practice entitled, 'Management of Alcohol and Drug Related Issues in the Workplace':  
[www.ilo.org](http://www.ilo.org)

### National Governments

The following publish a wide range of investigation, policy and research papers on human factor related risks like drugs and alcohol:

- Australian Transport Safety Bureau:  
[www.atsb.gov.au](http://www.atsb.gov.au)
- National Transport Commission (formerly the National Road Transport Commission):  
[www.ntc.gov.au](http://www.ntc.gov.au)
- National Transportation Safety Board of the United States:  
[www.nts.gov](http://www.nts.gov)
- National Aeronautics and Space Administration of the United States:  
[www.nasa.gov](http://www.nasa.gov)
- Transport Canada:  
[www.tc.gc.ca](http://www.tc.gc.ca)

### State Governments

- New South Wales Independent Transport Safety and Reliability Regulator:  
[www.transportregulator.nsw.gov.au](http://www.transportregulator.nsw.gov.au)

### Peak union organisations

- The New South Wales Labor Council publishes detailed fact sheets and policies to assist employers and employees in the workplace. These have been developed with the assistance of various NSW Government agencies.

The Labor Council *Policy on Managing Alcohol, Other Drugs and Fatigue in the Workplace for Employees covered by the Rail Safety and Passenger Transport Acts* has been endorsed by the Independent Transport Safety and Reliability Regulator as a compliant policy for the purposes of these Guidelines.

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For policies: [www.unionsafe.labor.net.au/officials/index](http://www.unionsafe.labor.net.au/officials/index)

### Peak industry associations

- New South Wales Minerals Council:  
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- Charter Vessels Association:  
[www.chartervessels.com.au](http://www.chartervessels.com.au)  
Telephone (02) 9 968 1184

### Research bodies

- Centre for Sleep Research, University of South Australia:  
[www.unisa.edu.au/sleep/](http://www.unisa.edu.au/sleep/)
- Injury Risk Management Research Centre, University of New South Wales:  
[www.irmrc.unsw.edu.au](http://www.irmrc.unsw.edu.au)
- Minerals Industry Safety & Health Centre, University of Queensland:  
[www.mishc.uq.edu.au](http://www.mishc.uq.edu.au)
- Sleep Health & Respiratory Support Clinic, Royal Prince Alfred Hospital:  
[www.rpasleep.org.au](http://www.rpasleep.org.au) or  
[www.sleepsydney.org](http://www.sleepsydney.org)

- Karolinska Institutet in Sweden:  
[www.info.ki.se](http://www.info.ki.se)
- Institut National de Recherche et de Securite (INRS) in France:  
[www.inrs.fr](http://www.inrs.fr)
- Division of Sleep Medicine, University of Pennsylvania:  
[www.uphs.upenn.edu/sleepctr/divisionofsleep](http://www.uphs.upenn.edu/sleepctr/divisionofsleep)
- American Academy of Sleep Medicine:  
[www.aasmnet.org/](http://www.aasmnet.org/)
- Human Psychopharmacology Research Unit University of Surrey, UK:  
[www.surrey.ac.uk/departments/](http://www.surrey.ac.uk/departments/)

JOHN LEE,  
Director-General  
Ministry of Transport

## WORKERS COMPENSATION (MEDICAL PRACTITIONER FEES)

ORDER 2004 No 1

Under the Workers Compensation Act 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 (2) of the *Workers Compensation Act 1987*, make the following Order.

Dated this 17th day of March 2004.

JON BLACKWELL,  
Chief Executive Officer  
WorkCover Authority

### Workers Compensation (Medical Practitioner Fees) Order 2004 No 1

#### 1. Name of Order

This Order is the *Workers Compensation (Medical Practitioner Fees) Order 2004 No 1*.

#### 2. Commencement

This Order commences on the date of its publication in the Gazette.

#### 3. Application of Order

This Order applies to treatment provided on or after the commencement of this Order, whether it relates to an injury received before, on or after that date.

#### 4. Maximum fees for medical practitioners

- (1) This clause applies to medical and related treatment provided by a medical practitioner in respect of which a fee is specified in the AMA List, except:
  - (a) medical services identified in the AMA List by AMA numbers AC500, AC510, AC520 and AC530 (Professional Attendances by a Specialist) if these medical services are provided by a specialist surgeon;
  - (b) medical services identified in the AMA List by AMA numbers EA010 to MZ500 (Surgical Operations) if these medical services are provided by a specialist surgeon;

- (c) medical services identified in the AMA List by AMA numbers OP200, OP210 and OP220 (magnetic resonance imaging – MRI).

- (2) Subject to subclause (1), the maximum amount for which an employer is liable under the Act for any claim for medical or related treatment to which this clause applies is the fee listed, in respect of the medical or related treatment concerned, in the AMA List.

#### 5. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
  - (a) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or
  - (b) the amount permitted under the New Tax System Price Exploitation Law, whichever is the lesser.

#### 6. Definitions

In this Order:

*AMA List* means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2003.

*the Act* means the *Workers Compensation Act 1987*.

*GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

*New Tax System Price Exploitation Law* means:

- (a) the *New Tax System Price Exploitation Code* as applied as a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*; and
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

*Specialist surgeon* means a medical practitioner who holds a fellowship of the Royal Australian College of Surgeons.

#### EXPLANATORY NOTE

Treatment by a registered medical practitioner is one of the categories of medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees that certain registered medical practitioners can recover under the Act from an employer or the employer's workers compensation employer for treatment of a worker's work-related injury.

The effect of the Order is to prevent medical practitioners from recovering from the injured worker any extra charge for treatments covered by the Order.

The Order does not apply to services provided by specialist surgeons, or for magnetic resonance imaging.

The Order adopts the *List of Medical Services and Fees* published by the Australian Medical Association.

**DISTRICT COURT RULES 1973**

## FORMS

IN pursuance of Part 47 rule 2(2) of the District Court Rules 1973, I have amended the following forms for use in the Court.

Dated: 11th March 2004

The Hon Justice R. O. BLANCH,  
Chief Judge of the District Court

Form 146 – Election Under Section 32(1) of the Criminal Procedure Act 1986

Omit “Section 32(1)” where appearing in the heading and replace with “Section 132(1)”.

Form 147 – Election Under Section 32(5) of the Criminal Procedure Act 1986

Omit “Section 32(5)” where appearing in the heading and replace with “Section 132(5)”.

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**DISTRICT COURT RULES 1973**

## FORMS

IN pursuance of Part 47 rule 2(2) of the District Court Rules 1973, I have approved the following form for use in the Court.

Dated: 11th March 2004

The Hon Justice R. O. BLANCH,  
Chief Judge of the District Court

Form 151 – Application For Medical Panel – Boilermakers Deafness



Form 151

**IN THE DISTRICT COURT OF NEW SOUTH WALES**  
**APPLICATION FOR MEDICAL PANEL - BOILERMAKERS DEAFNESS**

In the matter of the Workplace Injury Management and Workers Compensation Act 1998

\_\_\_\_\_ Worker,

and

\_\_\_\_\_ Employer.

Application is hereby made for referral of a medical dispute to a Medical Referee or Medical Panel as to the following questions, making the necessary calculations in accordance with N.A.L. procedure table dated 31 October 1974 and the supplement thereto dated 21 July 1975 -

- (a) Has the worker total or partial loss of hearing of either ear due to boilermaker's deafness or any deafness of the like origin?
- (b) If so, what percentage diminution of hearing of each ear does such hearing loss constitute -
  - (i) Without making any deduction therefrom in respect of presbycusis?
  - (ii) After deduction, in the case of partial deafness of an ear, of an allowance under section 70 of the 1987 Act in respect of presbycusis of one-half decibel for each complete year of the worker's age in excess of 50 years?
- (c) (i) Does the worker suffer from any loss of hearing of either ear due to some conditions other than the condition known as boilermaker's deafness or any deafness of the like origin?
  - (ii) What is the nature of that condition or those conditions?
  - (iii) What percentage diminution of hearing of each ear is constituted by such condition or conditions?

A copy of a medical practitioner's report of the examination of the applicant relevant to the medical dispute is attached.

The particulars herein are declared to be correct.

Dated:

Signed:

Worker/Employer/Insurer/Worker's Solicitor/Insurer's Solicitor (*delete whichever is inapplicable*)

**NOTE:**

The role of a Medical Panel is to act in accordance with legislative requirements and not to provide medical advice or treatment.

## Particulars

1. (a) Worker's surname and given names: (a)
- (b) Street address, suburb and State: (b)
- (c) Day, month and year of birth : (c)
- (d) Male/Female : (d)
- (e) Workers' telephone number : (e)Home:  
Work :
- (f) Workers' Solicitors (if applicable): (f)
- (g) Solicitors' Address: (g)
- (h) Solicitors' telephone number: (h)
  
2. (a) Name and place of business of employer: (a)
- (b) Nature of business of employer: (b)
- (c) Employer's telephone number: (c)
  
3. Date when claim for compensation was made upon the employer:
  
4. (a) Name and address of insurer of employer: (a)
- (b) Insurer's telephone number: (b)
- (c) Insurer's solicitors (if applicable) (c)
- (d) Solicitor's address: (d)
- (e) Solicitor's telephone number: (e)
  
5. (a) Has the medical practitioner's report (of which a copy is attached) of the examination of the applicant relevant to the medical dispute been furnished to the other party? (a)
- (b) Was the report furnished to that party within 30 days of being received from the medical practitioner? (b)
- (c) (c)

- (c) If it was not so furnished within that time, what circumstances are submitted under section 122(4) of the 1998 Act as justifying referral of the dispute to a medical panel?
6. (a) State the names and addresses of all medical practitioners who have treated or examined the worker in respect of the injury: (a)
- (b) Has the worker received medical treatment for any condition of either ear or for any loss of hearing? (b)
7. (a) Is the worker fit to travel? (a)
- (b) If not, give details: (b)
8. (a) Has the worker been examined at anytime by a Medical Referee or Panel pursuant to the 1987 or 1998 Act or by a Medical Board pursuant to the 1926 Act in respect of loss of hearing? (a)
- (b) If yes, give Medical Panel or Board reference number: (b)
9. (a) Have any proceedings in respect of compensation been taken in relation to this or any earlier loss of hearing suffered by the worker? (a)
- (b) If yes, give Court reference number: (b)
10. (a) Does the worker require the services of interpreter? (a)
- (b) If so, what is the worker's preferred language? (b)

#### FURTHER PARTICULARS

**TENDERS****Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### CAMPBELLTOWN CITY COUNCIL

Roads Act 1993, Section 16(2)

Dedication of Land as Public Road

NOTICE is hereby given by the Council of the City of Campbelltown that, in pursuance of section 16(2) of the Roads Act 1993, the land as described in the Schedule below is hereby dedicated as public road. Dated at Campbelltown on the 15 March 2004. P. F. TOSI, General Manager, Campbelltown City Council, PO Box 57, Campbelltown, NSW 2560.

Schedule

Part of land in Certificate of Title Vol. 772, Folio 174, in the names of Henry Lytton Bulwer, Malcolm Samuel Deakin and Alfred Rolph Gregory comprising the sites shown in DP 1661 as Henry and Ralph Streets between Railway and Station Street, Gordon Street between Railway Street and Main Government Road (now Eagleview Road), the part of the aforesaid Station Street between the south eastern corner of Lot 111, DP 884403 and Eagleview Road, Elizabeth Street between the southern boundary of Lot 3, DP 242806 and Eagleview Road, Elizabeth Street northerly of Alfred Street, the aforesaid Alfred Street between Longhurst Road and Eagleview Road, Josephine Street between the northern boundary of Lot 1, DP 837910 to Fenton Crescent excluding Lot 37, DP 774373, the part of the aforesaid Railway Street between Lots 1 and 2, DP 837910 and the part of Pauline Street, the title of which is obscure since the grant to William Redfern in 1811, as delineated in DP 721514 extending southerly from the north western corner of Lot 133 in DP 721514 to Stafford Street (also known as Railway Street in DP 1661). [0176]

### CLARENCE VALLEY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easement  
Over Land

THE Clarence Valley Council declares, with the approval of Her Excellency the Governor, that the easement for a levee over land described in the Schedule below, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991. Dated at Grafton, this 4th day of March 2004. KEN BOYLE, General Manager, Clarence Valley Council, PO Box 436, Grafton, NSW 2460.

Schedule

Easement for levee variable width over Lot 449, DP 727424 and Lot 356, DP 751385. [0177]

### GOSFORD CITY COUNCIL

Roads Act 1993

PURSUANT to the Roads Act 1993, s.10 the land described in Schedule 1 is dedicated as public road. Authorised by Council 27 January 2004. P. Wilson, General Manager, Gosford City Council, PO Box 21, Gosford, NSW 2250.

Schedule 1

Lot 28, DP 1062623, being part of the land described in Certificate of Title Volume 11668, Folio 94. [0181]

### NEWCASTLE CITY COUNCIL

Roads Act 1993, Section 10(1)

Notice of Dedication of Land as Public Road at  
Carrington in the Newcastle City Council Area

THE Newcastle City Council in accordance with the resolution of Council, Item No. 18 of 24 October 2000, dedicates the land described in the Schedule below as public road under the Roads Act 1993. JANET DORE, General Manager, Newcastle City Council, PO Box 489, Newcastle, NSW 2300.

Schedule

All of the parcel of land situated in the Newcastle City Council area at Carrington, Parish of Newcastle, County of Northumberland, shown as Lot 3, Deposited Plan 1027709. [0173]

### PARRAMATTA CITY COUNCIL

Local Government Act 1993, Section 644A

Establishment of Alcohol Free Zone

THE Parramatta City Council at its meeting on 23 February 2004, resolved to establish an Alcohol Free Zone pursuant to the provisions of the Local Government Act 1993, section 644(B), for a period of three (3) years effective from 23 February 2004, in the following area:

Alcohol Free Zone

Wentworth Avenue, Pendle Hill, extending from the west boundary to east boundary of 223 Wentworth Avenue, Pendle Hill. GENERAL MANAGER, Parramatta City Council, PO Box 32, Parramatta, NSW 2124. [0174]

### PORT STEPHENS COUNCIL

Roads Act 1993, Section 162 (1)

Naming of a Public Road

NOTICE is hereby given that pursuant to section 162(1), Roads Act 1993, Council has named the roads described below in Schedules 1 and 2. Council File E5645-001, contact Cliff Johnson, telephone (02) 4980 0265. P. GESLING, General Manager, PO Box 42, Raymond Terrace, NSW 2324.

## Schedule 1

## SINGLETON COUNCIL

| <b>Previous Name/Description</b>   | <b>New Name</b>      | Roads Act 1993 and Roads (General) Regulation 2000   |                          |              |                                |                      |  |                |  |                  |  |                 |
|--|----------------------|--|--------------------------|--------------|--------------------------------|----------------------|--|----------------|--|------------------|--|-----------------|
| Ridgeway Close, road easterly from Mustons Road, Karuah and sign posted as Manton Close. | Manton Close.        | Naming of Road   |                          |              |                                |                      |  |                |  |                  |  |                 |
| Manton Close, road easterly from Mustons Road, Karuah and signposted as Ridgeway Close.  | Ridgeway Close.      | NOTICE is hereby given that Singleton Council, in pursuance of section 162 of the Roads Act 1993 and the Roads (General) Regulation 2000, has named the following roads:   |                          |              |                                |                      |  |                |  |                  |  |                 |
| This notice issued with the authority of the Karuah Local Aboriginal Land Council.       |                      | <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><b>Location of Roads</b></th> <th style="text-align: left;"><b>Named</b></th> </tr> </thead> <tbody> <tr> <td>Maison Dieu Industrial Estate.</td> <td>Enterprise Crescent.</td> </tr> <tr> <td></td> <td>Magpie Street.</td> </tr> <tr> <td></td> <td>Cockatoo Street.</td> </tr> <tr> <td></td> <td>Rosella Street.</td> </tr> </tbody> </table> | <b>Location of Roads</b> | <b>Named</b> | Maison Dieu Industrial Estate. | Enterprise Crescent. |  | Magpie Street. |  | Cockatoo Street. |  | Rosella Street. |
| <b>Location of Roads</b>   | <b>Named</b>         |  |                          |              |                                |                      |  |                |  |                  |  |                 |
| Maison Dieu Industrial Estate.   | Enterprise Crescent. |  |                          |              |                                |                      |  |                |  |                  |  |                 |
|  | Magpie Street.       |  |                          |              |                                |                      |  |                |  |                  |  |                 |
|  | Cockatoo Street.     |  |                          |              |                                |                      |  |                |  |                  |  |                 |
|  | Rosella Street.      |  |                          |              |                                |                      |  |                |  |                  |  |                 |

## Schedule 2

| <b>Previous Name/Description</b>   | <b>New Name</b> |   |
|--|-----------------|---|
| Unknown, a public lane in DP 11268 from the eastern end of Lawson Street, northerly to Austral Street at Nelson Bay. | Hunter Lane.    | Authorised by resolution of the Council on 1 December 2003 and 1 March 2004. S. McGRATH, General Manager, Civic Centre, Queen Street, Singleton, NSW 2330. [0175] |
|  | [0178]          |   |

## PORT STEPHENS COUNCIL

## Roads Act 1993

NOTICE is hereby given that pursuant to section 10, Road Act 1993, council hereby dedicates as public road, the Council owned lands set out in the Schedule below. Council resolution 531, dated 16 December 2003. Dated at Raymond Terrace this 19 March 2004. P. GESLING, General Manger, Port Stephens Council, PO Box 42, Raymond Terrace, NSW 2324. Council File: 5425-001.

## Schedule

Lot 1, DP 823750 (pathway); Lot 1, DP 526069; Lot 1, DP 162605; Pt Lot 1, DP 19120 (being land in Vol. 6835, Fol. 249). [0178]

## CONARGO SHIRE COUNCIL

## Local Government Act 1993, Section 713

## Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Council of Conargo has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates stated in each case, as at 31 August 2003.

| Owner or person<br>having an interest<br>in the land | Description of Land   | Amount of<br>Rates (including<br>extra charges)<br>overdue for<br>more than<br>5 years | Amount of<br>all other<br>Rates (including<br>extra charges)<br>due and in<br>arrears | Total     |
|--|---|--|---|-----------|
| (a)  | (b)   | (c)<br>\$  | (d)<br>\$   | (e)<br>\$ |
| A N BOURCHIER  | Lots 1 and 3, DP 234270;<br>Part Lot 44 and 46, DP 756251 and<br>Lot 49, DP 756251, Parish of Blackwood |  | 17,464.81   | 17,464.81 |

In default of payment to the Council of the amount stated in column (e) above and any other rates (including extra charges) becoming due and payable after publication of this notice, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for the sale, the said land will be offered separately for sale by public auction at the Council Chambers, Pretty Pine Recreation Reserve, Pretty Pine, NSW 2710, on Thursday, 24 June 2004, at 10:00 a.m. PETER J. JORGENSEN, General Manager, 122 End Street, Deniliquin, NSW 2710. [0180]

**COOLAH SHIRE COUNCIL**

Local Government Act 1993

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder, that the Council of the Shire of Coolah has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners, or in which they appear to have an interest, and on which the amount of rates stated in each case, as at the 1st March 2004, is due.

| Owner or persons having an interest in the land                                      | Description of Land                                    | Amount of Rates (including extra charges) overdue for more than 5 years<br>\$ | Amount of all other Rates (including extra charges) due and in arrears<br>\$ | Total<br>\$ |
|--|--|---|--|-------------|
| I. M. TATTERSALL,<br>c.o. P. Rawlinson,<br>Coolah Valley Hotel,<br>Coolah, NSW 2843. | PH Coolah, Lot 2, DP 347975,<br>Area: .08400 hectares. | 9732.88   |  | 9732.88     |

In respect of each parcel of land, if all rates and charges payable are not paid to Council, or any arrangement satisfactory to Council is not entered into by the rateable persons before the time fixed for the sale, then Council will proceed with the sale. The said land will be offered for sale at a public auction to be held at the Coolah Shire Council Chambers, commencing at 10:30 a.m., on Saturday, 12 June 2004. RAY KENT, General Manager, Coolah Shire Council, PO Box 120, Coolah, NSW 2843. [0165]

**RYLSTONE SHIRE COUNCIL**

Local Government Act 1993

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Council of the Shire of Rylstone has resolved in accordance with sections 713 to 726 of the Local Government Act 1993, to sell the land described of which the persons named appear to be the owners or in which they appear to have an interest and of which the amount of rates and charges stated as at 23 February 2004, are overdue.

| Owner<br>(a)     | Description of Land<br>(b)                                 | Amount of Rates (including extra charges) overdue<br>(c)<br>\$ | Amount of all other Rates (including extra charges) due and in arrears<br>(d)<br>\$ | Total<br>(e)<br>\$ |
|------------------|--|--|---|--------------------|
| Mr W. T. RADBURN | 89 Angus Avenue, Kandos,<br>Lot 16, DP 8161, section 11    | 1704.41  | 8386.03   | 10090.44           |
| Mr T. R. LINDSEY | Beaumont Street, Glen Alice,<br>Lot 2, section 2 DP 758445 | 30.80  | 1481.98   | 1512.78            |

In default of payment to the Council of the amount stated in column (e) above, together with any other rates (including extra charges) becoming due and payable after the publication of this notice, the said land will be offered for sale by public auction at the Rylstone Memorial Hall, Louee Street, Rylstone, on Saturday, 19 June 2004, at 10: a.m. K. MORRISSEY, Acting General Manager, Rylstone Shire Council, Locked Bag 2001, Kandos, NSW 2848. [0182]



**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DAVID JOHN DUNK, late of Malua Bay, in the State of New South Wales, who died on 2 January 2003, must send particulars of his claim to the executrix, Susan Voysey, c.o. Newnhams, Solicitors, 122 Castlereagh Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 1 March 2004. NEWNHAMS, Solicitors, 7th Floor, Highmount House, 122 Castlereagh Street, Sydney, NSW 2000 (DX665, Sydney), tel.: (02) 9264 7788. Reference: BLM:MLH 4840. [0183]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of CARLTON EDWARD MEARS, late of 30 Dunban Avenue, Woy Woy, in the State of New South Wales, retired, who died on 21 December 2003, must send particulars of his claim to the executor, Robert James Mears, c.o. Gary Cleary & Associates, Solicitors, 9 Broken Bay Road, Ettalong Beach, NSW 2257, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 3 March 2004. GARY CLEARY & ASSOCIATES, Solicitors, 9 Broken Bay Road (PO Box 273), Ettalong Beach, NSW 2257 (DX7279, Gosford), tel.: (02) 4344 1966. [0184]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PEGGIE THERESA JONES, late of 242 Galston Road, Hornsby Heights, in the State of New South Wales, home duties, who died on 21 March 2003, must send particulars of his/her claim to the executrix, Lynne Margaret Jones, c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby, NSW 2077, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executrix has notice. Probate was granted in New South Wales on 26 February 2004. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby, NSW 2077 (PO Box 455, Hornsby 1630), (DX9691, Hornsby), tel.: (02) 9476 2788. Reference: DJT:JC:KB:86013. [0185]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAVIS RITA PRIMMER, late of Umina, in the State of New South Wales, home duties, who died on 7 January 2004, must send particulars of his claim to the executor, Peter Clarence Primmer, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy, NSW 2256, or their agents Turner Whelan, Solicitors, Level 2, 162 Goulburn Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution he

has notice. Probate was granted in New South Wales on 1 March 2004. PENINSULA LAW, Solicitors, 103-105 Blackwall Road (PO Box 162), Woy Woy, NSW 2256 (DX8806, Woy Woy), tel.: (02) 4342 1277. Reference: JDT:JL:6693. [0186]

**COMPANY NOTICES**

NOTICE of winding up order.—STRATA PLAN NO. 14892 (in liquidation).—Termination of Strata Scheme relative to property at 95 Cammeray Road, Cammeray, in the State of New South Wales. Strata Plan No. 14892: 1. On 26 February 2004, an order was made by the Supreme Court of New South Wales terminating the above strata scheme and for the winding up of the Owners Corporation. 2. Any person having a claim against the Owners Corporation is required on or before 30 March 2004, to send particulars of the claim and of any security held to the liquidator, Scott Darren Pascoe of SimsPartners, Level 24, Australia Square, 264 George Street, Sydney, NSW 2000. Dated this 18th day of March 2004. SCOTT PASCOE, Official Liquidator, c.o. SimsPartners, Chartered Accountants, Level 24, Australia Square, 264 George Street, Sydney, NSW 2000, tel.: (02) 9241 3422. [0187]

NOTICE of final meeting.—DIGITAL FOUNTAIN AUSTRALIA PTY LIMITED (in liquidation).—Notice is hereby given that a final meeting of the abovementioned company will be held at Suite 1, Level 2, 1 York Street, Sydney, at 10:30 a.m., on 19 March 2004. The object of the meeting is to present accounts in relation to the fully winding up affairs of the company and the final report on liquidation. MITCHELL & PARTNERS, Chartered Accountants, Suite 1, Level 2, 1 York Street, Sydney, NSW 2000, tel.: (02) 9251 3838. [0188]

NOTICE of voluntary winding up.—NRP EMPLOYEE SHARE PLAN PTY LIMITED, ACN 083 149 482 (in voluntary liquidation).—At a general meeting of the abovementioned company duly convened and held at Level 5, 14 Martin Place, Sydney, NSW 2000, on 11 March 2004, the following resolutions was passed: 1. Special Resolution: "that the company be wound up voluntarily". 2. "That Stephen Humphrys, who has consented to act, be appointed liquidator of the company". C. S. McCullagh, Director. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens Wi, Chartered Accountants, CML Building, Level 5, 14 Martin Place, Sydney, NSW 2000, tel.: (02) 9229 7999. [0189]

NOTICE of final meeting.—AUSTRALIAN INDEX MONEY MANAGERS LTD, ACN 003 179 762 (in voluntary liquidation).—Notice is hereby given that a general meeting of the members of the company will be held at 9:15 a.m., on Friday, 9 April 2004, at Level 5, 14 Martin Place, Sydney, NSW 2000. Agenda: To hold the final meeting of the company and receive an account of how the winding up has been conducted. Dated this 9th day of March 2004. By Order of the Board. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens Wi, Chartered Accountants, CML Building, Level 5, 14 Martin Place, Sydney, NSW 2000, tel.: (02) 9229 7999. [0190]