



New South Wales

# Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(11/01789)

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

## **2011 No 276**

Clause 1            Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

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# **Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)*.

### **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 certain land in the City of Lake Macquarie to which *Lake Macquarie Local Environmental Plan 2004* applies.

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

### [1]    Clause 19 Development for the purpose of a mine

Omit the clause.

### [2]    Clause 24 Subdivision

Omit clause 24 (8). Insert instead:

- (8)    The subdivision of land in Zone 10 is prohibited unless the lots proposed to be created are to be reserved or dedicated for public open space, public roads or environmental protection purposes.

### [3]    Clause 51 Development affecting known or potential archaeological sites or relics of European heritage significance

Insert “identified in Schedule 4” after “European heritage significance” in clause 51 (1).

### [4]    Schedule 1 Exempt development

Insert after paragraph (e) of the matter headed “Signs used for display of the following:” in the Table to the Schedule in Columns 1 and 2, respectively:

- |   |   |
|---|---|
| (e1)    Real estate signs (advertising premises or land for “open house” or “auction today”) in all areas | <p>Exempt in all zones.<br/> Maximum area 1.2m<sup>2</sup>.<br/> Must be erected only on the day the premises or land is open for open house or on the auction day.<br/> Must be removed immediately after the open house has finished or the auction has been completed.<br/> Maximum one sign at street frontage.<br/> Maximum of one sign at each of the nearest 2 intersections.<br/> Must not interfere with traffic visibility or pedestrian access.<br/> Must not be attached to balloons or similar items.<br/> Must not be illuminated or use flashing lights or similar devices for illumination.</p> |
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## 2011 No 276

Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

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**[5] Schedule 3 Reclassification of community land as operational land**

Omit the matter relating to Macquarie Hills (including the heading).

Insert instead in Columns 1, 2 and 3, respectively:

**Macquarie Hills**

121 Macquarie Road	Lot 41, DP 1132840	Easement for transmission line (K556111) as noted on Certificate of Title Folio Identifier 41/1132840
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**[6] Schedule 3**

Omit the matter from Column 2 relating to 47 Charles Street, Warners Bay.

Insert instead "Lot 105, DP 1131065".

**[7] Schedule 3**

Omit the matter relating to 40 John Street, Warners Bay.

Insert instead in Columns 1, 2 and 3, respectively:

40 John Street	Lot 101, DP 1131065	Right of carriageway (DP 1022769) as noted on Certificate of Title Folio Identifier 101/1131065
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**[8] Schedule 3**

Omit the matter from Column 2 relating to 42 John Street, Warners Bay.

Insert instead "Lot 102, DP 1131065".

**[9] Schedule 3**

Omit the matter from Column 3 relating to 57 King Street, Warners Bay.

Insert instead "Lease to Warners Bay Early Learning and Care Incorporated (AE814798H) (expires 31/12/2013) as noted on Certificate of Title Folio Identifier 50/623626".

**[10] Schedule 3**

Omit the matter relating to 59 King Street, Warners Bay.

Insert instead in Columns 1, 2 and 3, respectively:

59 King Street	Lot 104, DP 1131065	Lease to Warners Bay Early Learning and Care Incorporated (AE814798H) (expires 31/12/2013) as noted on Certificate of Title Folio Identifier 104/1131065
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**[11] Schedule 3**

Omit the matter relating to 61 King Street, Warners Bay.

Insert instead in Columns 1, 2 and 3, respectively:

61 King Street	Lot 103, DP 1131065	Lease to Warners Bay Early Learning and Care Incorporated (AE814798H) (expires 31/12/2013) as noted on Certificate of Title Folio Identifier 103/1131065
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**[12] Schedule 4 Heritage items other than of indigenous origins and including potential archaeological sites**

Omit “(Clause 49 and Dictionary)”.

Insert instead “(Clause 51 and Dictionary)”.

**[13] Schedule 4, Part 1, item BN-01**

Insert before the matter relating to 65 John Fisher Rd under the headings “**Address**” and “**Property description**”, respectively:

14 John Darling Ave	Lot 100, DP 1136505
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**[14] Schedule 4, Part 1, item BN-01**

Omit the addresses and property descriptions for 55 John Fisher Rd and John Darling Avenue.

## 2011 No 276

Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

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**[15] Schedule 4, Part 1, item BL-01**

Omit the item and the heading “**Blacksmiths**”.

**[16] Schedule 4, Part 1, item BR-16**

Insert after item BR-06:

BR-16	L	Former Laboratory building on the former Pasmenco site	Part of 13A Main Rd	Part of Lot 2, DP 1127713
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**[17] Schedule 4, Part 1, item BU-02**

Omit the property descriptions in respect of 18 Marmong St and 2b First St.

Insert instead, respectively:

Lot 120, DP 855520  
Lot 33, DP 1133743

**[18] Schedule 4, Part 1, items CH-13, CH-16 and RT-18**

Omit the items.

**[19] Schedule 4, Part 1, item CH-14**

Omit the property description. Insert instead “Lot 104, DP 1129872”.

**[20] Schedule 4, Part 1, item CH-24**

Omit the property description. Insert instead “Lot 1, DP 1107593”.

**[21] Schedule 4, Part 1, item CB-08**

Omit the property descriptions. Insert instead:

Lot 7300, DP 1145113  
Lot 1, DP 1095988

**[22] Schedule 4, Part 1, item DL-09**

Omit the address. Insert instead “31 Thomas St”.

**[23] Schedule 4, Part 1, items LP-01 and MK-01**

Insert after the matter relating to Kotara South:

**Little Pelican**

LP-01	L	Little Pelican cottages and site	Lot 7036, DP 1030788
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**Marks Point**

MK-01	L	House	15 Haddon Cr	Lot 1, DP 124241
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**[24] Schedule 4, Part 1, items MS-02 and MS-04**

Insert after item MS-01:

MS-02	L	Community Hall	77 Dora St	Lot 2, DP 590896
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MS-04	L	Mullard Chambers building	71 Dora St	Lot 1, DP 215590
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**[25] Schedule 4, Part 1, item RM-12A**

Insert after item RM-10:

RM-12A	L	Emergency Radio Bunkers	115 Wangi Rd	Lot 446, DP 1138964
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**[26] Schedule 4, Part 1, item TA-17**

Omit the address and property description. Insert instead:

282 Rhondda Rd	Lot 101, DP 1073163
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284 Rhondda Rd	Lot 76, DP 755262
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**[27] Schedule 4, Part 1, item WG-06A**

Insert after item WG-04:

WG-06A	L	Gun emplacements	24 Reserve Rd	Lot 526, DP 662836
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## 2011 No 276

Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

Schedule 1 Amendment of Lake Macquarie Local Environmental Plan 2004

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**[28] Schedule 4, Part 1, item WB-04A**

Insert after item WB-03:

WB-04A	L	Cottage	17 Daydawn Ave	Lot 10, DP 651218
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**[29] Schedule 4, Part 1, item WW-58**

Insert after item WW-52:

WW-58	L	Anglican Church	11 Wallsend Rd	Lot 81, DP 1143907
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**[30] Schedule 4, Part 2, item 7**

Insert after item 6:

7	L	Former mine site	180 Ross St, Green Point Reserve	Lot 2, DP 845516
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**[31] Schedule 4, Part 2, item BN-01**

Insert after item AW-08:

BN-01	L	Former John Darling Colliery	John Fisher Rd, Siloam Dr, John Fallins Cl, John Darling Ave	Lots 2–8, DP 1038830 Lots 1–5, 7–9, 12–14 and 16–18, DP 270530 Lots 201–223, 225 and 226, DP 1136649 Lots 1 and 2, DP 1153652 Lots 301–330, DP 1148102 Lots 501–505, DP 1156100
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**[32] Schedule 5 Natural heritage items**

Omit “(Clause 49)”. Insert instead “(Dictionary)”.



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**[33] Schedule 6 Places or potential places of Aboriginal heritage significance**

Omit “(Clause 49)”. Insert instead “(Clause 50 and Dictionary)”.

**[34] Schedule 7 Additional development allowed on certain land**

Omit “Lot 216, DP 1036819” from Column 1 of the matter relating to item 7.

Insert instead “Lots 3 and 4, DP 1134639 and Lot 5100, DP 1153452”.

**[35] Schedule 7, item 18**

Insert after item 17:

18	Land at Glendale, being Lot 305, DP 1107690, Frederick Street.	Subdivision of land for purposes associated with the construction of the Glendale Wallsend Shared Pathway.
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**[36] Schedule 8 Land subject to special development requirements**

Omit “and Lots 31–34, DP 1117408” from Column 1 of the matter relating to item 2.

Insert instead “, Lots 31, 32 and 34, DP 1117408, Lot 410, DP 1139690 and Lot 5, DP 1143366”.

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

Omit “and Lot 33, DP 1117408” from Column 1.

Insert instead “, Lots 31, 32 and 34, DP 1117408, Lot 410, DP 1139690 and Lot 5, DP 1143366”.

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

Omit “Lots 301–312, 317–321 and 324–336, DP 1089554” from Column 1 of the matter relating to item 2.

Insert instead “Lots 301–304, 308–312, 317–320, 326–329 and 336, DP 1089554”.

**[39] Schedule 9, item 2**

Omit “and SP 79911,” from Column 1.

Insert instead “, SP 79911, Lot 3, DP 1128456, Lot 3300, DP 1134814, Lots 2000 and 2001, DP 1144842 and Lot 3000, DP 1141675”.

## 2011 No 276

Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)

Schedule 1      Amendment of Lake Macquarie Local Environmental Plan 2004

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### [40]    **Schedule 9, item 5**

Insert after item 4:

- 5      Land at Cardiff, being Lot 11,                      Provision for future vehicular access  
         Section 12, DP 2472, 13 Henry Street.      to the site.

### [41]    **Schedule 11 Restricted development**

Omit the matter from Column 1 relating to item 2.

Insert instead “Land at Macquarie Hills, being Lot 41, DP 1132840, 121 Macquarie Road”.

### [42]    **Dictionary**

Insert in appropriate order in the definition of *the map*:

Lake Macquarie Local Environmental Plan 2004 (Amendment No 55)