



New South Wales

Newcastle Local Environmental Plan 2003 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (10/01295-1)

TOM GELLIBRAND
As delegate for the Minister for Planning

2010 No 178

Clause 1 Newcastle Local Environmental Plan 2003 (Amendment No 9)

Newcastle Local Environmental Plan 2003 (Amendment No 9)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Newcastle Local Environmental Plan 2003 (Amendment No 9)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to all land to which *Newcastle Local Environmental Plan 2003* applies.

Schedule 1 Amendment of Newcastle Local Environmental Plan 2003

[1] Clause 37 Definitions

Insert in appropriate order in the definition of *zoning map* in clause 37 (1):

Newcastle Local Environmental Plan 2003 (Amendment
No 9)—Sheets 2–13

[2] Schedule 2 Complying development

Insert after clause 3:

3A Subdivision

(1) General

Subdivision for the purpose of any one or more of the following:

- (a) a permanent road closure or widening a public road (other than on land that is below the level corresponding to 0.5 metre above the 1% annual exceedance probability flood level),
- (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
- (c) rectifying an encroachment on a lot,
- (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings.

(2) Lot size

If the subdivision creates a lot within Zone 2 (a) or 2 (b), the lot must be at least 450 square metres.

(3) Setbacks

Lot boundaries must be at least 0.9 metre from existing dwellings.

(4) Lot boundaries in relation to buildings other than dwellings must comply with applicable deemed-to-satisfy provisions of the *Building Code of Australia*.

(5) Services

Each lot must have legal access to utility services, whether by disconnection and relocation of existing services or provision of appropriate easements.

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(6) **Road closure**

Land comprising a closed road must be consolidated with an adjoining lot if the size of the land would not comply with zone requirements for lot sizes.

(7) **Bush fire prone land**

The subdivision must not be carried out on bush fire prone land except in the case of a minor boundary adjustment to rectify an encroachment or a subdivision for the purpose of a permanent road closure.

[3] Schedule 6 Heritage items and heritage conservation areas

Omit the following matter from Part 1:

Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 1 DP 186908, Lot 1 DP 221744, Lot 11 DP 553141, Lot 29 DP 29481	State
Cooks Hill	Von Bertouch Galleries	61 Laman Street	Lot 1 DP 851075, Lot 21 DP 825796	State
Hamilton	St Peters Anglican Church	148 Denison Street	Lot 2 Sec F DP 192808	State
Mayfield	Redemptorist Monastery	68 Woodstock Street	Lot 4 DP 546404	State
Merewether	Beach Pavilion	80 Watkins Street		Local
Minmi	Co-op Coal Co's Air Furnace Shaft	141 Minmi Road	Lot 34 DP 800036	Local
Sandgate	Sandgate Cemetery	108 Maitland Road	Pt DP 755247	State
Stockton	The Laurels (Residence)	48 Fullerton Street	Lot 1 DP 731739	State
The Hill	Jesmond House (Residence)	10 Barker street	Lots A and B DP 153708	State
The Hill	Obelisk	3 Ordnance Street	Pt DP 54152	State
The Hill	St Mary's Star of Sea Church	54 Perkins Street	Lot 103 DP 713990	State

The Hill	Three Storey House (also known as Corlette's Cottage)	2 The Terrace	Lot 1 DP 198906	State
The Hill	Terrace House (Hill House)	40 The Terrace	Lot 1 DP 735348	State
The Hill	Beacon Tower (Landmark)	76 Tyrrell Street (cnr Brown and Tyrrell Streets)	Lot 102 DP 1020129	State
Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Lot 100 DP 1004331	State
Wallsend	Wallsend Precinct—Police Station	12 Tyrrell Street	Pt B DP 111245	State
Wallsend	Wallsend Precinct—Post Office	14 Tyrrell Street	Lots 1–4 DP 724548	State
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lots 1–18 Sec A DP 192666	State
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3 DP 852177	State

[4] Schedule 6, Part 1

Insert the following matter in appropriate order under the headings “**Suburb**”, “**Item name**”, “**Address**”, “**Property description**” and “**Significance**”, respectively:

Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 1 DP 186908, Lot 1 DP 221744, Lot 11 DP 553141, Lot 29 DP 29481	Local
Cooks Hill	Von Bertouch Galleries	61 Laman Street	Lot 1 DP 851075, Lot 21 DP 825796	Local
Hamilton	St Peters Anglican Church	148 Denison Street	Lot 2 Sec F DP 192808	Local
Mayfield	Redemptorist Monastery	68 Woodstock Street	Lot 4 DP 546404	Local
Merewether	Beach Pavilion	5 Henderson Parade	Lot 100 DP 1130581	Local

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Minmi	Duckenfield No. 2 Colliery Air Furnace Shaft	141 Minmi Road	Lot 34 DP 800036	Local
Sandgate	Sandgate Cemetery	108 Maitland Road	Pt DP 755247	Local
Stockton	The Laurels (Residence)	48 Fullerton Street	Lot 1 DP 731739	Local
The Hill	Jesmond House (Residence)	10 Barker street	Lots A and B DP 153708	Local
The Hill	Obelisk	3 Ordnance Street	Pt DP 54152	Local
The Hill	St Mary's Star of Sea Church	54 Perkins Street	Lot 103 DP 713990	Local
The Hill	Three Storey House (also known as Corlette's Cottage)	2 The Terrace	Lot 1 DP 198906	Local
The Hill	Terrace House (Hill House)	40 The Terrace	Lot 1 DP 735348	Local
The Hill	Beacon Tower (Landmark)	76 Tyrrell Street (cnr Brown and Tyrrell Streets)	Lot 102 DP 1020129	Local
Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Lot 100 DP 1004331	Local
Wallsend	Wallsend Precinct—Police Station	12 Tyrrell Street	Pt B DP 111245	Local
Wallsend	Wallsend Precinct—Post Office	14 Tyrrell Street	Lots 1–4 DP 724548	Local
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lots 1–18 Sec A DP 192666	Local
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3 DP 852177	Local

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Schedule 1

[5] Schedule 8 Development for certain additional purposes

Insert the following at the end of the Schedule:

Part Lot 2, DP 1129904, known as 35 Eastern Avenue, Tarro, as shown edged heavy black on Sheet 1 of the map marked "Newcastle Local Environmental Plan 2003 (Amendment No 9)" Camping ground or caravan park.