



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

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*.
(10/07888-1)

TOM GELLIBRAND

As delegate for the Minister for Planning and Infrastructure

2011 No 403

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 34)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 34)*.

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

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

[1] Schedule 2 Heritage

Omit Parts 1 and 2. Insert instead:

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance
Anna Bay	Underground water tank (Footrot Flat)	4408 Nelson Bay Road	Lot 884, DP 737049	Local
Anna Bay	Birubi Point Cemetery	31A, 33A and 31B Ocean Avenue	DP 753204; Lot 7035, DP 1057295	Local
Balickera	“Balikera House”	303 Italia Road	Lot 530, DP 1128672	Local
Duns Creek	Duninald House Group (“Old Duninald” and “Duninald”, including mature plantings, lagoon and landscape setting)	1525 Paterson Road	Pt Lot 501, DP 1063596	Local
Eagleton	Eagleton Shipyard site	673 Newline Road	Lot 2, DP 826917	Local
East Seaham	Road alignment and indigenous roadside vegetation (including Spotted Gum (<i>Corymbia maculata</i>), Iron Bark (<i>Eucalyptus siderophloia</i>), Forest Red Gum (<i>Eucalyptus tereticornis</i>) and Grey Gum (<i>Eucalyptus punctata</i>))	East Seaham Road and Road Reserve		Local
East Seaham	“Burrowel” Homestead	110 East Seaham Road	Lot 2, DP 194920	Local
East Seaham	Seaham Knitting Circle Memorial	1214 Newline Road	Lot 2, DP 214077	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

Suburb	Item name	Address	Property description	Significance
Fingal Bay	Point Stephens Lighthouse Group (including lighthouse station, tower, remains of lighthouse keeper's cottage)	1E Marine Drive	Lot 177, DP 753204	Local
Fullerton Cove	"Stanley Park House"	77 and 77A Fullerton Cove Road	Lot 2, DP 720679; Lot 108, DP 720695	Local
Glen Oak	Glen Oak School of Arts (including Memorial gates and war memorial plaque)	1998 Clarence Town Road	Lot 227, DP 752497	Local
Heatherbrae	Moreton Bay Fig trees (<i>Ficus macrophylla</i>)	Road Reserve, 2279 Pacific Highway	Adjacent to Lot 102, DP 807522	Local
Hinton	Anglican Cemetery	35 Elizabeth Street	Lot 801, DP 881208	Local
Hinton	Baptist Church	42 and 44 Elizabeth Street	Lots 36 and 38, DP 975910	Local
Hinton	Former Police Station	43 and 45 Elizabeth Street	Lots 55 and 57, DP 975910	Local
Hinton	School of Arts (including 2 large white marble war memorial plaques)	279 Hinton Road	Lot 31, DP 1104564	Local
Hinton	Hinton Pioneer Cemetery	289 Hinton Road	Lot 7002, DP 1052993	Local
Hinton	"Rosemount" (including outbuildings, landscape settings and Bunya Pine trees)	298 Hinton Road, 33 and 43 Hunter Street and 14 Swan Street	Lot 18, DP 1044452; Lots 22 and 33, DP 1053120; Lot 21, DP 1053120	Local

Suburb	Item name	Address	Property description	Significance
Hinton	“Prospect House” (including outbuildings and landscape setting)	98 and 108 McClymonts Swamp Road and 335 and 335A Hinton Road	Lots 1–4, DP 1130450	Local
Hinton	Hinton Bridge	Paterson Street		State
Hinton	Victoria Hotel	2 Paterson Street	Lot 1, DP 75465	Local
Hinton	Timber cottage	13 Paterson Street	Lot 21, DP 770598	Local
Hinton	Timber cottage	18 Paterson Street	Lot 14, DP 1127761	Local
Hinton	Public school (including main building, shelter sheds and memorial gates)	20 Paterson Street	Lot 100, DP 808856	Local
Hinton	Georgian cottage	26 Paterson Street	Lot 70, DP 1045778	Local
Hinton	Former St John the Evangelist Church	29 Paterson Street	Lot 802, DP 881208	Local
Hinton	Grandstand, Stuart Park	17 Swan Road	Reserve No 10417	Local
Karuah	Karuah Town War Memorial (Memorial Park/Lion Park)	1 and 11 Memorial Drive	Lot 6, DP 753196; Lot 7009, DP 1050943	Local
Karuah	Karuah Cemetery	2A Wattle Street	Lot 1, DP 1131256	Local
Lemon Tree Passage	“Johnson’s Cottage”	60 Johnson Parade	Lot 1, DP 818801	Local
Nelson Bay	Apex Park Group (including Cenotaph, well and remains of the memorial steps)	8 Laman Street and 3 Teramby Street	Pt Lot 154, DP 753204; Lot 7145, DP 1063859	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

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Nelson Bay	The Native Flora Reserve (including site of former migrant camp, foundations of <i>HMAS Assault</i> , Aboriginal scar tree, burial site, below water items including Higgins landing barges, army jeeps, various munitions and anchor of <i>USS Henry S Grant</i>)	1 Lighthouse Road and 98 Shoal Bay Road	Lots 1 and 2, DP 1086708	Local
Nelson Bay	Point Stephens Lighthouse Group (including Apex Park and Christmas Bush Avenue former oil-burning street lamps)	5A Lighthouse Road	Part Lot 427, DP 39728	Local
Nelson Bay	Point Stephens Lighthouse Group (including Nelson Head Lighthouse, cottages and reserve)	5A Lighthouse Road	Pt Lot 427, DP 39728	State
Nelson Bay	Gan Gan Army Camp	4874 Nelson Bay Road	Lot 11, DP 841401	Local
Nelson Bay	Nelson Bay Cemetery	41A, 43, 43A and 43B Stockton Street	Lot 2, DP 1128723; Lot 1, DP 1155736; Lot 7322, DP 1151533; Lot 732, DP 1151233	Local
Port Stephens	Stockton Beach Dune System (including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts)	33, 35 and 37 Coxs Lane; 27, 30, 32, 40 and 42 Stockton Bight Track; 3006 and 4080A Nelson Bay Road	Lots 224–227 and 230, DP 1097995; Lots 216 and 218, DP 1044608; Lot 592, DP 1097992; Lot 7033, DP 1053720	Local

Suburb	Item name	Address	Property description	Significance
Raymond Terrace	Former school hall, Raymond Terrace Public School (including WWI school honour board)	14 and 16 Adelaide Street	Lot 2, DP 868750; Lot 11, DP 1034823	Local
Raymond Terrace	The Free Presbyterian Church of Eastern Australia	155 Adelaide Street	Lot 2, DP 758871	Local
Raymond Terrace	“Woodlands” (timber cottage)	183 Adelaide Street	Lot 76, DP 621767	Local
Raymond Terrace	Fig tree (<i>Ficus obliqua</i>)	193 Adelaide Street	Lot 28, DP 753161	Local
Raymond Terrace	“Roslyn” (including house, outbuildings, mature trees and landscape setting)	12 Binns Street	Lot 4, DP 811055	Local
Raymond Terrace	Raymond Terrace Cemetery and Pioneer Hill Cemetery	1A, 2 and 4 Elizabeth Avenue	Pt Lot 20, DP 753161; Lots 7008 and 7009, DP 1051708	Local
Raymond Terrace	Part of St John’s Anglican Church Group (former school and rectory and former parish hall)	6 Glenelg Street; 1 Jacaranda Avenue	Lot 5, DP 38912; SP 52685; SP 54546; SP 60246	Local
Raymond Terrace	Former Ingleburn Private Hospital	12 Glenelg Street	Lot 1, DP 81854	Local
Raymond Terrace	Sandstone block timber clad house	3 Hunter Street	Lot 1, DP 739811	Local
Raymond Terrace	“Cadell Cottage” (former doctor’s house)	7 Hunter Street	Lot 2, DP 522978	Local
Raymond Terrace	Timber cottage (former mounted police barracks)	11 Irrawang Street	Lot 6, DP 38088	Local
Raymond Terrace	“Boomerang Park” (including former stone quarry and mature tree planting)	17E Irrawang Street	Lot 1, DP 1018979	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

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Raymond Terrace	Part of St Brigid's Catholic Church Group—St Brigid's Convent	52 and 54 Irrawang Street	Lots 13 and 14, Sec 15, DP 758871	Local
Raymond Terrace	Part of St Brigid's Catholic Church Group—St Brigid's Church Hall	58 Irrawang Street	Lot 16, DP 547042	Local
Raymond Terrace	“Bailiwick”—cottage	70 Irrawang Street	Lot 2, DP 346695	Local
Raymond Terrace	Raymond Terrace War Memorial	2A Jacaranda Avenue	Lot 1, DP 1014247	Local
Raymond Terrace	Jacaranda trees (<i>Jacaranda mimosifolia</i>)	Road Reserve, Jacaranda Avenue (between Glenelg and Swan Streets)		Local
Raymond Terrace	“Kia-ora” (including mulberry tree beside driveway)	13 Kia-ora Street	Lot 13, DP 24939	Local
Raymond Terrace	Part of King Street Group (residence and former hotel)	7 King Street	Lot 1, DP 741492	Local
Raymond Terrace	Part of King Street Group (shop and former boot and shoe emporium)	9 King Street	Lot 1, DP 737678	Local
Raymond Terrace	Part of King Street Group (residence and former hardware store)	11 King Street	Lot 1, DP 783549	Local
Raymond Terrace	Part of King Street Group (shop and former grocery store)	13 King Street	Lot 5, DP 707022	Local
Raymond Terrace	Part of King Street Group (hall, former shop and residence)	14 King Street	Lot 1, DP 301752	Local

Suburb	Item name	Address	Property description	Significance
Raymond Terrace	Part of King Street Group (former Princess Café, including leaded glass highlights over front door and windows)	15 King Street	Lot 54, DP 1063888	Local
Raymond Terrace	Moreton Bay Fig trees (<i>Ficus macrophylla</i>)—“The Marriage Trees”	16 and 18 King Street	Lot 1, DP 79440; Lot 5, DP 1063568	Local
Raymond Terrace	Part of King Street Group (former drapery shop)	17 King Street	Lot 14, DP 748967	Local
Raymond Terrace	Part of King Street Group (brick warehouse and former bond store)	18 and 18A King Street	Lot 5, DP 1063568; Lot A, DP 960760	Local
Raymond Terrace	Part of King Street Group (former shop and residence)	21 King Street	Lot 10, DP 712299	Local
Raymond Terrace	Canary Islands Date Palm (<i>Phoenix canariensis</i>)	Road Reserve, Port Stephens Street (Adam Place)		Local
Raymond Terrace	Timber cottage	34 Port Stephens Street	Lot 4, DP 56219	Local
Raymond Terrace	Former Post Office	61 Port Stephens Street	Lot 41, DP 776800	Local
Raymond Terrace	Former Schoolhouse	63 Port Stephens Street	Lot 3, DP 252996	Local
Raymond Terrace	Library (former “Mayo’s Building”)	72 Port Stephens Street	Pt Lot 10, DP 1128722	Local
Raymond Terrace	Fitzgerald Bridge	Seaham Road, Hunter River		Local
Raymond Terrace	Sabre Jet fighter aircraft	Bettles Park, 1 Sketchley Street	Lot 1, DP 1093118	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

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Raymond Terrace	Port Jackson Fig tree (<i>Ficus rubiginosa</i>)	1 Sketchley Street	Pt Lot 138, DP 24655	Local
Raymond Terrace	“Euripides” (stone cottage)	28 Sturgeon Street	Lot 22, DP 613174	Local
Raymond Terrace	Part of St John’s Anglican Church Group (church)	45 and 45A Sturgeon Street	Lots 3 and 4, Sec 9, DP 758871	Local
Raymond Terrace	Part of St John’s Anglican Church Group (rectory and Norfolk Island Pine trees (<i>Araucaria heterophylla</i>))	48 Sturgeon Street	Lot 48, DP 1142622	Local
Raymond Terrace	“Roeth House” (2-storey timber house)	12 Swan Street	Lot 23, DP 588932	Local
Raymond Terrace	“Kinross” (including stone shed and landscape setting)	68 Wahrenonga Street	Lot 721, DP 805426	Local
Raymond Terrace	Junction Inn	2 William Street	Lot 1, DP 1104303	Local
Raymond Terrace	Ralston’s Building (commercial building)	4 William Street	Lot 1, DP 111303	Local
Raymond Terrace	National Australia Bank	14 William Street	Lot 1, DP 912155	Local
Raymond Terrace	Uniting Church (including bell tower and WWI honour board)	54 William Street	Lot 190, DP 1132724	Local
Raymond Terrace	Courthouse	59 William Street	Lot 10, Sec 11, DP 758871	Local
Raymond Terrace	Part of St Brigid’s Catholic Church Group (St Brigid’s Presbytery)	67 William Street	Lot 11, Sec 15, DP 758871	Local
Raymond Terrace	Part of St Brigid’s Catholic Church Group (St Brigid’s Church)	69 William Street	Lot 12, Sec 15, DP 758871	Local

Suburb	Item name	Address	Property description	Significance
Seaham	Seaham Cemetery	10 Grape Street	Lot 1, Sec 36, DP758899	Local
Seaham	“Tom McLennan’s Cottage” (slab cottage)	4 Middle Crescent	Lot 1, Sec 31, DP 758899	Local
Seaham	“Eskdale House”	792 and 794 Seaham Road	Lot 100, DP 1064980	Local
Seaham	“Brandon” (including house, stables and landscape setting)	1106 Seaham Road	Lot 149, DP 1003827	Local
Seaham	Porphyry Point site	1 Warren Street	Lot 1, DP 538498	Local
Seaham	School of Arts (including memorial pillars and photographic collection of WWII servicemen, timber war memorial honour board, Friendly Society dispensation and Seaham ferry bell)	10 Warren Street	Lot 8, DP 758899	Local
Seaham	Seaham Quarry (including interpretive sign originally installed by Professor Edgeworth David)	26 and 26A Warren Street	Lot 10, DP 258195; Lot 95, DP 42639	State
Seaham	St Andrew’s Church	47–53 Warren Street	Lots 4–7, Sec 31, DP 758899	Local
Shoal Bay	Remains of WWII fortifications, Fort Tomaree (including gun base and torpedo bases, torpedo tube jetty)	2 Shoal Bay Road	Lot 454, DP 705463	State
Shoal Bay	Tomaree Holiday Lodge Precinct	4 Shoal Bay Road	Lot 453, DP 705463	State
Soldiers Point	Grave of Cecilia Cromarty	Adjacent to Seaview Crescent, 147A Soldiers Point Road	Lot 321, DP 595752	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

Suburb	Item name	Address	Property description	Significance
Tanilba Bay	Part of Henry Halloran Group (Mosaic Temple of the Stork)	31 Admiralty Avenue	Lot 45, DP 16873	State
Tanilba Bay	Part of Henry Halloran Group (Sunset Park, including 2 stone seats, large stone table, stone fireplace and kilns)	2B and 2C Caswell Crescent	Lot 1, DP 182666; Lot 7017, DP 1052528	Local
Tanilba Bay	Part of Henry Halloran Group (stone wall west of "Tanilba House")	30 Caswell Crescent	Lot 2, DP 548644	Local
Tanilba Bay	Part of Henry Halloran Group (Palm Circle, including Cabbage Tree Palm (<i>Livistona australis</i>))	30A Caswell Crescent	Lot 13, DP 16873	Local
Tanilba Bay	"Tanilba House" (including remnants of convict barracks, garden cottage, water tank, stone walls, circular drive, wishing chair, direction finder, olive tree, rustic pergola and wisteria vine and garden setting, including Bunya Pine and fig tree)	32 Caswell Crescent	Lot 1, DP 548644	State
Tanilba Bay	Part of Henry Halloran Group (Meridian Park, including Canary Islands Date Palm trees (<i>Phoenix canariensis</i>), remains of circle planting of Cabbage Tree Palm (<i>Livistona australis</i>), stone seat, relocated barbecue and possible site of 3 burials)	37A-37C Caswell Crescent	Lot 2, DP 182666; Lot 1 DP 848809; Lot 7018, DP 1052527	Local

Suburb	Item name	Address	Property description	Significance
Tanilba Bay	Part of Henry Halloran Group (former summer house, remains of former barbecue and commemorative stone work)	44 Caswell Crescent	Lot 36, DP 16873	Local
Tanilba Bay	Part of Henry Halloran Group (Portal to the Peerless)	Road Reserve, Avenue of the Allies (Foch Forum)		Local
Tanilba Bay	Part of Henry Halloran Group (Centenary Gateway Water Arch, including avenue planting of Norfolk Island Pine (<i>Araucaria heterophylla</i>))	Road Reserve, Avenue of the Allies (Haig Hexagon)		Local
Tanilba Bay	Part of Henry Halloran Group (former bathers' changing room and circular rock wall)	Road Reserve, Pomona Place		Local
Taylor's Beach	Port Jackson Fig tree (<i>Ficus rubiginosa</i>)	14 Taylor Road	Lot 636, DP 27628	Local
Tomago	"Tomago House" (including pinetum, pleasure garden and landscape setting)	421 Tomago Road	Lot 1, DP 111486	State
Tomago	"Tomago House Chapel" (including landscape setting)	423 Tomago Road	Lot 1, DP 770610	State
Wallalong	Wallalong/Bowthorne War memorial	49 High Street	Lot 12, DP 1079483	Local
Wallalong	Former Wallalong Broom Factory	44 McClymonts Swamp Road	Lot 140, DP 836929	Local
Wallalong	"Wallalong House" (including stables, outbuildings, gardens and landscape setting)	76 Wallalong Road	Lot 577, DP 864399	Local

2011 No 403

Port Stephens Local Environmental Plan 2000 (Amendment No 34)

Schedule 1 Amendment of Port Stephens Local Environmental Plan 2000

Suburb	Item name	Address	Property description	Significance
Williamstown	St Saviour's Anglican Church (including WWI memorial plaque)	12 Cabbage Tree Road	Lot 1, DP 607447	Local
Williamstown	"Devon House" (including former Moxey's slab cottage, dairy, hay shed and slab barn)	150 Cabbage Tree Road	Lot 1, DP 832554	Local
Williamstown	Farm silo	20 Steel Street	Lot 2001, DP 1033856	Local
Woodville	General Store and Post Office	229 Clarence Town Road	Pt Lot 24, DP 10074	Local
Woodville	Former All Saints Church	235 Clarence Town Road	Lot 1, DP 137188	Local
Woodville	Dunmore Bridge	Clarence Town Road, Paterson River		State
Woodville	"Pomfrett's Cottage" (slab cottage)	862A and 868 Paterson Road	Lot 2, DP 782062	Local
Woodville	School of Arts	868 and 870 Paterson Road	Lot 12, DP 1058974; Pt Lot 51, DP 752451	Local
Woodville	"Tressingfield", formerly "Carlton Cottage" (including gardens and landscape setting)	1081 Paterson Road	Lot 1, DP 948190	Local
Woodville	"Stradbroke" (including stone barn and landscape setting)	1137 Paterson Road	Lot 17, DP 1104247	Local

Part 2 Heritage conservation areas

Description	Identification on the map	Significance
Hinton	Shown by a heavy black broken line and marked "Hinton Heritage Conservation Area"	Local
Raymond Terrace	Shown by a heavy black broken line and marked "Raymond Terrace Heritage Conservation Area"	Local

[2] Schedule 3 Exempt development

Insert after paragraph (d) of the matter relating to Advertising signs under the heading "Private development":

- (d1) Signage for sponsorship on land within Zone No 6 (a) (General Recreation "A" Zone)
- Maximum size—5m long and 1m height
 - Maximum of 1 sign per site
 - Must relate directly to activities held on the site
 - Must be in accordance with any plan of management adopted under the *Crown Lands Act 1989* or the *Local Government Act 1993*

[3] Dictionary

Omit "heavy black on the map marked 'Port Stephens Heritage Conservation Area'" from the definition of *heritage conservation area*.

Insert instead "by a heavy black broken line on the map and listed in Part 2 of Schedule 2".

[4] Dictionary, definition of "heritage item"

Omit "or 2".

[5] Dictionary, definitions of "heritage item of local significance" and "heritage item of State significance"

Omit the definitions.

[6] Dictionary, definition of "the map"

Insert in appropriate order in the definition:

Port Stephens Local Environmental Plan 2000 (Amendment No 34)—Sheets 1 to 3