



Port Stephens Local Environmental Plan 2000 (Amendment No 11)

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*. (N02/00311/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2003 No 851

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 11)

Port Stephens Local Environmental Plan 2000 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 11)*.

2 Aims of plan

This plan aims:

- (a) to conserve the heritage of the area of Port Stephens, and
- (b) to provide for public involvement in the conservation of heritage.

3 Land to which plan applies

This plan applies to all the land to which *Port Stephens Local Environmental Plan 2000* applies.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 56 Potential heritage items

Omit the clause.

[2] Clause 57 Notice of certain heritage development applications

Omit “, a potential heritage item”.

[3] Clause 58 Notice to Heritage Council

Omit “or potential heritage item of State significance”.

[4] Schedule 2

Omit Schedules 2 and 3. Insert instead:

Schedule 2 Heritage

(Dictionary)

Part 1 Heritage items of State significance

Description

Anna Bay

DP 753204
31A and 33A Ocean Avenue
(16.31/1 and 16.33/1)

Birubi Point Cemetery

Duns Creek

Lot 101, DP 549398
110 Paterson Road
(803.110)

Duninald House Group—*Old Duninald*,
including mature plantings, and
landscape setting

Lot 50, DP 1003101
122 Paterson Road
(803.122)

Duninald House Group—*Duninald*,
including mature plantings, lagoon and
landscape setting

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Description

Fingal Bay

Lot 177, DP 753204
1E Marine Drive
(85.1/5)

Point Stephens Lighthouse Group,
including lighthouse station, tower,
remains of lighthouse keeper's cottage

Hinton

Lot 801, DP 881208
35 Elizabeth Street
(98.35)

Anglican Cemetery

Lots 36 and 38, DP 975910
42–44 Elizabeth Street
(98.42 and 98.44)

Baptist Church

Pt Lot 31, DP 752487
1 Hinton Road
(99.1)

School of Arts, including two large
white marble war memorial plaques

Lot 7002, DP 1052993
7 Hinton Road
(99.7)

Hinton Pioneer Cemetery

Lots 18–19, DP 1044452
Lots 20–23, DP 1053120
14 and 16 Hinton Road
(99.14 and 99.16)
8 and 14 Swan Street
(104.8 and 104.14)
33 and 43 Hunter Street
(100.33 and 100.43)

Rosemount, including outbuildings,
landscape setting and Bunya Pine trees

Lot 1, DP 65422
100 McClymonts Swamp Road
(642.100)

Prospect House, including outbuildings
and landscape setting

Paterson Street
Hunter River

Hinton Bridge

Description

Lot 100, DP 808856 20 Paterson Street (103.20)	Public school, including main building, shelter sheds, memorial gates
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Karuah

Reserve No 40511 53C Tarean Road (121.53/3)	Karuah Cemetery
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Nelson Bay

Lot 427, DP 39728 5A Lighthouse Road (1031.5/1)	Nelson Head Lighthouse, cottage and reserve
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Lot 11, DP 841401 390 Nelson Bay Road (620.390)	Gan Gan Army Camp
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Reserve No 82387 41A Stockton Street (239.41/1)	Nelson Bay Cemetery
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Port Stephens

Lots 216–219, DP 1044608 35–37 Coxs Lane (524.35 and 524.37) 40–42 Stockton Bight Track (1009.40 and 1009.42) DP 753204 80 Nelson Bay Road (576.80) Reserve No 51277 384 Nelson Bay Road (544.384)	Stockton Beach Dune System, including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts
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Description

Raymond Terrace

Pt Lot 20, DP 753161 Lot 7008, DP 1051708 1A and 2 Elizabeth Avenue (283.1/1 and 283.2)	Raymond Terrace Cemetery and Pioneer Hill Cemetery
Lot 5, DP 38912 6 Glenelg Street (289.6)	Part of St Johns Anglican Church Group—former school and rectory
Lot 13, Sec 15, DP 758871 54 Irrawang Street (295.54)	Part of St Brigid's Catholic Church Group—St Brigid's Convent
Lot 16, DP 547042 58 Irrawang Street (295.58)	Part of St Brigid's Catholic Church Group—St Brigid's Church Hall
Lot 11, DP 859130 1 Jacaranda Avenue (296.1)	Part of St Johns Anglican Church Group—former parish hall
Lot 1, DP 741492 7 King Street (301.7)	Part of King Street Group—residence (former hotel)
Lot 1, DP 737678 9 King Street (301.9)	Part of King Street Group—shop (former boot and shoe emporium)
Lot 1, DP 783549 11 King Street (301.11)	Part of King Street Group—shop and residence (former hardware store)
Lot 5, DP 707022 13 King Street (301.13)	Part of King Street Group—shop (former grocery store)

Description

Lot 1, DP 301752 14 King Street (301.14)	Part of King Street Group—hall (former shop and residence)
Pt Lot 5, Sec 4, DP 758871 15 King Street (301.15)	Part of King Street Group—shop (former Princess Cafe, including leaded glass highlights over front door and windows)
Lot 14, DP 748967 17 King Street (301.17)	Part of King Street Group—shop (former drapery)
Pt Lot 5, Sec 4, DP 758871 18 King Street (301.18)	Part of King Street Group—brick warehouse (former bond store)
Lot 12, DP 711577 19 King Street (301.19)	Part of King Street Group—residence (former shop and residence)
Lot 10, DP 712299 21 King Street (301.21)	Part of King Street Group—shop (former shop and residence)
Port Stephens Street Road Reserve (Adam Place)	Ornamental planting of <i>Phoenix canariensis</i> (Canary Islands Date Palm)
Lots 3 and 4, Sec 9, DP 758871 45 and 45A Sturgeon Street (336.45 and 336.45/1)	Part of St Johns Anglican Church Group—church
Council Subdivision 54/536 48 Sturgeon Street (336.48)	Part of St Johns Anglican Church Group—rectory and ornamental planting of 2 <i>Araucaria heterophylla</i> (Norfolk Island Pine)
Lot 721, DP 805426 68 Wahrenonga Street (346.68)	<i>Kinross</i> , including stone shed and landscape setting

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Description

Lot 10, Sec 11, DP 758871 57–59 William Street (350.59)	Courthouse
Lot 11, Sec 15, DP 758871 67 William Street (350.67)	Part of St Brigid’s Catholic Church Group—St Brigid’s Presbytery
Pt Lot 12, Sec 15, DP 758871 69 William Street (350.69)	Part of St Brigid’s Catholic Church Group—St Brigid’s Church
Seaham	
DP 758899 10 Grape Street (733.10)	Seaham Cemetery
Lot 1, DP 563430 325 Italia Road (799.325)	<i>Balikera House</i>
Lot 10, DP 258195 and Lot 95, DP 42639 26 and 26A Warren Street (366.26 and 366.26/1)	Seaham Quarry, including interpretive sign originally installed by Professor Edgeworth David
Lots 4–7, Sec 31, DP 758899 47–53 Warren Street (366.47, 366.49, 366.51 and 366.53)	St Andrew’s Church
Lot 149, DP 1003827 100 Warren Street (488.100)	<i>Brandon</i> , including house, stables and landscape setting
Shoal Bay	
Lot 454, DP 705463 2 Shoal Bay Road (385.2)	Remains of WWII fortifications, Fort Tomaree, including gun bases and torpedo tube bases, torpedo tube jetty

Description

Lot 453, DP 705463 4 Shoal Bay Road (385.4)	Tomaree Holiday Lodge Precinct
Tanilba Bay	
Lot 45, DP 16873 31 Admiralty Avenue (445.31)	Part of Henry Halloran Group—Mosaic Temple of the Stork
Road reserve—Avenue of the Allies (Haig Hexagon)	Part of Henry Halloran Group—Centenary Gateway (Water Arch), including avenue planting of <i>Araucaria heterophylla</i> (Norfolk Island Pine)
Road reserve—Avenue of the Allies (Foch Forum)	Part of Henry Halloran Group—Portal to the Peerless
Lot 1, DP 182666 Reserve No 63326 2B and 2C Caswell Crescent (449.2/2 and 449.2/3)	Part of Henry Halloran Group—Sunset Park, including 2 stone seats, large stone table, stone fire place and kilns
Lot 2, DP 548644 30 Caswell Crescent (449.30)	Part of Henry Halloran Group—Stone wall west of Tanilba House
Lot 13, DP 16873 30A Caswell Crescent (449.30/1)	Part of Henry Halloran Group—Palm Circle—specimens of <i>Livistona australis</i> (Cabbage Tree Palm)
Lot 1, DP 548644 32 Caswell Crescent (449.32)	<i>Tanilba House</i> , including remnants of convict barracks, garden cottage, water tank, stone walls, circular drive, <i>wishing chair</i> , direction finder, olive tree, rustic pergola and wisteria vine and garden setting, including Bunya Pine and fig tree

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Lot 2, DP 182666 Lot 1, DP 848809 Lot 7018, DP 1052527 37A, 37B and 37C Caswell Crescent (449.37/1, 449.37/2 and 449.37/3)	Part of Henry Halloran Group— Meridian Park, including 6 <i>Phoenix canariensis</i> (Canary Islands Date Palm), remains of circle planting of <i>Livistona australis</i> (Cabbage Tree Palm), stone seat, relocated barbecue and possible site of 3 burials
Lot 36, DP 16873 44 Caswell Crescent (449.44)	Part of Henry Halloran Group—former summer house, remains of former barbecue and commemorative stone work
Road Reserve, Pomona Place	Part of Henry Halloran Group—former bathers' changing room and circular rock wall

Tomago

Lot 1, DP 770610 102 Tomago Road (507.102)	<i>Tomago House Chapel</i> and landscape setting
Lot 1, DP 111486 106 Tomago Road (507.106)	<i>Tomago House</i> and its landscape setting, including pinetum and pleasure garden

Wallalong

Lot 577, DP 864399 76 Wallalong Road (623.76)	<i>Wallalong House</i> , including stables, outbuildings, gardens and landscape setting
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Woodville

Clarencetown Road Paterson River	Dunmore Bridge
Lot 1, DP 137188 235 Clarencetown Road (603.235)	Former All Saints Church

Description

Lot 101, DP 546779 80 Paterson Road (604.80)	<i>Stradbroke</i> , including stone barn, and landscaping setting
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Part 2 Heritage items of local significance

Description

Anna Bay

Lot 884, DP 737049 296 Nelson Bay Road (15.296)	Underground water tank
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East Seaham

East Seaham Road and Road Reserve	Road alignment and indigenous roadside vegetation, including <i>Corymbia maculata</i> (Spotted Gum), <i>Eucalyptus siderophloia</i> (Iron Bark), <i>Eucalyptus fibrosa</i> (Iron Bark), <i>Eucalyptus</i> <i>tereticornis</i> (Forest Red Gum) and <i>Eucalyptus punctata</i> (Grey Gum)
Lot 2, DP 214077 126A New Line Road (948.126/1)	Seaham Knitting Circle Memorial

Fullerton Cove

Lot 11, DP 258848 140 Fullerton Cove Road (523.140)	<i>Stanley Park House</i>
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Description

Glen Oak

Lot 227, DP 752497
1998 Clarencetown Road
(624.1998)

Glen Oak School of Arts,
including Memorial gates and war
memorial plaque

Heatherbrae

Pacific Highway Road Reserve (adjacent to
Lot 102, DP 807522)

Trees—2 specimen of *Ficus
macrophylla* (Moreton Bay Fig)

Hinton

Lot 55, DP 975910
43 Elizabeth Street
(98.43)

Former Police Station

Lot 1, DP 979470
49 High Street
(3.49)

Wallalong/Bowthorne War
Memorial

Lot 1, DP 75465
2 Paterson Street
(103.2)

Victoria Hotel

Lot 21, DP 770598
13 Paterson Street
(103.13)

Timber cottage

Lot 14, DP 975910
18 Paterson Street
(103.18)

Timber cottage

Lot 70, DP 1045778
26 Paterson Street
(103.26)

Georgian cottage

Lot 802, DP 881208
29 Paterson Street
(103.29)

Former St John the Evangelist
Church

Description

Reserve No 10417
17 Swan Road
(104.17)

Grandstand, Stuart Park

Karuah

Lot 6, DP 753196
1 Memorial Drive
(122.1)

Karuah Town War Memorial
(Memorial Park/Lion Park)

Lemon Tree Passage

Lot 1, DP 818801
60 Johnson Parade
(143.60)

Johnson's Cottage

Nelson Bay

Lot 1, DP 507368
16 Christmas Bush Avenue
(192.16)

Former oil-burning street lamp—
on boundary of Lot 1, DP 507368
and Lot 60, DP 24943

Laman Street
Road Reserve

Former oil-burning street lamp—
corner of Laman Street and
Government Road

Reserve No 64421
Pt Lot 154, DP 753204
1A and 8 Laman Street
(221.1/1 and 221.8)

Apex Park Group, including
Cenotaph, well, remains of the
memorial steps and tree—
specimen of *Ficus rubiginosa*
(Port Jackson Fig)

DP 753204
1 Lighthouse Road
(1031.1)

The Native Flora Reserve,
including site of former migrant
camp, foundations of HMAS
Assault, Aboriginal scar tree,
burial site and below water
artefacts and items including
Higgins landing barges, army
jeeps, various munitions and
anchor of *USS Henry S Grant*

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Description

Raymond Terrace

Lot 11, DP 1034823 152 Adelaide Street Lot 2, DP 868750 14 Swan Street (1243.152 and 337.14)	Old school hall (Raymond Terrace Public School), including WWI school honour board
Lot 2, Sec 16, DP 758871 155 Adelaide Street (1243.155)	The Free Presbyterian Church of Eastern Australia
Lot 76, DP 621767 183 Adelaide Street (1243.183)	<i>Woodlands</i> —timber cottage
Lot 28, DP 753161 193 Adelaide Street (1243.193)	Tree—specimen of <i>Ficus obliqua</i> (Fig Tree)
Lot 4, DP 811055 12 Binns Street (265.12)	<i>Roslyn</i> , including house, outbuildings, mature trees and landscape setting
Pt Lot 2, Sec 9, DP 758871 12 Glenelg Street (289.12)	Former Ingleburn Private Hospital
Lot 1, DP 739811 3 Hunter Street (294.3)	Sandstone Block Timber Clad House
Lot 2, DP 522978 7 Hunter Street (294.7)	<i>Cadell Cottage</i> (former doctor's house)
Lot 6, DP 38088 11 Irrawang Street (295.11)	Timber cottage (former mounted police barracks)

Description

Boomerang Park Lot 1, DP 1018979 17E Irrawang Street (295.17/5)	<i>Boomerang Park</i> , including former stone quarry and mature tree plantings
Cnr Lot 2, DP 346695 70 Irrawang Street (295.70)	<i>Bailiwick</i> —cottage
Jacaranda Avenue Road Reserve (between Glenelg and Swan Streets)	Ornamental planting of Jacaranda trees (<i>Jacaranda mimosifolia</i>)
Lot 1, Sec 23, DP 1014247 2A Jacaranda Avenue (296.2/99)	Raymond Terrace War Memorial
Lot 13, DP 24939 13 Kia-ora Street (300.13)	<i>Kia-ora</i> , including mulberry tree beside driveway
Lot 1, DP 79440 16 King Street (301.16)	Tree—specimens of <i>Ficus macrophylla</i> (Moreton Bay Fig)— <i>The Marriage Trees</i>
Lot 4, Sec F, DP 939306 34 Port Stephens Street (327.34)	Timber cottage
Lot 41, DP 776800 61 Port Stephens Street (327.61)	Former Post Office
Lot 3, DP 252996 63 Port Stephens Street (327.63)	Former Schoolhouse
Pt Lot 10, Sec 3, DP 758871 72 Port Stephens Street (327.72)	Library (former <i>Mayo's Building</i>)

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Description

Pt Lot 138, DP 24655 1 Sketchley Street (Pacific Highway) (573.1)	Tree—specimen of <i>Ficus rubiginosa</i> (Port Jackson Fig)
Lot 22, DP 613174 28 Sturgeon Street (336.28)	<i>Euripides</i> —stone cottage
Lot 23, DP 588932 12 Swan Street (337.12)	<i>Roeth House</i> —two-storey timber house
Pt Lot 138, DP 24655 8 Wahroonga Street (346.8)	Sabre jet fighter aircraft on display in Bettles Park
Lot 1, DP 734368 1A William Street (294.1/1)	Junction Inn
Lot 1, DP 111303 4 William Street (350.4)	Ralston's Building (former AJS Bank)
Lot 1, DP 912155 14 William Street (350.14)	National Australia Bank
Lot 19, DP 770935 56 William Street (350.56)	Uniting Church, including bell tower and WWI honour board
Lot 10, Sec 11, DP 758871 59 William Street (350.59)	Police Station
William Bailey Street Hunter River	Fitzgerald Bridge

Description

Seaham

Lot 1, Sec 31, DP 758899
4 Middle Crescent
(359.4)

Tom McLennan's Cottage—slab
cottage

Lot 17, DP 881861
78A Seaham Road
(488.78/1)

Eskdale House

Lot 8, Sec 10, DP 758899
10 Warren Street
(366.10)

School of Arts, including
memorial pillars and photographic
collection of WWI servicemen,
timber war memorial honour
board, Friendly Society
dispensation and Seaham ferry
bell

Soldiers Point

Lot 321, DP 595752
147A Soldiers Point Road
(442.147/1)

Grave of Cecilia Cromarty—
adjacent to Seaview Crescent

Taylors Beach

Lot 636, DP 27628
14 Taylor Road
(432.14)

Tree—specimen of *Ficus*
rubiginosa (Port Jackson Fig)

Wallalong

Lot 140, DP 836929
44 McClymonts Swamp Road
(642.44)

Former Wallalong Broom Factory

Williamstown

Lot 1, DP 832554
145 Cabbage Tree Road
(520.145)

Devon House, including former
Moxey's slab cottage, dairy, hay
shed and slab barn

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Description

Lot 1, DP 607447 199 Cabbage Tree Road (520.199)	St Saviour's Anglican Church, including WWI memorial plaque
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Woodville

Pt Lot 24, DP 10074 229 Clarencetown Road (603.229)	General store and Post Office
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Pt Lot 51, DP 752451 29 Paterson Road (604.29)	School of Arts
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Lot 1, DP 948190 70 Paterson Road (604.70)	<i>Tressingfield</i> (formerly <i>Carlton Cottage</i>), including gardens and landscape setting
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Part 3 Archaeological sites

Description

Raymond Terrace

Lot 113, DP 733181 2 Pacific Highway (319.2)	Irrawang Pottery site
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Swan Bay

Lot 1, DP 774880 35 Swan Bay Road (590.35)	Remains of the Port Stephens Fire Brick Company Works
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Part 4 Potential archaeological sites

Description

Eagleton

Lot 2, DP 826917
57 Newline Road
(810.57)

Eagleton Shipyard site

Seaham

Lot 2, DP 194920
110 East Seaham Road
(811.110)

Burrowel Homestead, off Dixon Street

Lot 1, DP 538498
1 Warren Street
(366.1)

Porphyry Point site

Woodville

Lot 2, DP 782062
27 Paterson Road
(604.27)

Pomfrett's Cottage— slab cottage

[5] Dictionary

Omit the definitions of *archaeological site*, *heritage item*, *heritage item of local significance*, *heritage item of regional significance*, *heritage item of State significance*, *potential archaeological site* and *potential heritage item*.

[6] Dictionary

Insert in alphabetical order:

archaeological site means a site of archaeological significance listed in Part 3 of Schedule 2.

heritage item means a building, work, relic, tree or place (which may or may not be situated on or within land that is a heritage conservation area) listed in Part 1 or 2 of Schedule 2.

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heritage item of local significance means a heritage item listed in Part 2 of Schedule 2.

heritage item of State significance means a heritage item listed in Part 1 of Schedule 2.

potential archaeological site means a site listed in Part 4 of Schedule 2 and includes a site known to the Council to have archaeological potential even if it is not so identified.

BY AUTHORITY
