



New South Wales

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

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*. (N06/00135)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 218

Clause 1 Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)

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

under the

Environmental Planning and Assessment Act 1979

#### 1 Name of plan

This plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)*.

#### 2 Commencement

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

#### 3 Aims of plan

The aims of this plan are:

- (a) to address some anomalies in, and omissions from, *Lake Macquarie Local Environmental Plan 2004* (the **2004 plan**), and clarify some of its provisions, and
- (b) to update Schedules 1–4, 8 and 9 of the 2004 plan, and
- (c) to amend existing definitions and include new definitions in the Dictionary to the 2004 plan, and
- (d) to rezone land referred to in clause 4 (2) from Zone 6 (1) Open Space Zone to Zone 2 (1) Residential Zone to change inappropriate zoning for land that is in private ownership and to remove the identification of the land as land to which clause 55 (Acquisition of land required for community purposes) of the 2004 plan applies, and
- (e) to adjust zone boundaries on land referred to in clause 4 (3) to recognise the reduced environmental quality of the land, and
- (f) to rezone land referred to in clause 4 (4) from Zone 5 Infrastructure Zone to Zone 2 (1) Residential Zone to reflect the current and most appropriate use of the land, and
- (g) to rezone land referred to in clause 4 (5) from Zone 2 (1) Residential Zone to Zone 7 (1) Conservation (Primary) Zone to reflect the environmental quality of the land, and

- (h) to rezone land referred to in clause 4 (6) from Zone 6 (1) Open Space Zone to Zone 5 Infrastructure Zone and reclassify the land from community land to operational land to facilitate road infrastructure improvements, and
- (i) to reclassify land referred to in clause 4 (7) from community land to operational land to recognise that the land is no longer required for public purposes and to enable the land to be developed in accordance with the current zoning, and
- (j) to rezone land referred to in clause 4 (8) from Zone 5 Infrastructure Zone to Zone 3 (1) Urban Centre (Core) Zone to exclude the land from future infrastructure works, and
- (k) to remove the acquisition requirement under clause 57 of the 2004 plan in respect of the land referred to in clause 4 (9) to exclude it from future acquisition by the Roads and Traffic Authority, and
- (l) to rezone land referred to in clause 4 (10) from Zone 2 (1) Residential Zone and Zone 2 (2) Residential (Urban Living) Zone to Zone 3 (1) Urban Centre (Core) Zone to facilitate commercial development.

**4 Land to which plan applies**

- (1) With respect to the aims referred to in clause 3 (a)–(c), this plan applies to the land to which the 2004 plan applies.
- (2) With respect to the aim referred to in clause 3 (d), this plan applies to Pt Lot 106, DP 218054, Pacific Highway, Highfields, as shown edged heavy black and lettered “2 (1)” on Sheet 1 of the map marked “Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)” deposited in the office of Lake Macquarie City Council.
- (3) With respect to the aim referred to in clause 3 (e), this plan applies to Pt Lots 23, 26 and 27, DP 8179, Cary Street, Toronto, as shown edged heavy black and lettered “2 (2)” on Sheet 2 of that map.
- (4) With respect to the aim referred to in clause 3 (f), this plan applies to Lots 2–4, DP 831958, Lot 1, DP 531366 and Lots 1 and 3, DP 831957, Railway Street, Teralba, as shown edged heavy black and lettered “2 (1)” on Sheet 3 of that map.
- (5) With respect to the aim referred to in clause 3 (g), this plan applies to part of the road reserve off Stingaree Point Road, Dora Creek, as shown edged heavy black and lettered “7 (1)” on Sheet 4 of that map.

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- (6) With respect to the aim referred to in clause 3 (h), this plan applies to Pt Lot 1, DP 358543, Tudor Street, Belmont and Lot 2, DP 358543, Ross Street, Belmont, as shown edged heavy black and lettered “5” on Sheet 5 of that map.
- (7) With respect to the aim referred to in clause 3 (i), this plan applies to:
  - (a) Lot 157, DP 245903, Tona Close, Edgeworth and Lot 158, DP 245903, Huntly Close, Edgeworth, as shown edged heavy black on Sheet 6 of that map, and
  - (b) Lot 29, DP 745867, and Lot 131, DP 529234, John Street, Lot 130, DP 529234, Lake Street, Lot 1, DP 995572, Lot 1, DP 995571 and Lot 3, Section 28, DP 111125, Charles Street, Warners Bay as shown edged heavy black on Sheet 7 of that map.
- (8) With respect to the aim referred to in clause 3 (j), this plan applies to Pt Lot 41, DP 1054136, Pt Lot 103, DP 855072, Pt Lot 104, DP 862208, Pt Lot 1, Section A, DP 216, Pt SP 56227, Pt Lot 101 and Pt Lot 102, DP 1108351, Lot 103, DP 1108351, Pt Lot 2 and Pt Lot 3, DP 581429, Charlestown Road, Charlestown and Pt Lot 1, DP 800486, Pacific Highway, Charlestown, as shown edged heavy black and lettered “3 (1)” on Sheet 8 of that map.
- (9) With respect to the aim referred to in clause 3 (k), this plan applies to Pt Lot 103, DP 855072, Pt SP 56227, Pt Lot 101 and Pt Lot 102, DP 1108351, Lot 103, DP 1108351, Pt Lot 2 and Pt Lot 3, DP 581429, Charlestown Road, Charlestown and Pt Lot 1, DP 800486, Pacific Highway, Charlestown, as shown edged heavy black on Sheet 9 of that map.
- (10) With respect to the aim referred to in clause 3 (l), this plan applies to Pt Lot 1001, DP 1092785 and Pt Lot 16, DP 849003, George Booth Drive, Cameron Park, as shown edged heavy black and lettered “3 (1)” on Sheet 10 of that map.

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## **Schedule 1      Amendment of Lake Macquarie Local Environmental Plan 2004**

**[1] Clause 6**

Omit the clause. Insert instead:

**6 Notes**

Notes in this plan are provided for guidance and do not form part of this plan.

**[2] Clause 9 Complying development**

Insert at the end of the clause:

**Note.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. That Policy has State-wide application.

**[3] Clause 11 Determination of pending development applications**

Insert after clause 11 (2):

- (3) A development application lodged with the Council, but not finally determined, before the commencement of *Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)* is to be determined as if that plan had been exhibited under the Act but had not been made.

**[4] Clause 15 General controls for land within zones**

Omit “bed and breakfast establishments” wherever occurring in item 3 of the matter relating to Zone 1 (1) Rural (Production) Zone, Zone 1 (2) Rural (Living) Zone, Zone 2 (1) Residential Zone, Zone 2 (2) Residential (Urban Living) Zone, Zone 7 (1) Conservation (Primary) Zone, Zone 7 (2) Conservation (Secondary) Zone, Zone 7 (3) Environmental (General) Zone, Zone 7 (5) Environmental (Living) Zone and Zone 10 Investigation Zone in the Land use table.

Insert instead “bed and breakfast accommodation”.

**[5] Clause 15, Land use table**

Insert “farm stay accommodation” in alphabetical order in item 3 of the matter relating to Zone 1 (1) Rural (Production) Zone.

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**[6] Clause 15, Land use table**

Insert “seniors housing” in alphabetical order in item 3 of the matter relating to Zone 2 (1) Residential Zone, Zone 2 (2) Residential (Urban Living) Zone, Zone 3 (1) Urban Centre (Core) Zone and Zone 3 (2) Urban Centre (Support) Zone.

**[7] Clause 15, Land use table**

Omit “motels” wherever occurring in item 3 of the matter relating to Zone 2 (2) Residential (Urban Living) Zone, Zone 3 (1) Urban Centre (Core) Zone, Zone 3 (2) Urban Centre (Support) Zone, Zone 5 Infrastructure Zone and Zone 6 (2) Tourism and Recreation Zone.

**[8] Clause 15, Land use table**

Insert “hotel or motel accommodation” in alphabetical order in item 3 of the matter relating to Zone 2 (2) Residential (Urban Living) Zone, Zone 3 (1) Urban Centre (Core) Zone, Zone 3 (2) Urban Centre (Support) Zone, Zone 5 Infrastructure Zone and Zone 6 (2) Tourism and Recreation Zone.

**[9] Clause 15, Land use table**

Omit “hotels” wherever occurring in item 3 of the matter relating to Zone 3 (1) Urban Centre (Core) Zone, Zone 3 (2) Urban Centre (Support) Zone and Zone 6 (2) Tourism and Recreation Zone.

**[10] Clause 15, Land use table**

Insert “pubs” in alphabetical order in item 3 of the matter relating to Zone 3 (1) Urban Centre (Core) Zone, Zone 3 (2) Urban Centre (Support) Zone and Zone 6 (2) Tourism and Recreation Zone.

**[11] Clause 15, Land use table**

Insert “bottle shops” in alphabetical order in item 3 of the matter relating to Zone 3 (1) Urban Centre (Core) Zone.

**[12] Clause 15, Land use table**

Insert “backpackers’ accommodation” and “serviced apartments” in alphabetical order in item 3 of the matter relating to Zone 3 (1) Urban Centre (Core) Zone, Zone 3 (2) Urban Centre (Support) Zone and Zone 6 (2) Tourism and Recreation Zone.

**[13] Clause 15, Land use table**

Omit “bulky goods showrooms” wherever occurring from item 3 of the matter relating to Zone 3 (2) Urban Centre (Support) Zone and Zone 4 (3) Industrial (Urban Services) Zone.

Insert instead “bulky goods premises”.

**[14] Clause 15, Land use table**

Insert “high technology industries” in alphabetical order in item 3 of the matter relating to Zone 4 (3) Industrial (Urban Services) Zone.

**[15] Part 3A**

Insert after Part 3:

**Part 3A Controls relating to miscellaneous permissible uses**

**15A Controls relating to bed and breakfast accommodation**

If development for the purposes of bed and breakfast accommodation is permitted under this plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

**15B Controls relating to farm stay accommodation**

If development for the purposes of farm stay accommodation is permitted under this plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

**[16] Clause 24 Subdivision**

Omit “Schedule 1 as exempt development” from clause 24 (1).

Insert instead “subclause (9)”.

**[17] Clause 24 (6)**

Omit the subclause.

**[18] Clause 24 (7)**

Insert “2 (1) or” before “2 (2)”.

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### [19] Clause 24 (9)

Insert after clause 24 (8):

- (9) Consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size provided for by this plan in relation to the land concerned,
  - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

### [20] Clause 27 Dwelling houses, small lot housing and dual occupancies in Zone 1 (2), 2 (1), 2 (2) or 7 (5)

Insert after clause 27 (6):

- (7) Consent must not be granted for the erection or creation of a dual occupancy-attached or dual occupancy-detached on a battle-axe lot in Zone 2 (1).
- (8) Consent must not be granted for the erection or creation of small lot housing in Zone 2 (1) or 2 (2):
  - (a) on a battle-axe lot, or
  - (b) on a lot less than 1,000 square metres in area.
- (9) Consent must not be granted to the erection or creation in Zone 2 (1) of:
  - (a) a dual occupancy-attached on a lot less than 500 square metres in area, or
  - (b) a dual occupancy-detached on a lot less than 600 square metres in area.



[21] **Clause 28A**

Insert after clause 28:

**28A Residential flat buildings and multiple dwelling housing in Zone 2 (2)**

- (1) Consent must not be granted to the erection or creation of a residential flat building on:
  - (a) an irregular or standard corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 2,000 square metres and the battle-axe access handle has a minimum width of 8 metres, or
  - (c) any other irregular allotment or standard allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres.
- (2) Consent must not be granted to the erection or creation of multiple dwelling housing on:
  - (a) a corner allotment in Zone 2 (2) unless the allotment has a minimum area of 1,200 square metres and a minimum width of 30 metres, or
  - (b) a battle-axe allotment in Zone 2 (2) unless the allotment has a minimum area of 1,500 square metres and the battle-axe access handle has a minimum width of 8 metres, or
  - (c) any other allotment in Zone 2 (2) unless the allotment has a minimum area of 900 square metres and a minimum width of 25 metres.
- (3) In this clause:

***width*** means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.

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### [22] Clause 36 Mixed use development

Omit clause 36 (2). Insert instead:

- (2) Despite subclause (1), the Council may grant consent for mixed use development even though the gross floor area that will be used for commercial, retail or recreation facilities is less than 20% of the total gross floor area within the site if it is satisfied:
  - (a) that the proposed gross floor area is justified on economic grounds, and
  - (b) that the proposed development will provide an active street frontage.
- (3) In considering whether it is satisfied of the matters referred to in subclause (2), the Council must take into account the matters listed in clause 21 (a)–(j) to the extent that they are relevant to the proposed development.
- (4) In this clause:

*active street frontage* means a street frontage that enables direct visual and physical contact between the street and the interior of the building. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

### [23] Schedule 1 Exempt Development

Insert before clause 1:

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy.

The Policy has State-wide application. Schedule 1 contains additional exempt development not specified in that Policy.

**Note 2.** Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

### [24] Schedule 1, clause 1 (1) (c)

Omit "Column 3". Insert instead "Column 2".

### [25] Schedule 1, clause 2 (1) (g)

Omit the paragraph.

**[26] Schedule 1, Table**

Omit the Table. Insert instead:

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Erection (or installation) and use, or carrying out, of the following:</b>	<b>Circumstances where exempt</b>
Amusement devices (being a small amusement device as defined in the <i>Local Government (General) Regulation 2005</i> ) (eg dodgem cars, giant slides, jumping castles, merry-go-rounds etc)	<p>Exempt only in Zones 3 (1), 3 (2), 6 (1) and 6 (2).</p> <p>Must be installed and used for one day or weekend events only.</p> <p>Must be erected on level ground of sufficient bearing capacity to support the device.</p> <p>Must be registered under the <i>Occupational Health and Safety Regulation 2001</i>.</p> <p>Must be erected in accordance with all the conditions set out in its certificate of registration.</p> <p>Must have a current logbook within the meaning of the <i>Occupational Health and Safety Regulation 2001</i>.</p> <p>Must be 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>Must meet the operational requirements of the WorkCover Authority.</p>
Arcade amusement devices (eg pinball machines, virtual reality games etc)	<p>Exempt only in Zones 3 (1), 3 (2) and 6 (2).</p> <p>Must be located wholly within the subject premises.</p> <p>Maximum 5 devices installed in total.</p>

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<b>Column 1</b>	<b>Column 2</b>
<b>Erection (or installation) and use, or carrying out, of the following:</b>	<b>Circumstances where exempt</b>
Awnings over trade waste disposal points	Exempt only in Zones 4 (1), 4 (2) and 9. Maximum size 30m <sup>2</sup> . Maximum height 2.7m. Must facilitate maintenance of the trade waste device and enable all weather use. Must be constructed of materials that match or complement the design and appearance of existing buildings. Must not be located within front building setback.
Charity bins or clothing and recycling bins	Exempt only in Zones 3 (1), 3 (2), 4 (1), 4 (2) and 4 (3). Must not result in more than 3 bins in any one location. Must be located wholly on private property and not in a public place.
Demolition	Exempt in all Zones. Demolition only of development that would be exempt development under this plan if it were being constructed or installed. Council must have 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> . Demolition must be carried out in accordance with Australian Standard AS 2601—2001, <i>Demolition of structures</i> .
Earthworks (rural)	Exempt only in Zone 1 (1). Must not be for domestic purposes. Must constitute one or more of the following: (a) levelling of land to a maximum of 300mm, (b) maintenance of drainage works, (c) backfilling of dams with not more than 5 megalitres storage capacity,

Column 1	Column 2
Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
Fuel tanks—used in conjunction with agricultural activities or home business for which consent has been granted	<p>(d) desilting of dams,</p> <p>(e) maintenance of existing access roads within property boundaries.</p> <p>Exempt only in Zones 1 (1), 1 (2), 7 (2), 7 (3), 7 (5) and 9.</p> <p>Maximum size 5,000 litres.</p> <p>Must be located wholly within the boundaries of the property.</p> <p>Must be bunded with capacity to contain at least 125% of the capacity of the fuel tank.</p> <p>Must be constructed of prefabricated metal, be free-standing and not rely on other structures for support.</p> <p>Must be operated and maintained in accordance with Australian Standard AS 1940—2004, <i>The storage and handling of flammable and combustible liquids</i>.</p> <p>Must not be erected within 30m of a creek or boundary to the street or within 5m of a side or rear boundary.</p> <p>Minimum setback 20m from adjoining dwellings.</p>
Hail protection	<p>Exempt only in Zones 1 (1) and 1 (2).</p> <p>Must be ancillary to agricultural use and consisting of light construction (eg poles, wire and mesh).</p>
Retaining walls	<p>Exempt in all Zones.</p> <p>Must not be for domestic purposes.</p> <p>Maximum height 600mm (including the height of any batters) above existing ground level.</p> <p>Must have adequate drainage lines behind it.</p> <p>Must not redirect the flow of surface water onto an adjoining property.</p>

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Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
	<p>Must cause surface water to be disposed of without causing a nuisance to adjoining owners.</p> <p>Timber walls must comply with the following Australian Standards:</p> <ul style="list-style-type: none"><li>(a) AS 1720.2—2006, <i>Timber structures—Timber properties</i>,</li><li>(b) AS 1720.4—2006, <i>Timber structures—Fire resistance for structural adequacy of timber members</i>.</li></ul>
Shade structures (bird nets and the like)	Exempt only in Zone 1 (1). Must be ancillary to agriculture.
Signs (see below for additional requirements for particular sign types) <b>Note.</b> The replacement of existing building identification signs and business identification signs (within the meaning of the standard instrument prescribed by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> ) is exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	Exempt in all Zones (except where otherwise specified below for particular sign types). General criteria: <ul style="list-style-type: none"><li>(a) maximum area 2m<sup>2</sup> in Zone 4 (1), 4 (2) or 4 (3), except as otherwise specified elsewhere in this Table in relation to particular sign types, and</li><li>(b) maximum area 1m<sup>2</sup> in all other Zones, except as otherwise specified elsewhere in this Table in relation to particular sign types, and</li><li>(c) must not cover mechanical ventilation inlet or outlet vents, and</li><li>(d) over a public road, must be at least 600mm from kerb or roadway edge, and</li><li>(e) must not be illuminated or use flashing lights or similar devices for illumination, and</li></ul>

Column 1	Column 2
Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
	<p>(f) must not be mounted on vehicles, trailers, or shipping containers that stand continuously for the purpose of advertising on either public or private land, and</p> <p>(g) on public land, must not be mounted on trees or telegraph poles, and</p> <p>(h) must be located so as not to cause or create a traffic hazard including obscuring views of vehicles, pedestrians, or potentially hazardous road features, and</p> <p>(i) must not emit excessive glare or cause excessive reflection, and</p> <p>(j) must not resemble traffic warning signs, and</p> <p>(k) if located on bush fire prone land, must be of non-combustible material.</p>
Signs used for display of the following:	
(a) Business identification signs in residential areas	<p>Only exempt in Zones 2 (1) and 2 (2). Must satisfy general criteria above. Maximum area 1m<sup>2</sup>. Must be located and erected on the site to which they relate. Maximum one sign per street frontage. If over a public road, must be erected at a height no less than 2.6m above ground level.</p>
(b) Business identification signs in commercial areas	<p>Only exempt in Zones 3 (1) and 3 (2). Suspended under awning signs:</p> <p>(a) must satisfy general criteria above, and</p> <p>(b) must be securely fixed by metal supports, and</p> <p>(c) must not affect the structural integrity of the awning or building, and</p>

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<b>Column 1</b>	<b>Column 2</b>
<b>Erection (or installation) and use, or carrying out, of the following:</b>	
	(d) must be located and erected on the site to which they relate, and
	(e) maximum one sign per street frontage, and
	(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and
	(g) maximum area 2.5m <sup>2</sup> .
	Vertical or horizontal projecting wall signs:
	(a) must satisfy general criteria above, and
	(b) must be securely fixed by metal supports, and
	(c) must not affect the structural integrity of the awning or building, and
	(d) must be located and erected on the site to which they relate, and
	(e) maximum one sign per street frontage, and
	(f) if over a public road, must be erected at a height no less than 2.6m above ground level, and
	(g) maximum area 2.5m <sup>2</sup> .
	Flush wall signs:
	(a) must satisfy general criteria above, and
	(b) must be securely fixed, and
	(c) must be located and erected on the site to which they relate, and
	(d) maximum one sign per street frontage, and
	(e) maximum area 2.5m <sup>2</sup> .

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Column 1	Column 2
Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
	<p>Top hamper signs:</p> <ul style="list-style-type: none"> <li>(a) must satisfy general criteria above, and</li> <li>(b) must be securely fixed, and</li> <li>(c) must be located and erected on the site to which they relate, and</li> <li>(d) maximum one sign per street frontage, and</li> <li>(e) if over a public road, must be erected at a height no less than 2.6m above ground level, and</li> <li>(f) maximum area 2.5m<sup>2</sup>.</li> </ul>
(c) Business identification signs in industrial areas	<p>Only exempt in Zones 4 (1), 4 (2), 4 (3) and 9.</p> <p>Must satisfy general criteria above.</p> <p>Must be securely fixed by metal supports.</p> <p>If located over a public road, must be erected at a height of no less than 2.6m above ground level.</p> <p>Must be located and erected on the site to which they relate.</p> <p>Maximum one sign per street frontage.</p> <p>Maximum area 2.5m<sup>2</sup>.</p>
(d) Real estate signs (advertising premises or land for sale or rent) in rural, residential and environmental protection areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 7 (1), 7 (2), 7 (3), 7 (4) and 7 (5).</p> <p>Must satisfy general criteria above.</p> <p>Maximum area 2.5m<sup>2</sup>.</p> <p>Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage.</p> <p>Must be located and erected on the site to which they relate.</p> <p>Maximum 2 signs per street frontage.</p>

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<b>Column 1</b> <b>Erection (or installation) and use, or carrying out, of the following:</b>	<b>Column 2</b> <b>Circumstances where exempt</b>
(e) Real estate signs (advertising premises or land for sale or rent) in residential (urban living) areas	<p>Only exempt in Zone 2 (2). Must satisfy general criteria above. Maximum area 4.5m<sup>2</sup>. Must be freestanding or attached to an existing approved structure eg fence. Must be located and erected on the site to which they relate. Must not detract from the amenity of adjoining and adjacent land owners. Maximum 2 signs per street frontage.</p>
(f) Real estate signs (advertising approved premises or land for sale or rent) in commercial, industrial, infrastructure and tourist areas	<p>Only exempt in Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5 and 6 (2). Must satisfy general criteria above. Maximum area 10m<sup>2</sup>. Must have structural certification. Must be located and erected on the site to which they relate. Maximum 2 signs per street frontage. Must not be displayed after 100% of the premises or land is sold or leased.</p>
(g) Directional real estate signs (advertising approved subdivisions) in rural, residential, commercial, industrial, infrastructure, tourist, natural resource and investigation areas	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10. Must satisfy general criteria above. In Zones 1 (1), 1 (2), 2 (1) and 2 (2), maximum area 4.5m<sup>2</sup>. In Zones 3 (1), 3 (2), 4 (1), 4 (2), 4 (3), 5, 6 (2), 9 and 10, maximum area 6m<sup>2</sup>. Two sign boards joined together (eg on a corner site) are treated as 2 separate signs. Must be freestanding or attached to an existing approved structure eg fence, dwelling house or garage. Must be located within a 3km radius of the approved subdivisions to which the signs relate. Maximum of 4 signs within the 3km radius.</p>

Column 1	Column 2
Erection (or installation) and use, or carrying out, of the following:	Circumstances where exempt
Silos	<p>If the nearest major arterial road or freeway is located outside the 3km radius, 2 additional signs are permitted outside the 3km radius to allow directions to be provided to the premises or land.</p> <p>Must not be displayed after 100% of land is sold.</p> <p>Must relate to approved subdivisions as a whole, not to individual lots.</p> <p>Only exempt in Zone 1 (1).</p> <p>Maximum capacity 120 tonnes.</p> <p>Maximum height 9m.</p> <p>Must be constructed of prefabricated metal.</p> <p>Must be freestanding and not rely on other structures for support.</p> <p>Must be erected in accordance with the manufacturer's specifications or an engineer's certification.</p> <p>Minimum setback to property boundary must be equivalent to height of silo plus 1m.</p> <p>Minimum front setback 30m.</p>
Temporary structures— tents used for short term accommodation	<p>Only exempt in Zones 1 (1), 1 (2), 2 (1), 2 (2), 6 (2), 7 (1), 7 (2), 7 (3), 7 (4), 7 (5) and 10.</p> <p>Must be erected on private land (excluding caravan parks, camping grounds and manufactured home estates the operation of which is governed by the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>).</p> <p>Must be erected in accordance with the manufacturer's specifications and requirements.</p> <p>Must not be erected for a period exceeding 21 consecutive days.</p> <p>Stormwater runoff must not cause a nuisance to adjoining properties.</p>

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Column 1	Column 2
<b>Erection (or installation) and use, or carrying out, of the following:</b>	<b>Circumstances where exempt</b>
	Siting of tents must not create any noise nuisance arising from the use of the tent. Must be setback a minimum 1.5m from all boundaries.

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### [27] Schedule 2

Omit the Schedule. Insert instead:

## Schedule 2 Subdivision standards

(Clause 24)

### Part 1 Preliminary

#### 1 Definitions

- (1) In this Schedule:
  - building area** means the area of the site capable of supporting development. It does not include:
    - (a) front, side and rear setbacks, or
    - (b) the access handle of a battle-axe lot.
  - community association, community development lot, community parcel, community property** and **community scheme** have the same meaning as they have in the *Community Land Development Act 1989*.
  - irregular lot** means a lot that is not a standard lot.
  - neighbourhood scheme** has the same meaning as it has in the *Community Land Development Act 1989*.
  - standard lot** means a rectangular lot (and includes a rectangular corner lot).
  - width** means the distance of the perpendicular line between the side boundaries, as measured at the front building setback.
- (2) In this Schedule, the minimum area specified for battle-axe lots excludes the battle-axe access handle.
- (3) The subdivision standards in this Schedule do not apply to strata subdivision.

- (4) A heading to a clause in this Schedule is taken to be part of this Schedule.

## **Part 2 Zone 1 (1) Rural (Production)**

### **2 All types of subdivision**

Minimum area—20ha.

## **Part 3 Zone 1 (2) Rural (Living)**

### **3 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

Minimum area—1ha.

### **4 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—5ha.
- (2) Community development lots:
- (a) minimum area—1,000m<sup>2</sup>,
  - (b) maximum area—1,500m<sup>2</sup>,
  - (c) maximum density (excluding community property)—1.6 lots per ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve the natural quality of the land and the rural character of the area. All remaining land must be community property under the control of the community association,
  - (e) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

## **Part 4 Zone 2 (1) Residential**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

### **5 Any type of subdivision of approved dual occupancy**

Minimum area—250m<sup>2</sup>.

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### 6 Any type of subdivision of approved small lot housing

- (1) Must create at least 3 small lot housing lots.
- (2) Each lot must:
  - (a) be not less than 300m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,
  - (b) have direct frontage to a public road, or an access way established as part of a community scheme.

### 7 Subdivisions (other than of approved dual occupancy or approved small lot housing)

- (1) Standard lot:
  - (a) standard corner lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) minimum width—18m,
  - (b) other standard lot:
    - (i) minimum area—450m<sup>2</sup>,
    - (ii) minimum width—14m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m,
    - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—4m, or 2 battle-axe lots—5m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) irregular corner lot:
    - (i) minimum area—600m<sup>2</sup>,
    - (ii) minimum width—18m,
  - (c) other irregular lot:
    - (i) minimum area—450m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 250m<sup>2</sup> and a minimum width of 12m.

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**8 Subdivisions (other than of approved dual occupancy or approved small lot housing) that create 10 or more lots**

At least 10%, but no more than 50%, of lots must be small lot housing lots.

**Part 5 Zone 2 (2) Residential (Urban Living)**

**Note.** Also see, in particular, clauses 24, 27 and 28A.

**9 Any type of subdivision of approved small lot housing**

- (1) Must create at least 4 small lot housing lots.
- (2) Each lot must:
  - (a) be not less than 200m<sup>2</sup>, but not more than 450m<sup>2</sup>, in area,
  - (b) have direct frontage to a public road, or an access way established as part of a community scheme.

**10 Subdivisions (other than of approved small lot housing)**

- (1) Standard lot:
  - (a) standard corner lot:
    - (i) minimum area—1,200m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
  - (b) other standard lot:
    - (i) minimum area—900m<sup>2</sup>,
    - (ii) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
    - (iii) minimum width of battle-axe access handle servicing 1 battle-axe lot—8m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,

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- (b) irregular corner lot:
  - (i) minimum area—1,200m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m,
- (c) other irregular lot:
  - (i) minimum area—900m<sup>2</sup>,
  - (ii) must have a rectangular building area with a minimum area of 900m<sup>2</sup> and a minimum width of 25m.

### **Part 6 Zone 3 (1) Urban Centre (Core)**

#### **11 All types of subdivision**

No numeric standards.

### **Part 7 Zone 3 (2) Urban Centre (Support)**

#### **12 All types of subdivision**

No numeric standards.

### **Part 8 Zone 4 (1) Industrial (Core)**

#### **13 All types of subdivision**

- (1) Standard lot:
  - (a) minimum area—4,000m<sup>2</sup>,
  - (b) minimum width—40m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m,
    - (iii) minimum width of battle-axe access handle—12m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—4,000m<sup>2</sup>,
    - (ii) minimum width—40m.



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## Part 9 Zone 4 (2) Industrial (General)

### 14 All types of subdivision

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

## Part 10 Zone 4 (3) Industrial (Urban Services)

### 15 All types of subdivision

- (1) Standard lot:
  - (a) minimum area—1,500m<sup>2</sup>,
  - (b) minimum width—25m.
- (2) Irregular lot:
  - (a) battle-axe lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m,
    - (iii) minimum width of battle-axe access handle—9m,
    - (iv) maximum number of battle-axe lots sharing a single access handle—2,
  - (b) other irregular lot:
    - (i) minimum area—1,500m<sup>2</sup>,
    - (ii) minimum width—25m.

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### **Part 11 Zone 5 Infrastructure**

#### **16 All types of subdivision**

No numeric standards.

### **Part 12 Zone 6 (1) Open Space**

#### **17 All types of subdivision**

No numeric standards.

### **Part 13 Zone 6 (2) Tourism and Recreation**

#### **18 All types of subdivision**

No numeric standards.

### **Part 14 Zone 7 (1) Conservation (Primary)**

#### **19 All types of subdivision**

- (1) Minimum area for land within South Wallarah Peninsula (being land east of the Pacific Highway and south of the land to which *Lake Macquarie Local Environmental Plan 2000—North Wallarah Peninsula* applies)—100ha.
- (2) Minimum area for all other land within Zone 7 (1)—40ha.

### **Part 15 Zone 7 (2) Conservation (Secondary)**

#### **20 All types of subdivision**

Minimum area—40ha.

### **Part 16 Zone 7 (3) Environmental (General)**

#### **21 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—40ha.
- (2) Must have a square building area that has:
  - (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**22 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—40ha.
- (2) Community development lots:
  - (a) minimum area—1,000m<sup>2</sup>,
  - (b) maximum area—2,500m<sup>2</sup>,
  - (c) maximum density (excluding community property)—1 lot per 10ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,
  - (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

**Part 17 Zone 7 (4) Environmental (Coastline)**

**23 All types of subdivision**

No numeric standards.

**Part 18 Zone 7 (5) Environmental (Living)**

**24 Subdivisions not for purpose of community, precinct or neighbourhood scheme**

- (1) Minimum area—2ha.
- (2) Must have a square building area that has:
  - (a) minimum width—40m,
  - (b) minimum slope of less than 1 in 5.

**25 Subdivisions for purpose of community scheme**

- (1) Community parcel:  
minimum area—10ha.

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- (2) Community development lots:
  - (a) minimum area—600m<sup>2</sup>,
  - (b) maximum area—1,200m<sup>2</sup>,
  - (c) maximum density (excluding common property)—1 lot per ha,
  - (d) must be clustered together, or otherwise established, for the purpose of retaining a significant area of unbuilt open space to preserve, maintain and enhance the natural and scenic quality of the land,
  - (e) all remaining land must be community property under the control of the community association,
  - (f) must not have frontage to a public road unless it can be demonstrated that the subdivision is consistent with the existing subdivision pattern, and the subdivision will preserve the natural and scenic quality of the land.

### Part 19 Zone 8 National Park

#### 26 All types of subdivision

No numeric standards.

### Part 20 Zone 9 Natural Resources

#### 27 All types of subdivision

No numeric standards.

### Part 21 Zone 10 Investigation

#### 28 All types of subdivision

Subdivision prohibited.

#### [28] Schedule 3 Reclassification of community land as operational land

Insert in alphabetical order of locality in Columns 1, 2 and 3, respectively:

##### Belmont

37C Ross Street	Lot 2, DP 358543, as shown edged heavy black on Sheet 5 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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65 Tudor Street	Part of Lot 1, DP 358543, as shown edged heavy black on Sheet 5 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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**Edgeworth**

12 Huntly Close	Lot 158, DP 245903, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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8 Tona Close	Lot 157, DP 245903, as shown edged heavy black on Sheet 6 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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**[29] Schedule 3**

Insert in numerical and alphabetical order of street number and name under the heading "**Warners Bay**" in columns 1, 2 and 3 respectively:

**Warners Bay**

23A Charles Street	Lot 1, DP 995572, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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25 Charles Street	Lot 1, DP 995571, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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27 Charles Street	Lot 3, Section 28, DP 111125, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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18 John Street	Lot 131, DP 529234, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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20 John Street	Lot 29, DP 745867, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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20 Lake Street	Lot 130, DP 529234, as shown edged heavy black on Sheet 7 of the map marked "Lake Macquarie Local Environmental Plan 2004 (Amendment No 28)"	Nil.
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**[30] Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites**

Omit "82 Marmong St" from the address relating to item BU-02 in Part 1.

Insert instead "18 Marmong St".

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- [31] **Schedule 4, Part 1, item BU-02**  
Omit “Lot 120, DP 855520” from the property description.  
Insert instead “Lot 8, DP 1001563”.
- [32] **Schedule 4, Part 1, item CB-07**  
Omit the address. Insert instead “85 Kings Rd”.
- [33] **Schedule 4, Part 1, item CB-08**  
Omit the address. Insert instead “200 Martinsville Rd”.
- [34] **Schedule 4, Part 1, item CB-08**  
Omit the property description.  
Insert instead “Pt Lot 7002, DP 93579 and Lot 1, DP 1095988”.
- [35] **Schedule 4, Part 1, item GD-01**  
Omit the property description. Insert instead “Lot 100, DP 1100258”.
- [36] **Schedule 4, Part 1, item MV-01**  
Omit the address. Insert instead “495 Martinsville Rd”.
- [37] **Schedule 4, Part 1, item MV-04**  
Omit the address. Insert instead “324 Owens Rd”.
- [38] **Schedule 4, Part 1, item SS-02**  
Omit the property description. Insert instead “Lot 12, DP 1101804”.
- [39] **Schedule 4, Part 1, item TA-17**  
Omit the address. Insert instead “100 Rhonda Rd”.
- [40] **Schedule 4, Part 1, item TA-17**  
Omit the property description. Insert instead “Lot 101, DP 1073163”.
- [41] **Schedule 4, Part 1, item TT-29**  
Omit the property description. Insert instead “Lot 2122, DP 1116609”.
- [42] **Schedule 8 Land subject to special development requirements**  
Omit the matter relating to item 2 from Column 1.  
Insert instead “Land at Morisset Park, being Lot 1, DP 1107753 and Lots 31–34, DP 1117408.”.

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**[43] Schedule 8, item 3**

Omit the matter from Column 1.

Insert instead “Land at Morisset Park in Zone 2 (1), being Lot 1, DP 1107753 and Lot 33, DP 1117408.”.

**[44] Schedule 8, item 4**

Omit “part of Lots 1–3, DP 218658 and Lot 30, DP 879072” from Column 1.

Insert instead “Lots 101–131, DP 1081010, Lots 11–12, DP 1053624 and Lot 23, DP 1077488”.

**[45] Schedule 9 Consent to development subject to special requirements**

Omit the matter relating to item 2 from Column 1.

Insert instead “Land at Cameron Park, being Lots 105–109 and 112–113 and 118, DP 1016351, Lots 202–206 and 210–216, DP 1070348, Lots 1151–1152, DP 1070457, Lot 789, DP 1071617, Lots 301–312, 317–321 and 324–336, DP 1089554, Lot 100, DP 1102166, Lot 1, DP 1113107, SP 79436, Lots 103–104, DP 1049681 and SP 79911, Stenhouse Drive, Kalinya Close, Farragher Way, Billbrooke Close, Cameron Park Drive, Cameron Park, being land in Zone 4 (1).”.

**[46] Dictionary**

Omit the definitions of *bed and breakfast establishment*, *boarding house*, *bottle shop*, *bulky goods showroom*, *club*, *home business*, *home industry*, *home occupation*, *hotel*, *motel*, *sign* and *small lot housing*.

Insert in alphabetical order:

*backpackers’ accommodation* means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

*battle-axe lot* means a lot located behind another, with vehicular access from the street via an access handle.

*bed and breakfast accommodation* means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and

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- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

**boarding house** means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principle place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a common bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers, but does not include backpackers' accommodation, a serviced apartment, seniors housing or hotel or motel accommodation.

**bottle shop** means premises to which a packaged liquor licence applies under the *Liquor Act 2007*.

**bulky goods premises** means a building or place used for the sale by retail, wholesale or auction of (or for the display or hire 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.

**club** means the premises to which a club licence relates under the *Liquor Act 2007*.

**farm stay accommodation** means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

**foreshore area** means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody.

**home business** means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes,



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smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation or a brothel.

**home industry** means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than one person 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, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any residential premises or from any public place, of any unsightly manner, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer of sale of items, by retail, except for goods produced at the dwelling or building, or
- (f) the use of more than 50 square metres of floor area to carry on the light industry,

but does not include bed and breakfast accommodation or a brothel.

**home occupation** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that 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,

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smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation 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 to indicate the name of the resident and the occupation carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure to offer for sale of items, by retail,

but does not include bed and breakfast accommodation or a brothel.

**hotel or motel accommodation** means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**seniors housing** means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

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**serviced apartment** means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**sign** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

**small lot housing** means:

- (a) a single dwelling on an allotment of land with an area of not less than 300 square metres but not more than 450 square metres in Zone 2 (1), or
- (b) a single dwelling on an allotment of land with an area of not less than 200 square metres but not more than 450 square metres in Zone 2 (2).

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

**[47] Dictionary, definition of "mixed use development"**

Insert "; bottle shops" after "restaurants".

**[48] Dictionary, definition of "potential archaeological site"**

Insert "is" after "even if it" in paragraph (b).

**[49] Dictionary, definition of "the map"**

Insert in numerical order:

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