



New South Wales

# Newcastle Local Environmental Plan 2012

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows.

SAM HADDAD

As delegate for the Minister for Planning and Infrastructure

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## **Newcastle Local Environmental Plan 2012**

under the

Environmental Planning and Assessment Act 1979

### **Part 1 Preliminary**

#### **1.1 Name of Plan**

This Plan is *Newcastle Local Environmental Plan 2012*.

#### **1.1AA Commencement**

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

#### **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in the City of Newcastle in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle,
  - (b) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,
  - (c) to contribute to the economic well being of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi-functional and innovative centre that encourages employment and economic growth,
  - (d) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,
  - (e) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport,

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community facilities and services, retail and commercial services,

- (f) to facilitate the development of building design excellence appropriate to a regional city.

### 1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

### 1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

### 1.5 Notes

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

### 1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

### 1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

**1.8 Repeal of planning instruments applying to land**

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

**Note.** The following local environmental plans are repealed under this provision:

*Newcastle City Centre Local Environmental Plan 2008*

*Newcastle Local Environmental Plan 2003*

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

**1.8A Savings provision relating to development applications**

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

**Note.** However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

**1.9 Application of SEPPs**

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.

- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

*State Environmental Planning Policy No 1—Development Standards*

*State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clause 6 and Parts 3 and 4)

*State Environmental Planning Policy No 60—Exempt and Complying Development*

- (2A) *State Environmental Planning Policy No 71—Coastal Protection* does not apply to land in the Newcastle City Centre.

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### 1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
  - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
  - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
  - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
  - (d) to any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
  - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
  - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
  - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).



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## **Part 2 Permitted or prohibited development**

### **2.1 Land use zones**

The land use zones under this Plan are as follows:

#### **Residential Zones**

- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

#### **Business Zones**

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development

#### **Industrial Zones**

- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial

#### **Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure

#### **Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

#### **Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

#### **Waterway Zones**

- W2 Recreational Waterways

### **2.2 Zoning of land to which Plan applies**

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

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Part 2 Permitted or prohibited development

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### 2.3 Zone objectives and Land Use Table

- (1) The Land Use Table at the end of this Part specifies for each zone:
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Land Use Table at the end of this Part:
  - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
  - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

#### Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

### 2.4 Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
  - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and

- (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

## 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

## 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

### Notes.

- 1 If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.
  - 2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

**Note.** The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

## 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

**Note.** If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

## 2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have

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Clause 2.8 Newcastle Local Environmental Plan 2012

Part 2 Land Use Table

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detrimental economic, social, amenity or environmental effects on the land.

- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

### Land Use Table

**Note.** A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

*State Environmental Planning Policy (Affordable Rental Housing) 2009* (including provision for secondary dwellings)

*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

*State Environmental Planning Policy (Infrastructure) 2007*—relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

*State Environmental Planning Policy (Rural Lands) 2008*

*State Environmental Planning Policy No 33—Hazardous and Offensive Development*

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*State Environmental Planning Policy No 50—Canal Estate Development*  
*State Environmental Planning Policy No 62—Sustainable Aquaculture*  
*State Environmental Planning Policy No 64—Advertising and Signage*

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Neighbourhood shops; Recreation areas; Residential accommodation; Respite day care centres; Roads; Tourist and visitor accommodation

### **4 Prohibited**

Backpackers' accommodation; Hostels; Rural workers' dwellings; Serviced apartments; Any other development not specified in item 2 or 3

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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Part 2 Land Use Table

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- To allow some diversity of activities and densities if:
  - (i) the scale and height of proposed buildings is compatible with the character of the locality, and
  - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.
- To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:
  - (i) has regard to the desired future character of residential streets, and
  - (ii) does not significantly detract from the amenity of any existing nearby development.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Attached dwellings; Boarding houses; Car parks; Child care centres; Community facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health services facilities; Home-based child care; Home businesses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Respite day care centres; Roads; Seniors housing; Tourist and visitor accommodation

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone R4 High Density Residential

### 1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote a denser urban form along transport corridors while respecting the residential character of adjoining streets.
- To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.

- 
- To provide for commercial development that contributes to the vitality of the street where provided within a mixed use development.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Emergency services facilities; Flood mitigation works; Food and drink premises; Health services facilities; Home-based child care; Home businesses; Hostels; Kiosks; Multi-dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Service stations; Shop top housing; Tourist and visitor accommodation

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone B1 Neighbourhood Centre**

**1 Objectives of zone**

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To provide for residential development that maintains active retail frontages in order to contribute to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- To maintain the hierarchy of urban centres throughout the City of Newcastle and not prejudice the viability of centres within Zone B2 Local Centre or Zone B3 Commercial Core.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Amusement centres; Boarding houses; Business premises; Car parks; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Function centres; Health services facilities; Home-based child care;

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Part 2 Land Use Table

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Home businesses; Information and education facilities; Light industries; Medical centres; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Service stations; Shop top housing; Signage; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals

#### 4 Prohibited

Bulky goods premises; High technology industries; Home industries; Rural supplies; Timber yards; Any other development not specified in item 2 or 3

### Zone B2 Local Centre

#### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that maintains active retail and business frontages in order to contribute to a safe, attractive, friendly, accessible and efficient pedestrian environment.
- To maintain the hierarchy of urban centres throughout the City of Newcastle and not prejudice the viability of the Newcastle City Centre.

#### 2 Permitted without consent

Environmental protection works; Home occupations

#### 3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations (sex services); Hostels; Industrial retail outlets; Information and education facilities; Light industries; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Respite day



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care centres; Restricted premises; Roads; Service stations; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures

**4 Prohibited**

High technology industries; Any other development not specified in item 2 or 3

**Zone B3 Commercial Core**

**1 Objectives of zone**

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential development that contributes to the vitality of the Newcastle City Centre, where provided within a mixed use development.
- To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.
- To provide for the retention and creation of view corridors.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Boat launching ramps; Car parks; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Hotel or motel accommodation; Information and education facilities; Jetties; Marinas; Medical centres; Moorings; Mortuaries; Passenger transport facilities; Places of public worship; Port facilities; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Transport depots; Water recreation structures

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Part 2 Land Use Table

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### **4 Prohibited**

Any development not specified in item 2 or 3

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.

### **2 Permitted without consent**

Environmental protection works; Home occupations

### **3 Permitted with consent**

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Farm buildings; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; High technology industries; Open cut mining; Resource recovery facilities; Rural industries; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recycling facilities; Water supply systems

## **Zone B5 Business Development**

### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To accommodate a wide range of employment generating uses and associated support facilities including light industrial, transport and storage activities.

### **2 Permitted without consent**

Environmental protection works

### **3 Permitted with consent**

Amusement centres; Bulky goods premises; Car parks; Child care centres; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Flood mitigation works; Garden centres; Hardware and building supplies; Industrial retail outlets; Information and education facilities; Landscaping material supplies; Light industries; Mortuaries; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restricted premises; Roads; Self-storage units; Service stations; Sex services premises; Signage; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

### **4 Prohibited**

High technology industries; Pubs; Restaurants or cafes; Roadside stalls; Any other development not specified in item 2 or 3

## **Zone IN1 General Industrial**

### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow commercial, retail or other development where it is:
  - (i) ancillary to the use of land in this zone for industrial, research, service or storage purposes, or

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Part 2 Land Use Table

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(ii) primarily intended to provide personal services and community facilities to persons occupied or employed in activities otherwise permitted in this zone or for the benefit of the local community.

- To ensure that any such commercial, retail or other development is unlikely to be prejudicial:
  - (i) to employment-generating activities, or
  - (ii) to the viability of existing commercial centres.

### 2 Permitted without consent

Environmental protection works

### 3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Car parks; Child care centres; Community facilities; Correctional centres; Crematoria; Depots; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Helipads; Heliports; Industrial retail outlets; Industrial training facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Respite day care centres; Restricted premises; Roads; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems; Wholesale supplies

### 4 Prohibited

Water recycling facilities; Any other development not specified in item 2 or 3

## Zone IN2 Light Industrial

### 1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

- To support and protect industrial land for industrial uses.

## **2 Permitted without consent**

Environmental protection works

## **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Car parks; Child care centres; Community facilities; Crematoria; Depots; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Helipads; Heliports; Industrial retail outlets; Industrial training facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies

## **4 Prohibited**

Any development not specified in item 2 or 3

### **Zone IN3 Heavy Industrial**

#### **1 Objectives of zone**

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.

#### **2 Permitted without consent**

Environmental protection works

#### **3 Permitted with consent**

Aquaculture; Boat building and repair facilities; Boat launching ramps; Car parks; Depots; Extractive industries; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Jetties; Kiosks; Light industries; Marinas;

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Part 2 Land Use Table

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Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Passenger transport facilities; Port facilities; Recreation areas (indoor); Roads; Service stations; Sewerage systems; Sex services premises; Signage; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Water supply systems; Wholesale supplies

### 4 Prohibited

High technology industries; Any other development not specified in item 2 or 3

## Zone SP1 Special Activities

### 1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

### 2 Permitted without consent

Roads

### 3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

### 4 Prohibited

Any development not specified in item 2 or 3

## Zone SP2 Infrastructure

### 1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

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**2 Permitted without consent**

Roads

**3 Permitted with consent**

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE1 Public Recreation**

**1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

**2 Permitted without consent**

Environmental facilities; Environmental protection works

**3 Permitted with consent**

Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

**4 Prohibited**

Any development not specified in item 2 or 3

**Zone RE2 Private Recreation**

**1 Objectives of zone**

- To enable land to be used for private open space or recreational purposes.

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- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

### 2 Permitted without consent

Environmental facilities; Environmental protection works; Home occupations

### 3 Permitted with consent

Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Dwelling houses; Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home-based child care; Jetties; Kiosks; Marinas; Markets; Moorings; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Water recreation structures

### 4 Prohibited

Pubs; Any other development not specified in item 2 or 3

## Zone E1 National Parks and Nature Reserves

### 1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

### 2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

### 3 Permitted with consent

Nil



**4 Prohibited**

Any development not specified in item 2 or 3

**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To provide for the management of the majority of the Hunter River floodplain by restricting the type and intensity of development to that compatible with the anticipated risk to life and property.
- To provide for the conservation, enhancement and protection of the Hexham Wetlands.

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Agriculture; Dwelling houses; Environmental facilities; Farm buildings; Flood mitigation works; Recreation areas; Roads

**4 Prohibited**

Animal boarding or training establishments; Aquaculture; Business premises; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone E3 Environmental Management**

**1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

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Part 2 Land Use Table

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- To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Signage; Water recreation structures

### 4 Prohibited

Industries; Intensive livestock agriculture; Intensive plant agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## Zone E4 Environmental Living

### 1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To conserve the rural or bushland character and the biodiversity or other conservation values of the land.
- To provide for the development of land for purposes that will not, or will be unlikely to, prejudice its possible future development for urban purposes or its environmental conservation.

### 2 Permitted without consent

Environmental protection works; Home occupations

### 3 Permitted with consent

Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan parks; Child

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care centres; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Secondary dwellings

**4 Prohibited**

Aquaculture; Industries; Intensive livestock agriculture; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Zone W2 Recreational Waterways****1 Objectives of zone**

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Aquaculture; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Emergency services facilities; Environmental facilities; Jetties; Kiosks; Marinas; Moorings; Passenger transport facilities; Recreation areas; Roads; Water recreation structures

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

## 2012 No 255

Clause 3.1 Newcastle Local Environmental Plan 2012

Part 3 Exempt and complying development

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### Part 3 Exempt and complying development

#### 3.1 Exempt development

**Note.** Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
  - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
  - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
  - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
  - (3) To be exempt development, the development:
    - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
    - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
    - (c) must not be designated development, and
    - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
  - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
    - (a) the building has a current fire safety certificate or fire safety statement, or
    - (b) no fire safety measures are currently implemented, required or proposed for the building.
  - (5) To be exempt development, the development must:
    - (a) be installed in accordance with the manufacturer's specifications, if applicable, and

- (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note 1.** A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.

**Note 2.** The *Native Vegetation Act 2003* does not apply in the City of Newcastle.

- (6) A heading to an item in Schedule 2 is part of that Schedule.

### 3.2 Complying development

**Note.** Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
  - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
  - (c) the development is designated development, or
  - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
  - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
  - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
  - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
    - (a) the development standards specified in relation to that development, and
    - (b) the requirements of this Part,
 is complying development.

**Note.** See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

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Clause 3.3 Newcastle Local Environmental Plan 2012

Part 3 Exempt and complying development

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- (3) To be complying development, the development must:
  - (a) be permissible, with development consent, in the zone in which it is carried out, and
  - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

### 3.3 Environmentally sensitive areas excluded

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

***environmentally sensitive area for exempt or complying development*** means any of the following:

  - (a) the coastal waters of the State,
  - (b) a coastal lake,
  - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
  - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
  - (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
  - (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
  - (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
  - (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

- 
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
  - (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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Clause 4.1 Newcastle Local Environmental Plan 2012

Part 4 Principal development standards

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### **Part 4 Principal development standards**

#### **4.1 Minimum subdivision lot size**

- (1) The objectives of this clause are as follows:
  - (a) to provide subdivision lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded,
  - (b) to facilitate greater diversity in housing choice,
  - (c) to ensure that lots are of sufficient size to meet user requirements and to facilitate energy efficiency of the future built form,
  - (d) to ensure that the subdivision of land in Zone E4 Environmental Living:
    - (i) will not prejudice its possible future development for urban purposes or its environmental conservation, and
    - (ii) will conserve the rural or bushland character, and the biodiversity values or other conservation values, of the land.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of subclause (3).

#### **4.1AA Minimum subdivision lot size for community title schemes**

- (1) The objectives of this clause are as follows:
  - (a) to achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded,
  - (b) to ensure that lot sizes are sufficient to meet user requirements and to facilitate energy efficiency of the future built form.



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- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones:
- (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone R4 High Density Residential,
  - (d) Zone B1 Neighbourhood Centre,
  - (e) Zone B2 Local Centre,
  - (f) Zone B3 Commercial Core,
  - (g) Zone B4 Mixed Use,
  - (h) Zone B5 Business Development,
  - (i) Zone IN1 General Industrial,
  - (j) Zone IN2 Light Industrial,
  - (k) Zone IN3 Heavy Industrial,
  - (l) Zone E4 Environmental Living.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

#### **4.1A Exceptions to minimum lot sizes for certain residential development**

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zones:
- (a) Zone R2 Low Density Residential,
  - (b) Zone R3 Medium Density Residential,
  - (c) Zone B1 Neighbourhood Centre,
  - (d) Zone B2 Local Centre,
  - (e) Zone B4 Mixed Use.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:
- (a) the subdivision of land into 2 or more lots,

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- (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 200 square metres.

### 4.2 Rural subdivision

[Not adopted]

### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
  - (a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,
  - (b) to allow reasonable daylight access to all developments and the public domain.

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**Note.** See clause 7.9 for the maximum height of a building on land in Newcastle City Centre.

### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate density of development consistent with the established centres hierarchy,
  - (b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

- (2A) Despite subclause (2), the maximum floor space ratio for a building on land in any zone in this Plan is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot.

**Note.** See clause 7.10 for the maximum floor space ratio for a building on land in Newcastle City Centre.

### 4.5 Calculation of floor space ratio and site area

#### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,

- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the

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proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:

- 
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
    - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
  - (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
  - (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
    - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
    - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
  - (4) Development consent must not be granted for development that contravenes a development standard unless:
    - (a) the consent authority is satisfied that:
      - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
      - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
    - (b) the concurrence of the Director-General has been obtained.
  - (5) In deciding whether to grant concurrence, the Director-General must consider:
    - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
    - (b) the public benefit of maintaining the development standard, and
    - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
  - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural
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Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Note.** When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition or Zone R5 Large Lot Residential.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
  - (c) clause 5.4.

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## Part 5 Miscellaneous provisions

### 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

**Note.** If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone E2 Environmental Conservation and marked "Classified road"	Roads and Maritime Services
Zone E3 Environmental Management and marked "Classified road"	Roads and Maritime Services
Zone E4 Environmental Living and marked "Classified road"	Roads and Maritime Services
Zone IN3 Heavy Industrial and marked "Classified road"	Roads and Maritime Services
Zone B2 Local Centre and marked "Classified road"	Roads and Maritime Services

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Clause 5.1A Newcastle Local Environmental Plan 2012

Part 5 Miscellaneous provisions

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<b>Type of land shown on Map</b>	<b>Authority of the State</b>
Zone R2 Low Density Residential and marked "Classified road"	Roads and Maritime Services
Zone R3 Medium Density Residential and marked "Classified road"	Roads and Maritime Services
Zone R2 Low Density Residential and marked "Local road"	Council
Zone R3 Medium Density Residential and marked "Local road"	Council
Zone B2 Local Centre and marked "Car park"	Council

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- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

### 5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

<b>Column 1</b>	<b>Column 2</b>
<b>Land</b>	<b>Development</b>
Zone R2 Low Density Residential and marked "Local road"	Roads
Zone R2 Low Density Residential and marked "Classified road"	Roads
Zone R3 Medium Density Residential and marked "Local road"	Roads
Zone R3 Medium Density Residential and marked "Classified road"	Roads



Column 1	Column 2
Land	Development
Zone B2 Local Centre and marked "Classified road"	Roads
Zone B2 Local Centre and marked "Car park"	Car parks
Zone IN3 Heavy Industrial and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone RE1 Public Recreation and marked "Classified road"	Roads
Zone E2 Environmental Conservation and marked "Classified road"	Roads
Zone E3 Environmental Management and marked "Classified road"	Roads
Zone E4 Environmental Living and marked "Classified road"	Roads

## 5.2 Classification and reclassification of public land

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.  
**Note.** Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.
- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and

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- (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

**Note.** In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### 5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
  - (ab) Zone E4 Environmental Living, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.

**Note.** When this Plan was made it did not include Zone W1 Natural Waterways.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that

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may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

#### 5.4 Controls relating to miscellaneous permissible uses

(1) **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 4 bedrooms.

**Note.** Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) **Home businesses**

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) **Home industries**

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 50 square metres of floor area.

(4) **Industrial retail outlets**

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 10% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
  - (b) 400 square metres,
- whichever is the lesser.

(5) **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 6 bedrooms.

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(6) **Kiosks**

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) **Neighbourhood shops**

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 150 square metres.

(8) **Roadside stalls**

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(9) **Secondary dwellings**

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

### 5.5 Development within the coastal zone

- (1) The objectives of this clause are as follows:
- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
  - (b) to implement the principles in the NSW Coastal Policy, and in particular to:
    - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
    - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
    - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
    - (iv) recognise and accommodate coastal processes and climate change, and
    - (v) protect amenity and scenic quality, and
    - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
    - (vii) protect and preserve native coastal vegetation, and

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- (viii) protect and preserve the marine environment, and
  - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
  - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
  - (xi) protect Aboriginal cultural places, values and customs, and
  - (xii) protect and preserve items of heritage, archaeological or historical significance.
- (2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:
- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
    - (i) maintaining existing public access and, where possible, improving that access, and
    - (ii) identifying opportunities for new public access, and
  - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
    - (ii) the location, and
    - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
  - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
    - (i) any significant overshadowing of the coastal foreshore, and
    - (ii) any loss of views from a public place to the coastal foreshore, and
  - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
  - (e) how biodiversity and ecosystems, including:
    - (i) native coastal vegetation and existing wildlife corridors, and
    - (ii) rock platforms, and
    - (iii) water quality of coastal waterbodies, and

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- (iv) native fauna and native flora, and their habitats, can be conserved, and
  - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
  - (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
  - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
  - (d) the proposed development will not:
    - (i) be significantly affected by coastal hazards, or
    - (ii) have a significant impact on coastal hazards, or
    - (iii) increase the risk of coastal hazards in relation to any other land.

### 5.6 Architectural roof features

- (1) The objectives of this clause are as follows:
  - (a) to permit variations to maximum building height standards only where roof features contribute to the building design and overall skyline,
  - (b) to ensure that the majority of the roof is contained within the maximum building height.
- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
  - (a) the architectural roof feature:
    - (i) comprises a decorative element on the uppermost portion of a building, and

- (ii) is not an advertising structure, and
  - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
  - (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

#### **5.7 Development below mean high water mark**

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

#### **5.8 Conversion of fire alarms**

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
  - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
  - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
  - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
  - (a) internal alterations to a building, or
  - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

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- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:  
*private service provider* means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

### 5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.  
**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
  - (a) that is or forms part of a heritage item or that is within a heritage conservation area, or



(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or

(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or

(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

(d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or

(e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

**Note.** When this Plan was made it did not include Zone R5 Large Lot Residential.

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### 5.9AA Trees or vegetation not prescribed by development control plan

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

### 5.10 Heritage conservation

**Note.** Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

#### (1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of the City of Newcastle,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

#### (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,

- (e) erecting a building on land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
  - (i) on which a heritage item is located or that is within a heritage conservation area, or
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

**(3) When consent not required**

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the

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item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and

take into consideration any response received within 28 days after the notice is sent.

(9) **Demolition of nominated State heritage items**

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) **Conservation incentives**

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

**5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

**Note.** The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

**5.12 Infrastructure development and use of existing buildings of the Crown**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without

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development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.

- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

### **5.13 Eco-tourist facilities**

[Not applicable]

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## Part 6 Additional local provisions—generally

### 6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
  - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
  - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

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- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
  - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
  - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
  - (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
  - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
  - (b) the works are not likely to lower the watertable.

### 6.2 Earthworks

- (1) The objectives of this clause are as follows:
  - (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
  - (b) to allow earthworks of a minor nature without requiring a separate development consent.
- (2) Development consent is required for earthworks unless:
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.



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- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note.** The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

### 6.3 Serviced apartments

- (1) The objective of this clause is to prevent substandard residential building design occurring by way of converted serviced apartment development.
- (2) Development consent must not be granted for the subdivision, under a strata scheme, of a building or part of a building that is being, or has ever been, used for serviced apartments unless the consent authority has considered the following in relation to the development, as if it were a residential flat development:
  - (a) the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*,
  - (b) the design principles of the *Residential Flat Design Code* (a publication of the Department of Planning, September 2002).
- (3) Subclause (2) (a) does not apply if the development is the subdivision of a building to which *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* has ever applied.

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### 6.4 Land in Zone R4 High Density Residential

- (1) The objective of this clause is to achieve a reasonable proportion of residential accommodation within mixed use development in Zone R4 High Density Residential.
- (2) This clause applies to development applications for non-residential land uses on land in Zone R4 High Density Residential.
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to a development application to which this clause applies unless it is satisfied that the development is part of a mixed use development that includes residential accommodation and the residential accommodation comprises at least 75% of the gross floor area of the building.

### 6.5 Public safety—licensed premises

- (1) The objective of this clause is to ensure that development applications for licensed premises consider any impact on public safety.
- (2) Before granting consent for development involving the use of land as licensed premises, the consent authority must consider any impact of the proposed development on public safety.
- (3) In this clause:  
*licensed premises* means a hotel within the meaning of the *Liquor Act 2007* or a registered club.

### 6.6 Events permitted without development consent

- (1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.
- (2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.  
**Note.** Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Lands Act 1989*.
- (3) *State Environmental Planning Policy (Temporary Structures) 2007* does not apply to development to which this clause applies.
- (4) In this clause:  
*public reserve* has the same meaning as in the *Local Government Act 1993*.

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*temporary event* means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

**6.7 Location of sex services premises**

- (1) Development consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from, land:
  - (a) in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or
  - (b) used as a place of public worship or for community or school uses.
- (2) In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who use the land.

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Clause 7.1 Newcastle Local Environmental Plan 2012

Part 7 Additional local provisions—Newcastle City Centre

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## **Part 7 Additional local provisions—Newcastle City Centre**

### **7.1 Objectives of Part**

The objectives of this Part are as follows:

- (a) to promote the economic revitalisation of Newcastle City Centre,
- (b) to strengthen the regional position of Newcastle City Centre as a multi-functional and innovative centre that encourages employment and economic growth,
- (c) to protect and enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population,
- (d) to promote the employment, residential, recreational and tourism opportunities in Newcastle City Centre,
- (e) to facilitate the development of building design excellence appropriate to a regional city,
- (f) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Newcastle City Centre achieves sustainable social, economic and environmental outcomes,
- (g) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generations,
- (h) to help create a mixed use place, with activity during the day and throughout the evening, so Newcastle City Centre is safe, attractive, inclusive and efficient for its local population and visitors alike.

### **7.2 Land to which this Part applies**

- (1) This Part applies to land in Newcastle City Centre.
- (2) A provision in this Part prevails over any other provision of this Plan to the extent of any inconsistency.

### **7.3 Minimum building street frontage**

- (1) A building erected on land in Zone B3 Commercial Core must have at least one street frontage of at least 20 metres.

- (2) Despite subclause (1), the consent authority may grant development consent to the erection of a building that does not comply with that subclause if the consent authority is of the opinion that:
  - (a) due to the physical constraints of the site, it is not physically possible for the building to have at least one street frontage of at least 20 metres, and
  - (b) the erection of the building is consistent with the other relevant provisions of this Plan.
- (3) Nothing in this clause restricts the operation of clause 4.6.

#### **7.4 Building separation**

- (1) A building on land to which this Part applies must be erected so that the distance from the building to any other building is not less than 24 metres at 45 metres or higher above ground level.
- (2) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

#### **7.5 Design excellence**

- (1) This clause applies to the following development on land to which this clause applies:
  - (a) the erection of a new building, or
  - (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.
- (2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
  - (c) whether the development detrimentally impacts on view corridors identified in the *Newcastle City Development Control Plan 2012*,
  - (d) how the development addresses the following matters:
    - (i) heritage issues and streetscape constraints,
    - (ii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other

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Clause 7.5 Newcastle Local Environmental Plan 2012

Part 7 Additional local provisions—Newcastle City Centre

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- towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (iii) bulk, massing and modulation of buildings,
  - (iv) street frontage heights,
  - (v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (vi) the achievement of the principles of ecologically sustainable development,
  - (vii) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (viii) the impact on, and any proposed improvements to, the public domain.
- (4) Development consent must not be granted to the following development to which this Plan applies unless an architectural design competition has been held in relation to the proposed development:
- (a) development for which an architectural design competition is required as part of a concept plan approved by the Minister for a transitional Part 3A project,
  - (b) development in respect of a building that is, or will be, higher than 48 metres in height,
  - (c) development having a capital value of more than \$1,000,000 on a site identified as a “Key Site” and shown edged heavy black and distinctively coloured on the Key Sites Map,
  - (d) development for which the applicant has chosen to have such a competition.
- (5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.
- (7) In this clause:  
***architectural design competition*** means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

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*design review panel* means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

#### **7.6 Active street frontages in Zone B3 Commercial Core**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along street frontages in Zone B3 Commercial Core.
- (2) Development consent must not be granted to the erection of a building, or a change of use of a building, on land in Zone B3 Commercial Core unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.
- (3) Despite subclause (2), an active street frontage is not required for any part of a building that is used for any of the following:
  - (a) entrances and lobbies (including as part of mixed use development),
  - (b) access for fire services,
  - (c) vehicle access.
- (4) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

#### **7.7 Residential flat buildings in Zone B3 Commercial Core**

Development consent must not be granted to a residential flat building on land in Zone B3 Commercial Core unless it is a component of a mixed use development involving a permitted non-residential use.

#### **7.8 Wickham Redevelopment Area**

- (1) The object of this clause is to achieve orderly development and facilitate the provision of public access and open space in the Wickham Redevelopment Area.
- (2) This clause applies to development on all redevelopment sites in the Wickham Redevelopment Area.
- (3) Despite any other provision of this Plan, the consent authority must not grant consent to development to which this clause applies unless the consent authority is satisfied that the development:
  - (a) is not likely to prejudice the orderly development of the redevelopment site as a whole, and
  - (b) provides for all the public thoroughfares and public open space indicated by the Wickham Redevelopment Area Map as being on the land to which the application relates, and

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- (c) provides for public access from a public place to those thoroughfares and that space on completion of the development.
- (4) Despite subclause (3), development consent may be granted to a development application to which this clause applies if, in the opinion of the consent authority, the development is of a minor nature and will not prejudice the orderly development of the redevelopment site as a whole.
- (5) In any redevelopment site in the Wickham Redevelopment Area, the total area of each commercial premises must not exceed 400 square metres.
- (6) In this clause:
  - redevelopment site* means one or more lots (whether or not under one ownership) identified as a redevelopment site on the Wickham Redevelopment Area Map.
  - Wickham Redevelopment Area* means the land shown edged heavy black and identified as “Wickham Redevelopment Area” on the Wickham Redevelopment Area Map.

### 7.9 Height of buildings

- (1) The objectives of this clause are as follows:
  - (a) to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of certain parks and community places is avoided or limited during nominated times,
  - (b) to ensure that the built form of Newcastle City Centre develops in a coordinated and cohesive manner,
  - (c) to ensure that taller buildings are appropriately located,
  - (d) to nominate heights that will provide a transition in built form and land use intensity in Newcastle City Centre,
  - (e) to ensure the preservation of view corridors that are significant for historic and urban design reasons.
- (2) The height of a building on land identified as “Area A” on the Height of Buildings Map must not exceed a height that is 22 metres above ground level (existing) at the boundary of the road frontage of that land on any part of that land that is within 20 metres of the boundary of the road frontage.
- (3) The height of a building on land identified as “Area B” on the Height of Buildings Map must not exceed:
  - (a) on any part of that land that is within 20 metres of the boundary of the road frontage of that land—22 metres above ground level (existing) at the boundary of the road frontage of that land, and



- (b) on any part of that land that is more than 20 metres from the boundary of the road frontage of that land, but not more than 45 metres from that frontage—35 metres above ground level (existing) at the boundary of the road frontage of that land.
- (4) The height of a building on land identified as “Area C” on the Height of Buildings Map may exceed the maximum height shown for that land on that map if:
- the site area concerned is greater than 10,000 square metres, and
  - the height of any building on that land will not exceed 40 metres Australian Height Datum, and
  - the consent authority is satisfied that the development will not impede or detract from the view from the Christchurch Cathedral to the Hunter River foreshore or from the Hunter River foreshore to the Christchurch Cathedral.

#### 7.10 Floor space ratio

- (1) The maximum floor space ratio for a building on a site area of 1,500 square metres or more that is:
- in “Area A—Commercial” identified on the Floor Space Ratio Map, and
  - in a zone specified in the Table to this subclause, and
  - on land for which the maximum building height is as specified in Column 1 of that Table for that zone,
- is:
- if the building is not used for a commercial activity—the ratio specified opposite that height in Column 2 of that Table, and
  - if the building is used only for a commercial activity—the ratio specified opposite that height in Column 3 of that Table.

**Table—Maximum FSR in Area A**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone B3 Commercial Core</b>		
24, 30 or 35 metres	3.0:1	4.0:1
45 metres	3.0:1	6.0:1
60 metres	3.5:1	7.0:1
90 metres	3.5:1	8.0:1
<b>Zone B4 Mixed Use</b>		
24 metres	2.5:1	3.0:1

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
30 or 35 metres	3.0:1	4.0:1
45 metres	3.5:1	5.0:1
60 metres	4.0:1	6.0:1

---

- (3) The maximum floor space ratio for a building that has a site area of less than 1,500 square metres in “Area A—Commercial” identified on the Floor Space Ratio Map is the lesser of the following:
- (a) the floor space ratio that would be determined if subclause (2) applied to the site,
  - (b) 4.0:1,
  - (c) the floor space ratio that would be determined if subclause (6) applied to the site.
- (4) The maximum floor space ratio for a building on a site area that is:
- (a) in “Area B—Education, Cultural and Public Administration” identified on the Floor Space Ratio Map, and
  - (b) in a zone specified in the Table to this subclause, and
  - (c) on land for which the maximum building height is as specified in Column 1 of that Table for that zone,
- is:
- (d) if the building is not used for an educational and cultural, or public administration, activity—the ratio specified opposite that height in Column 2 of that Table, and
  - (e) if the building is used only for an educational and cultural, or public administration, activity—the ratio specified opposite that height in Column 3 of that Table.

**Table—Maximum FSR in Area B**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Zone B4 Mixed Use</b>		
24 metres	2.5:1	3.0:1
30 or 35 metres	3.0:1	4.0:1
45 metres	3.5:1	5.0:1

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- (5) The maximum floor space ratio for a building on a site area that is:
- (a) in “Area C—Tourist” identified on the Floor Space Ratio Map, and

- (b) in a zone specified in the Table to this subclause, and
- (c) on land for which the maximum building height is as specified in Column 1 of that Table for that zone,
- is:
- (d) if the building is not used for a tourist activity—the ratio specified opposite that height in Column 2 of that Table, and
- (e) if the building is used only for a tourist activity—the ratio specified opposite that height in Column 3 of that Table.

**Table—Maximum FSR in Area C**

Column 1	Column 2	Column 3
<b>Zone B4 Mixed Use</b>		
18, 20 or 24 metres	2.5:1	3.0:1
30 or 36 metres	3.0:1	4.0:1
45 metres	3.5:1	5.0:1
60 metres	4.0:1	6.0:1

- (6) Despite subclauses (2)–(5), if a building on a site area in “Area A—Commercial”, “Area B—Education, Cultural and Public Administration” or “Area C—Tourist” is used for a combination of the specified activities for the area and one or more other activities, the maximum floor space ratio for the building is:

$$\left( \left( NFSR \times \frac{N}{100} \right) + \left( SFSR \times \frac{S}{100} \right) \right) : 1$$

where:

**NFSR** is the maximum floor space ratio in accordance with this clause if the building were used only for an activity other than the specified activity.

**N** is the percentage of the building used for an activity other than the specified activity.

**SFSR** is the maximum floor space ratio in accordance with this clause if the building were used only for the specified activity.

**S** is the percentage of the building used for the specified activity.

**Note.** The following gives an example of how a maximum floor space ratio is to be calculated for a building on land, having a site area equal to or greater than 1,500 square metres and a maximum building height of 90 metres, that is in

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Zone B3 Commercial Core (located in “Area A”), 30% of which is to be used for commercial activity and 70% of which is to be used for another activity:

$$\left( \left( \text{NFSR} \times \frac{\text{N}}{100} \right) + \left( \text{SFSR} \times \frac{\text{S}}{100} \right) \right) : 1$$

$$\left( \left( 3.5 \times \frac{70}{100} \right) + \left( 8 \times \frac{30}{100} \right) \right) : 1$$

$$(2.45 + 2.4) : 1$$

4.85:1 is the maximum floor space ratio.

(7) In this clause:

**commercial activity**, in relation to the use of a building, means the use of the building for the purposes of office premises, retail premises, business premises, hotel accommodation (but not hotel accommodation that is subdivided under a strata scheme) or other like uses or a combination of such uses.

**educational and cultural activity**, in relation to the use of a building, means the use of the building for the purposes of a school, tertiary institution, community facility, hostel or boarding house for students, theatre, cinema, music hall, concert hall or lecture theatre or a combination of any such uses.

**maximum building height**, in relation to land, means the maximum building height shown for the land on the Height of Buildings Map.

**public administration activity**, in relation to the use of a building by the State, a statutory body, a council or an organisation established for public purposes, means the use of the building for the purposes of a courthouse, police station, offices or administrative or other like purposes.

**specified activity** means:

- (a) in relation to Area A—commercial activity, and
- (b) in relation to Area B—educational, cultural or public administration activities, and
- (c) in relation to Area C—tourist activity.

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***tourist activity***, in relation to the use of a building, means the use of the building for the purposes of tourist and visitor accommodation or uses ancillary to the tourism industry (such as conference rooms or tourism-based business) or a combination of such uses.

**Note.** Other clauses in this Part enable the consent authority, in certain circumstances, to consent to buildings that exceed the maximum floor space ratios specified in this clause.

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Schedule 1 Additional permitted uses

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### Schedule 1 Additional permitted uses

(Clause 2.5)

#### 1 Use of certain land at 1 Ordnance Street, Newcastle

- (1) This clause applies to land at 1 Ordnance Street, Newcastle, being Lot 3109, DP 755247.
- (2) Development for the purpose of a function centre and kiosk with associated car parking and landscaping is permitted with consent.

#### 2 Use of certain land at 41 Minmi Road, Wallsend

- (1) This clause applies to land at 41 Minmi Road, Wallsend, being Lot 21, DP 828226.
- (2) Development for the purpose of a service station and restaurant or cafe, with a total gross floor area not exceeding 1,200m<sup>2</sup>, is permitted with consent.

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## Schedule 2 Exempt development

(Clause 3.1)

**Note 1.** *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule 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.

### **Cemeteries and burial grounds (other than those to which clause 5.10 applies)**

Must only be development comprising:

- (a) the creation of a new grave or monument, or
- (b) an excavation or disturbance of the land for the purpose of carrying out conservation or repair of a monument or grave marker.

**Note.** Clause 5.10 contains provisions that deal with the disturbance of human remains, relics in the form of grave goods or places of Aboriginal heritage significance.

### **Clearing of native vegetation planted for commercial purposes**

- (1) May only be undertaken with the written agreement of the owner of the land on which the native vegetation is located.
- (2) May only involve native vegetation that was planted for agriculture, agroforestry, forestry, horticulture or woodlot purposes.
- (3) The native vegetation must not be, or comprise a part of, a threatened species, population or ecological community listed in:
  - (a) Schedule 1, 1A or 2 to the *Threatened Species Conservation Act 1995*, or
  - (b) Schedule 4, 4A or 5 to the *Fisheries Management Act 1994*.

### **Signs—building and business identification**

- (1) Maximum of one building or business identification sign per premises.
- (2) Must not be freestanding on a public road (including the footway of a public road).
- (3) May be suspended from a building over the footway of a public road and, in that case, must be located no closer than 3.6m from the edge of the kerb and at least 2.6m above ground level (existing).
- (4) Maximum area—1m<sup>2</sup>.

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Schedule 2 Exempt development

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- (5) Must not be located on land that comprises, or on which there is, a heritage item.



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## Schedule 3 Complying development

(Clause 3.2)

**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. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

### Part 1 Types of development

#### Tree removal

- (1) In this clause:  
**remove**, in relation to a tree, means cut down, fell, destroy, kill, transplant or uproot a tree.
- (2) Applies to the removal of species or kinds of trees that are prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (3) Does not apply to tree removal that is carried out under a development consent.
- (4) Tree must not be a heritage item that is listed in Schedule 5.

**Note.** The removal of trees is also referred to in other legislation, including the *Electricity Supply Act 1995*, the *Fisheries Management Act 1994*, the *Local Government Act 1993* (in relation to trees on council land), the *Noxious Weeds Act 1993*, the *Roads Act 1993*, the *Rural Fires Act 1997*, the *Threatened Species Conservation Act 1995* and the *Trees (Disputes Between Neighbours) Act 2006*.

### Part 2 Complying development certificate conditions

**Note 1.** Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

**Note 2.** A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

#### General conditions

Any development specified in Part 1 is subject to the same conditions set out in Division 3 of Part 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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Schedule 3 Complying development

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### Removal of trees

#### (1) Site management

- (a) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land by:
  - (i) diverting uncontaminated run-off around cleared or disturbed areas, and
  - (ii) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and
  - (iii) preventing tracking of sediment by vehicles onto roads, and
  - (iv) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site.

**Note.** Under the *Protection of the Environment Operations Act 1997* it is an offence to pollute any waters.

- (b) Any removal or disturbance of vegetation (other than the tree) or topsoil is to be minimised.

#### (2) Hours of work

- (a) Work that is audible within adjoining premises may be carried out only between the following hours:
  - (i) Monday–Friday—7.00 am and 6.00 pm,
  - (ii) Saturday—8.00 am and 1.00 pm.
- (b) No such work may be carried out at any time on a Sunday or a public holiday.

#### (3) Public roads and reserves

- (a) Any damage caused to kerbs, guttering or footways during carrying out of works must be rectified in accordance with any requirements of the appropriate roads authority under the *Roads Act 1993*.
- (b) No part of any public road is to be used for storage of construction materials without the approval of the appropriate roads authority under the *Roads Act 1993*.
- (c) No part of any public reserve is to be used for storage of construction materials without the authorisation of the Council.

#### (4) Replacement trees

Where practicable, a suitable replacement tree is to be planted on the property concerned in accordance with section 5.03 of *Newcastle Development Control Plan 2012*.

(5) **Safe work practices**

The WorkCover Authority's *Code of Practice For The Amenity Tree Industry* (ISBN 0 7310 8738 0, August 1998) must be complied with when carrying out work.

(6) **Disposal of trees**

Trees and stumps are to be:

- (a) disposed of at a waste or resource management facility, or
- (b) recycled, or
- (c) disposed of as fire wood.

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Schedule 4 Classification and reclassification of public land

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**Schedule 4 Classification and reclassification of public land**

(Clause 5.2)

**Part 1 Land classified, or reclassified, as operational land—no interests changed**

Column 1	Column 2
Locality	Description
Nil	

**Part 2 Land classified, or reclassified, as operational land—interests changed**

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Nil		

**Part 3 Land classified, or reclassified, as community land**

Column 1	Column 2
Locality	Description
Nil	

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## Schedule 5 Environmental heritage

(Clause 5.10)

### Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Adamstown	Adamstown Post Office	195 Bruncker Road	Lot 1, DP 222812	Local	I1
Adamstown	Former Adamstown Public School	201 Bruncker Road	Lot 3263, DP 822183	Local	I2
Adamstown	Adamstown Uniting Church	228 Bruncker Road	Lot 12, DP 1116777	Local	I3
Adamstown	Nag's Head Hotel	268 Bruncker Road	Lot B, DP 319138	Local	I4
Adamstown	Kitchener Hall	269 Bruncker Road	Lot 2, DP 227081	Local	I5
Adamstown	Adamstown RSL Memorial Hall	278 Bruncker Road	Lot 2, DP 1002163	Local	I6
Adamstown	Former rifle range	351 Bruncker Road	Lot 1021, DP 1055066	Local	I7
Adamstown	Adamstown signal box	Corner Glebe Road and Park Avenue	Railway land	Local	I8
Adamstown	Adamstown Park	504–506 Glebe Road	Lot 391, Lots 1779–1782, Lots 1969–1977, Part Lot 3156 and Lot 3174, DP 755247; Lot 7029, DP 1052825; Lot 7027, DP 1052831; Lot 7028, DP 1052826; Lot 7310, DP 1144733	Local	I9

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## Newcastle Local Environmental Plan 2012

## Schedule 5 Environmental heritage

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Adamstown	Gates Hotel	660 Glebe Road	Lots 7 and 8, Section A, DP 2347	Local	I10
Adamstown	St Columba Primary School	153 Lockyer Street	Part Lot 35 and Lots 36–45, Section 7, DP 1141	Local	I11
Adamstown	Former church	153 Lockyer Street	Part Lot 35 and Lots 36–45, Section 7, DP 1141	Local	I12
Adamstown	Police Residence	65 Narara Road	Lot 3276, DP 823771	Local	I13
Adamstown	Adamstown Police Station	67 Narara Road	Lot 3277, DP 823771	Local	I14
Adamstown	Pedestrian bridge	Park Avenue	Railway land	Local	I15
Adamstown	Adamstown Railway Station	10 Park Avenue	Railway land	Local	I16
Adamstown	New Redhead Estate Coal Co's Railway	29 Park Avenue	Lot 5, DP 589266; Lots 1 and 2, DP 1110401	Local	I17
Adamstown	Adamstown Masonic Hall	151 Teralba Road	SP 82038	Local	I18
Adamstown	Former Royal Standard Hotel	67 Victoria Street	Lot 100, DP 715282	Local	I19
Bar Beach	Kamarem Court (residential units)	289–293 Darby Street	SP 12800	Local	I20
Bar Beach	Former King Edward's Girls' Home	313 Darby Street	Lot 11, DP 1082583; Lot 2665, DP 755247	Local	I21
Bar Beach	Shed	334A Darby Street	Lot 100, DP 883543	Local	I22
Bar Beach	Cooks Hill Surf Life Saving Memorial	1 Kilgour Avenue	Part Lot 258, DP 755247	Local	I24

## Newcastle Local Environmental Plan 2012

## Environmental heritage

## Schedule 5

Suburb	Item name	Address	Property description	Significance	Item no
Bar Beach	Empire Park	1 Kilgour Avenue	Part Lot 258, DP 755247	Local	I23
Bar Beach	Reid Park Tennis Clubhouse and tennis courts	1–7 Kilgour Avenue	Part Lot 258 and Lot 3140, DP 755247	Local	I25
Bar Beach	Empire Park Bowling Club fence	29 Kilgour Avenue	Lot 3141, DP 755247	Local	I26
Bar Beach	Electrical Substation	17 Light Street	Lot 2, DP 37815	Local	I27
Bar Beach	Cooks Hill Surf Life Saving Club	107–109 Memorial Drive	Part Lot 258, DP 755247	Local	I28
Bar Beach	Residence	10 Parkway Avenue	Lot 2, DP 513566	Local	I29
Bar Beach	Parkhurst Flats	17 Parkway Avenue	Lot 25, DP 32532	Local	I30
Bar Beach	Residential units	23 Parkway Avenue	SP 22152	Local	I31
Bar Beach	Acropolis (residential units)	40 Parkway Avenue	SP 33214	Local	I32
Bar Beach	Brooklyn Court (residential units)	6 Tooke Street	SP 9251	Local	I33
Beresfield	Newcastle Crematorium	176 Anderson Drive	Lot 10, DP 1114807; Lot 17, DP 1140445; Lot 11, DP 553141	Local	I34
Beresfield	Beresfield Public School	181 Anderson Drive	Lot 1, DP 782678; Lot 1, DP 544214; Lots 182–184, 188 and 189, Section B, DP 12628	Local	I35
Birmingham Gardens	The Regal Cinema	4 Moore Street	Lots 90 and 91, DP 12691	Local	I36

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Broadmeadow	Remnant plantings— District Park	Bavin Road	Road reserve	Local	I37
Broadmeadow	Fire Station— Hamilton	9 Belford Street	Lot 1, DP 77912	Local	I38
Broadmeadow	English & Australian Copper Co (industrial site)	16 Broadmeadow Road	Lot 1, DP 530737; Lot 218, DP 805924; Lot 221, DP 1012345	Local	I40
Broadmeadow	Former Lambton Colliery Railway (relic)	16 Broadmeadow Road	Lot 1, DP 530737; Lot 221, DP 1012345	Local	I41
Broadmeadow	Goninans (industrial site)	16 Broadmeadow Road	Lot 1, DP 530737; Lot 218, DP 805924; Lot 221, DP 1012345	Local	I39
Broadmeadow	Sunnyside Hotel	20 Broadmeadow Road	Lot 216, DP 777695	Local	I42
Broadmeadow	St Lawrence O'Toole Church	127–131 Broadmeadow Road	Lot 1, DP 184402; Lot 2234, DP 664791; Lots 2231 and 2233, DP 755247; Lots 1 and 2, DP 926701	Local	I43
Broadmeadow	Arthur Park	93A Bruncker Road	Lot 1807, DP 755247	Local	I44
Broadmeadow	Broadmeadow Locomotive Depot offices	25 Cameron Street	Lot 51, DP 1067381	Local	I45
Broadmeadow	Broadmeadow Locomotive Depot	25 and 35 Cameron Street	Lot 51, DP 1067381; Lot 27, DP 1147480	State	I46



Suburb	Item name	Address	Property description	Significance	Item no
Broadmeadow	Newcastle Showground	1A Curley Road	Lots 2248–2264, 2326, 2498 and 2583, DP 755247; Lots 7302 and 7303, DP 1143612; Lot A, DP 186497	Local	I47
Broadmeadow	Broadmeadow Racetrack site	100 Darling Street	Lot 13, DP 227704	Local	I48
Broadmeadow	Former Broadmeadow Aero Club (incorporating former main hangar and preparation bay building)	2 Denney Street	Lot 2, DP 578356	Local	I49
Broadmeadow	Fig trees in median strip	Dumaresq Street		Local	I50
Broadmeadow	Broadmeadow Railway Station	36 Graham Road	Lot 1, DP 1133966	Local	I51
Broadmeadow	Bridge over Graham Road	Lambton Road		Local	I52
Broadmeadow	Broadmeadow Primary School	115 Lambton Road	Lot 2525, DP 755247	Local	I53
Broadmeadow	Former Locomotive Depot workers accommodation	1B Newton Street	Lot 26, DP 1147480	Local	I54
Carrington	Former Carrington Club Hotel	83–85 Bourke Street	Lot 1, Section 38, DP 300	Local	I55
Carrington	Connolly Park War Memorial Gate	Corner Cowper Street North and Fitzroy Street		Local	I56
Carrington	Club Hotel	26 Cowper Street North	Lot 1, DP 79693	Local	I57
Carrington	The Seven Seas Hotel	33 Cowper Street North	Lot 1, DP 102046	Local	I58

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Suburb	Item name	Address	Property description	Significance	Item no
Carrington	Palms	Gipps Street		Local	I59
Carrington	Mary McKillop Home	58 Gipps Street	Lot 7, Section 43, DP 758233	Local	I60
Carrington	St Francis Xavier Catholic Church	60 Gipps Street	Lot 8A, Section 43, DP 755247	Local	I61
Carrington	Date palms	Hargrave Street		Local	I62
Carrington	Former Council Chambers	1A Hargrave Street	Lot 1, Section 51, DP 755247	Local	I63
Carrington	Former Morrison Bearby Warehouse (facade only)	92 Hill Street	Lot 11, DP 1023961	Local	I64
Carrington	Mathieson Street Terraces	2–18 Mathieson Street	Lot 1, DP 910260; Lot 1, DP 911036; Lots 1–3 and 5–8, DP 8631; Part Lot 4, DP 8631	Local	I65
Carrington	Carrington Fire Station	51 Young Street	Lot 4, Section 36, DP 755247	Local	I66
Carrington	Carrington Public School	88 Young Street	Lots 1–3, DP 4715; Lots 6–8, Section 37, DP 758233	Local	I67
Carrington	Everyone's Theatre	92A Young Street	SP 73131	Local	I68
Carrington	St Thomas' Anglican Church	95A Young Street	Lot 322, DP 1102421	Local	I69
Carrington	Carrington Post Office	97 Young Street	Lot 111, DP 1131225	Local	I70
Carrington	Quambi (residence)	110 Young Street	Lot 2, DP 3687	Local	I71
Carrington	Almora (residence)	112 Young Street	Lot 3, DP 3687	Local	I72

Suburb	Item name	Address	Property description	Significance	Item no
Carrington	Shop	121 Young Street	Lot 2, DP 312270	Local	I73
Carrington	Carrington House (residence)	130 Young Street	Lot 1, DP 179625	Local	I74
Carrington	Oriental Hotel	132 Young Street	Lot 10, DP 656932	Local	I75
Carrington	Former Glasgow Arms Hotel	140 Young Street	Lots 37–39, DP 78	Local	I76
Carrington	Cosmopolitan Hotel	151 Young Street	Lot 1, DP 923985	Local	I77
Cooks Hill	Residential units	26 Brooks Street	SP 52934	Local	I78
Cooks Hill	Strathearn Terrace Group	92–98 Bull Street	Lot 1, DP 715763; Lot 1, DP 194245; Lots 1 and 2, DP 739440	Local	I79
Cooks Hill	Residence	30 Corlette Street	Lot 640, DP 630631	Local	I80
Cooks Hill	Horse trough	Corner Darby and Young Streets		Local	I81
Cooks Hill	Former St Hilda's Hostel	250 Darby Street	Lot 2, DP 872146	Local	I82
Cooks Hill	Normanton (residence)	37 Dawson Street	Lot 112, DP 815683	Local	I83
Cooks Hill	Terraces	111–113 Dawson Street	Lots 100 and 101, DP 557432	Local	I84
Cooks Hill	Nickimble Terrace Group	115–123 Dawson Street	Lots 10–14, DP 244348	Local	I85
Cooks Hill	Former railway overpass	Laman Street		Local	I86
Cooks Hill	Newcastle War Memorial Cultural Centre	1 Laman Street	Lots 4–10, DP 1122031	Local	I87
Cooks Hill	Former signalman's cottage	12 Laman Street	Lot 12, DP 150135	Local	I88

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Suburb	Item name	Address	Property description	Significance	Item no
Cooks Hill	St Andrew's Presbyterian Church	12 Laman Street	Lot 1011, DP 1132786	Local	I89
Cooks Hill	Baptist Tabernacle	25 Laman Street	Lot 1, DP 1134280	Local	I90
Cooks Hill	Von Bertouch Galleries building	61 Laman Street	Lot 101, DP 1130585; Lot 21, DP 825796	Local	I91
Cooks Hill	Cooks Hill Special School	100–102 Laman Street	Lots 250 and 251, DP 749870	Local	I92
Cooks Hill	Dr Watkins House	64 Parkway Avenue	Lots 125 and 126, DP 37825	Local	I93
Cooks Hill	Residence	79 Parkway Avenue	Lot 115, DP 154294	Local	I94
Cooks Hill	St John's Church, hall and grounds	1B Parry Street	Lot 1, DP 872146	State	I95
Cooks Hill	Thorns Terrace	45 Railway Street	Lot 101, DP 554480	Local	I96
Cooks Hill	Thorns Terrace	47 Railway Street	Lot 102, DP 554480	Local	I97
Cooks Hill	Thorns Terrace	49 Railway Street	Lot 103, DP 554480	Local	I98
Cooks Hill	Thorns Terrace	51 Railway Street	Lot 104, DP 554480	Local	I99
Cooks Hill	Thorns Terrace	53 Railway Street	Lot 1, DP 745052	Local	I100
Cooks Hill	Thorns Terrace	55 Railway Street	Lot 1, DP 198284	Local	I101
Cooks Hill	Thorns Terrace	57 Railway Street	Lot 1, DP 998338	Local	I102
Cooks Hill	Thorns Terrace	59 Railway Street	Lot 8, DP 137527	Local	I103
Cooks Hill	Terrace	92–94 Railway Street	Lot 10, DP 1099263	Local	I104
Cooks Hill	Terrace	39 Union Street	Lot 761, DP 626207	Local	I105

Suburb	Item name	Address	Property description	Significance	Item no
Cooks Hill	Terrace	41 Union Street	Lot 760, DP 626207	Local	I106
Cooks Hill	Terrace	43 Union Street	Lot 43, DP 1128416	Local	I107
Cooks Hill	Fire station	44 Union Street	Lot 1, DP 77102	Local	I108
Cooks Hill	Terrace	45 Union Street	Lot 1, DP 197740	Local	I109
Cooks Hill	Leslieville (former residence)	63 Union Street	Lot 1, DP 1127749	Local	I110
Elermore Vale	Jubilee ventilation shaft (Wallsend Colliery)	124 Cardiff Road	Lot 20A, DP 17677	Local	I111
Elermore Vale	Former West Wallsend Steam Tram Line	Glendale to Wallsend		Local	I112
Hamilton	Station buildings and signal box	1A Beaumont Street	Railway land	State	I113
Hamilton	Sydney Junction Hotel	8 Beaumont Street	Lot X, DP 374327; Lot 1, DP 86246; Lot 11, DP 89305	Local	I114
Hamilton	Former Masonic Hall	104 Beaumont Street	Lot 77, DP 700187	Local	I115
Hamilton	Wesley Church	152 Beaumont Street	Lot 100, DP 1157770	Local	I116
Hamilton	Wesley Church gates and fence	152 Beaumont Street	Lot 100, DP 1157770	Local	I117
Hamilton	Terrace (including iron fence and gate)	21 Cameron Street	Lot 1, DP 744660	Local	I118
Hamilton	Date palms	Chaucer Street		Local	I119
Hamilton	Former steam tramshed	89 Denison Street	Lot 112, DP 1005089	Local	I120
Hamilton	War Memorial (Steam Tram Memorial)	89 Denison Street	Lot 112, DP 1005089	Local	I121

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Hamilton	Former Hamilton Hotel	100 Denison Street	Lot 1, DP 75471	Local	I122
Hamilton	Exchange Hotel	125–127 Denison Street	Lot 1, DP 76276	Local	I123
Hamilton	Hotel Bennett	146 Denison Street	Lot 1, DP 1046949	Local	I124
Hamilton	St Peter's Anglican Church	148 Denison Street	Lot 2, DP 1132328	Local	I125
Hamilton	AA Company House	195 and 195A–197 Denison Street	Lots 211 and 212, DP 1122139; Lot 3, DP 153592	State nominated	I126
Hamilton	Hamilton Public School	1A Dixon Street	Lot 2, DP 809375	Local	I127
Hamilton	Residence	4 Eddy Street	Lot 29, DP 1042831	Local	I128
Hamilton	Residence	6 Eddy Street	Lot 28, DP 1105257	Local	I129
Hamilton	Residence	8 Eddy Street	Lot 27, DP 770646	Local	I130
Hamilton	Residence	10 Eddy Street	Lot 26, DP 996741	Local	I131
Hamilton	Residence	12 Eddy Street	Lot 1, DP 780907	Local	I132
Hamilton	Residence	14 Eddy Street	Lot 24, DP 735930	Local	I133
Hamilton	Residence	16 Eddy Street	Lot 1, DP 795000	Local	I134
Hamilton	Residence	18 Eddy Street	Lot 1, DP 194918	Local	I135
Hamilton	Anona (residence including front fence)	36 Gordon Avenue	Lot 11, DP 708981	Local	I136
Hamilton	Residence	44 Hudson Street	Lot 1, DP 1041498	Local	I137

Suburb	Item name	Address	Property description	Significance	Item no
Hamilton	Former Hely Brothers Pty Ltd office	48 Hudson Street	Lot 1, DP 1047860	Local	I138
Hamilton	Former flour mill	56 Hudson Street	SP 58951	Local	I139
Hamilton	Former Hamilton Volunteer Fire Station	38 James Street	Lot 1, DP 194909	Local	I140
Hamilton	Former police station	57 James Street	Lot 1, DP 795449	Local	I141
Hamilton	Hamilton Post Office	56 Lindsay Street	Lot 2862, DP 755247	Local	I142
Hamilton	Fettercairn (former residence and hospital)	65 Lindsay Street	Lot 1, DP 194569	Local	I143
Hamilton	Former nurses home	66 Lindsay Street	Lot 1, DP 799840	Local	I144
Hamilton	Chelsea (residence)	68 Lindsay Street	Lot E, DP 447913	Local	I145
Hamilton	Hamilton Nursing Home	22–24 Samdon Street	Lots 5–7, DP 558137	Local	I146
Hamilton	Hamilton Hotel	71 Tudor Street	Lot 351, DP 585827	Local	I147
Hamilton	Scots Kirk Presbyterian Church	94 Tudor Street	Lot 101, DP 837017	Local	I148
Hamilton	Former Bank of New South Wales	103 Tudor Street	Lot 100, DP 624615	Local	I149
Hamilton	Anzac House (former Mechanics Institute)	117 Tudor Street	Lots 2 and 3, DP 524404	Local	I150
Hamilton	Fountain Monument—Gregson Park	130A Tudor Street	Lot 101, DP 1079979	Local	I155

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Suburb	Item name	Address	Property description	Significance	Item no
Hamilton	Gregson Park	130A Tudor Street	Lots 101 and 102, DP 1079979	Local	I151
Hamilton	John William Parsons Monument	130A Tudor Street	Lots 101 and 102, DP 1079979	Local	I152
Hamilton	Steel Street gates—Gregson Park	130A Tudor Street	Lot 101, DP 1079979	Local	I156
Hamilton	Tudor Street gates—Gregson Park	130A Tudor Street	Lot 101, DP 1079979	Local	I153
Hamilton	War Memorial—Gregson Park	130A Tudor Street	Lot 101, DP 1079979	Local	I154
Hamilton	Wesley Church Hall	21 William Street	Lot 1, DP 1135615	Local	I157
Hamilton East	House (including front fence)	58 Denison Street	Lot 1, DP 770590	Local	I158
Hamilton East	House	60 Denison Street	Lot 1, DP 744771	Local	I159
Hamilton East	Newcastle District Ambulance Station	77 Denison Street	Lot 183, DP 539432	Local	I160
Hamilton East	Fig trees	Stewart Avenue		Local	I161
Hamilton North	Gas Co site—remnant gardens	1 Chatham Road	Lot 1, DP 79057; Lot 270, DP 812689	Local	I162
Hamilton North	Newcastle Gas Co office	1 Chatham Road	Lot 270, DP 812689	Local	I163
Hamilton North	Pumphouse and fence	1 Chatham Road	Lot 270, DP 812689	Local	I164
Hamilton North	Pipeline Clifton Bros (former residence)	5–7 Chatham Road	Lot 1, DP 77996	Local	I166



Suburb	Item name	Address	Property description	Significance	Item no
Hamilton North	Shell Company of Australia (industrial site)	5-7 Chatham Road	Lot 1, DP 77996	Local	I165
Hamilton North	Richardson Park	16 Chatham Road	Lot 1836, DP 1086890	Local	I167
Hamilton North	ELMA Factory	54 Clyde Street	Lot 102, DP 1024980	Local	I168
Hamilton South	Learmonth Park	80A Gordon Avenue	Lot 21, DP 95334	Local	I169
Hamilton South	Learmonth Park—pillars	80A Gordon Avenue	Lot 21, DP 95334	Local	I170
Hamilton South	AA Company display home	141 Gordon Avenue	Lot 1, DP 1083659	Local	I171
Hamilton South	The Gables (residence)	152 Gordon Avenue	Lot 54, DP 662931	Local	I172
Hamilton South	AA Company display home	154 Gordon Avenue	Lot 1, DP 797151	Local	I173
Hamilton South	Newcastle High School	25A National Park Street	Lot 1, DP 150725; Lot 1, DP 575171; Lot 1, DP 794827	Local	I174
Hamilton South	House	135 Parkway Avenue	Lot 90, DP 37549	Local	I175
Hexham	Railway station	Maitland Road	Railway land	Local	I176
Hexham	Former Travellers Rest Hotel	23 Maitland Road	Lot 1, DP 659925	Local	I177
Hexham	Oak Factory	189 Maitland Road	Lot 2, DP 802350	Local	I178
Hexham	Hannel Family Vault	398B Maitland Road	Lot 1, DP 974950	Local	I179
Hexham	Hexham Shipbuilding Yards	404 Maitland Road	Lot B, DP 405828	Local	I180
Hexham	Former Uniting Church and Hall	63 Old Maitland Road	Lot 2, DP 546494	Local	I182

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Hexham	J & A Brown's Hexham Workshops	100 Old Maitland Road	Lot 11, DP 855330	Local	I183
Hexham	Former Glen Lovett Hall	187 Old Maitland Road	Lot A, DP 157693	Local	I184
Hexham	Former Hexham Public School	227 Old Maitland Road	Lot 102, DP 499013	Local	I185
Hexham	Goninans Administration Building	230 Old Maitland Road	Lot 2, DP 270447	Local	I186
Hexham	Hexham Bridge	Pacific Highway		Local	I187
Islington	Venetia (residence)	111 Albert Street	Lot 1, DP 415171	Local	I188
Islington	Islington RSL Memorial Hall	113 Albert Street	Lot 1, DP 344553	Local	I189
Islington	Terrace	60 Chinchon Street	Lot 1, DP 709948	Local	I190
Islington	Terrace	62 Chinchon Street	Lot 1, DP 136616	Local	I191
Islington	Terrace	64 Chinchon Street	Lot 1, DP 1031915	Local	I192
Islington	Terrace	66 Chinchon Street	Lot 1, DP 195202	Local	I193
Islington	Terrace	68 Chinchon Street	Lot 5, DP 1083039	Local	I194
Islington	Terrace	70 Chinchon Street	Lot 1, DP 779533	Local	I195
Islington	Islington Junction Box	Clyde Street	Railway land	Local	I196
Islington	Hamilton Station Hotel	6 Fern Street	Lot 1, DP 75464	Local	I197
Islington	Former Dick Bros Engineering Building	62 Fern Street	Lots 1-4, DP 782730	Local	I198

Suburb	Item name	Address	Property description	Significance	Item no
Islington	Public school (including trees)	17 Hubbard Street	Lot 2, DP 797777	Local	I199
Islington	Residence	22 Maitland Road	Lot C, DP 334618	Local	I200
Islington	Former Regent Picture Theatre	80 Maitland Road	Lot 1, DP 88359	Local	I201
Islington	Islington Park	151A Maitland Road	Lot 3182, DP 257283; Lots 7067 and 7068, DP 1077048; Lot 1, DP 337010; Lots A and B, DP 37022; Lots 7304 and 7305, DP 1144460	Local	I202
Islington	Winchombe Carson warehouse	14 Milford St	SP 76580	Local	I203
Islington	St Mark's Anglican Church	5 Norfolk Avenue	Lots 1-3, Section B, DP 978072	Local	I204
Islington	St Mark's Rectory	9 Norfolk Avenue	Lot 25, DP 9652; Lot 4, DP 1128692	Local	I205
Islington	Kenilworth (residence)	14 Sheddon Street	Lots 1, 2 and 17, Section G, DP 2331	Local	I206
Jesmond	Marquis of Midlothian Hotel	42 Robert Street	Lot 91, DP 791194	Local	I207
Kooragang	Tongues Tree Fig	Kooragang Nature Reserve		Local	I208
Kooragang	School master's house	200 Kooragang Street	Lot 1, DP 126347	Local	I210
Lambton	Lambton Public School	18 Croudace Street	Lot 1, DP 804236	Local	I211
Lambton	Lambton Fire Station	67 De Vitre Street	Lot 854, DP 755247	Local	I212

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Lambton	Former Lambton Police Station and lock-up residence	22 Dickson Street	Lot 2414, DP 755247	Local	I213
Lambton	Post Office	37 Dickson Street	Lot 1, DP 815096	Local	I214
Lambton	Bethal Congregational Church	43A Dickson Street	Lot 56, DP 777623	Local	I215
Lambton	Convent of Mercy	69A Dickson Street	Lot 1, DP 907508; Lot 1, DP 907509; Lot 4, DP 904662; Lots 5 and 6, Section C, DP 3	Local	I216
Lambton	St John's Catholic Church	82 Dickson Street	Part Lot 6, Section B, DP 3; Lot 16, DP 255158; Lot 1, DP 119115	Local	I217
Lambton	St John's Presbytery	82 Dickson Street	Part Lot 6, Section B, DP 3; Lot 16, DP 255158; Lot 1, DP 119115	Local	I218
Lambton	Lambton Mechanics Institute Hall	68 Elder Street	Lot 330, DP 755247	Local	I219
Lambton	Shopfront	106 Elder Street	Lot 4, DP 813318	Local	I220
Lambton	Le Chalet (residence)	130 Elder Street	Lots 10 and 11, Section F, DP 3	Local	I221
Lambton	Uniting Church	136 Elder Street	Lot 7, Section F, DP 3	Local	I222
Lambton	Lambton Library (former Lambton Municipal Chambers)	50 Howe Street	Lot 7075, DP 1122324	Local	I223

Suburb	Item name	Address	Property description	Significance	Item no
Lambton	Lambton Park	50 Howe Street	Lots 7050 and 7051, DP 1115474; Lot 7053, DP 1109607; Lot 7052, DP 1120463; Lot 7049, DP 1122321; Lots 7075 and 7076, DP 1122324; Lot 7079, DP 1123383; Lot 7077, DP 1120464	Local	I224
Lambton	Drinking fountain—Lambton Park	50 Howe Street	Lot 7049, DP 1122321	Local	I225
Lambton	Gates—Lambton Park	50 Howe Street	Lot 7049, DP 1122321	Local	I226
Lambton	Rotunda—Lambton Park	50 Howe Street	Lot 7049, DP 1122321	Local	I227
Lambton	The Lambton Park Hotel	60 Howe Street	Lot 1, DP 442480	Local	I228
Lambton	Residence	64 Howe Street	Lots A and B, DP 435770	Local	I229
Lambton	Cartrefle (residence)	79 Howe Street	Lot 2, DP 301561	Local	I230
Lambton	Lambton Anglican Rectory	16A Morehead Street	Lot 231, DP 1035097	Local	I231
Lambton	Lambton Anglican Church	18 Morehead Street	Lot 230, DP 1035097	Local	I232
Lambton	Lambton Masonic Hall	22A Morehead Street	Lot 849, DP 755247	Local	I233
Lambton	Kings Theatre (former Coronation Hall)	31 Morehead Street	Lot 2, DP 334833	Local	I234

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Lambton	Lambton Pumping Station	307A Newcastle Road	Lot 2, DP 787983	Local	I235
Maryland	Glendor Thomas family grave	79 Callan Avenue	Lot 3, DP 839872	State	I236
Maryland	Styles Grove (former residence and farm buildings)	256 Minmi Road	Lot 611, DP 1034932	Local	I238
Maryland	Styles Grove landscape (Moreton Bay fig trees)	256 Minmi Road	Lot 611, DP 1034932	Local	I237
Maryville	Maryville postal pillar box	Harrison Street		Local	I239
Maryville	Remnant Tuckeroos (trees)	Lewis Street		Local	I240
Mayfield	Residence	28 Bull Street	Lot 1, DP 815609	Local	I241
Mayfield	Residence	74 Bull Street	Lot 2, DP 336905	Local	I242
Mayfield	St Andrew's Church	31A Church Street	Lot 3, DP 544502	Local	I243
Mayfield	St Columban's Church	39 Church Street	Lot 4, DP 509134; Lot 1, DP 165199; Lot 2, DP 165408	Local	I244
Mayfield	St Columban's Presbytery	58 Church Street	Lot 7, DP 1054907; Lots 8-12, Section B, DP 975396	Local	I245
Mayfield	Bella Vista (former residence)	105 Crebert Street	Lot 141, DP 716312	Local	I246
Mayfield	Former substation	138A Crebert Street	Lot A, DP 164300	Local	I247
Mayfield	Residence	141 Crebert Street	Lot B, DP 37452	Local	I248

Suburb	Item name	Address	Property description	Significance	Item no
Mayfield	Winncourt (residence)	143 Crebert Street	Lot 2, DP 523690	Local	I249
Mayfield	Residence	145 Crebert Street	Lot 145, DP 1077468	Local	I250
Mayfield	Residence	147 Crebert Street	Lot A, DP 160509	Local	I251
Mayfield	Tongarra (residence)	149 Crebert Street	Lot 51, DP 1022725	Local	I252
Mayfield	Former St Andrew's Rectory	5 Durham Street	Lot 2, DP 544502	Local	I253
Mayfield	House and picket fence	41, 41A and 41B Elizabeth Street	Lots 10–12, DP 1079403	Local	I254
Mayfield	House and picket fence	72 Elizabeth Street	Lot A, DP 379045	Local	I255
Mayfield	Trees at site of Catholic School of Christ the King	3 Fitzroy Street	Lot 110, DP 1023101	Local	I256
Mayfield	St John's Presbyterian Church	33A Hanbury Street	Lots 1–3, DP 1134638; Lot 331, DP 1090263	Local	I257
Mayfield	Webb Park	86A Hanbury Street	Lots 1–3, DP 185977	Local	I258
Mayfield	Residence	88 Hanbury Street	Lot 1, DP 332193; Lot 1, DP 127928	Local	I259
Mayfield	Former Hunter Institute of Technology	52 Havelock Street	SP 75114	Local	I260
Mayfield	San Clemente School	78 Havelock Street	Lot 1, DP 818888; Lots 2 and 3, DP 230245	Local	I261
Mayfield	Former Mayfield House	6 Highfield Street	Lot 125, DP 589311	Local	I262
Mayfield	Winahra (residence)	21 Highfield Street	Lot 1, DP 342048	Local	I263

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Mayfield	Church house	29–31 Highfield Street	Lot 2, DP 1084180; Lot 1, DP 779724	Local	I264
Mayfield	Mayfield Uniting Church	29–31 Highfield Street	Lot 2, DP 1084180; Lot 1, DP 779724	Local	I265
Mayfield	Simpsons Cottage	64 Industrial Drive	Lot 20, Section B, DP 16844	Local	I266
Mayfield	Residence	15 Kerr Street	Lot 11, DP 537479	Local	I267
Mayfield	Glen Airlie (Arnott residence)	41 Kerr Street	Lot B, DP 378684	Local	I268
Mayfield	Residence	76 Kerr Street	Lot A, DP 360878	Local	I269
Mayfield	Dangar Park	21A Maitland Road	Part Lot 128, DP 755247	Local	I270
Mayfield	Date palms—Dangar Park	21A Maitland Road	Part Lot 128, DP 755247	Local	I271
Mayfield	Beauford Hotel	39 Maitland Road	Lot 100, DP 1086847	Local	I272
Mayfield	The Coliseum (commercial building)	118 Maitland Road	Lot 1, DP 1068015	Local	I273
Mayfield	Stag & Hunter Hotel	185 Maitland Road	Lot 1, DP 80473	Local	I274
Mayfield	Mayfield Police Station	219–221A Maitland Road	Lot 1, DP 711020; Lot 2, DP 784164	Local	I275
Mayfield	Elladale (former residence)	358 Maitland Road	Lot 1, DP 806145	Local	I276
Mayfield	Burrundulla (residence)	2 Pitt Street	Lot B, DP 161146	Local	I277
Mayfield	Burgman House	4 Pitt Street	Lots A and B, DP 163111	Local	I278



Suburb	Item name	Address	Property description	Significance	Item no
Mayfield	Former Salvation Army Citadel	3 Victoria Street	Lots 21–23, Section H, DP 978483; Lot 24, DP 540764	Local	I279
Mayfield	Redemptorist Monastery	68 Woodstock Street	Lot 4, DP 546404	Local	I280
Mayfield	Remnant monastery garden	68 Woodstock Street	Lot 4, DP 546404	Local	I281
Mayfield East	Mayfield East Public School	34 Crebert Street	Part Lot 225, DP 755247; Lot 1, DP 195848; Lot 2, DP 610699	Local	I282
Mayfield East	Ingall House Group	47 Crebert Street	Lot 211, DP 871588	Local	I283
Mayfield East	Ingall House Group	51 Crebert Street	Lot 1, DP 213056	Local	I284
Mayfield East	Ingall House Group	61 Crebert Street	Lot 13, DP 538578	Local	I285
Mayfield East	Australia Wire Rope Building	6 George Street	Lot 1, DP 577013	Local	I286
Mayfield East	Residence	92 Margaret Street	Lot 23, DP 563077	Local	I287
Mayfield East	Residence	94 Margaret Street	Lot 22, DP 563077	Local	I288
Mayfield West	Former maternity hospital	1 Buruda Street	Lot 2, DP 156246	Local	I289
Mayfield West	Mayfield West Public School	7 Gregson Avenue	Lot 1, DP 795155	Local	I290
Mayfield West	Former migrant camp	609 Maitland Road	Lot 1, DP 369641	State nominated	I291
Mayfield West	Substation	2C Maud Street	Lot 101, DP 1045169	Local	I292
Merewether	Burwood Inn	77 Berner Street	Lot 1, DP 79791	Local	I293
Merewether	Merewether Baby Health Clinic	25 Caldwell Street	Lot 1, DP 1103114	Local	I294

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Merewether	Former Glebe Methodist Church	101 City Road	Lots 33 and 34, Section 7, DP 111240	Local	I295
Merewether	Residence	1A Curry Street	Lot 1, DP 866521	Local	I296
Merewether	Former Racecourse Inn	65 Frederick Street	Lot 200, DP 882970	Local	I297
Merewether	Trialba (residence)	75 Frederick Street	Lot A, DP 155296	Local	I298
Merewether	Beach Hotel	99 Frederick Street	Lot 1, DP 79757	Local	I299
Merewether	Stallards Garage	152 Glebe Road	Lot 1, DP 998577	Local	I300
Merewether	Merewether Uniting Church	176 Glebe Road	Lots 78–80, Section 6, DP 32615	Local	I301
Merewether	Beach pavilion	5 Henderson Parade	Lot 100, DP 1130581	Local	I302
Merewether	Merewether Baths	27 Henderson Parade	Crown Reserve 56146	Local	I303
Merewether	The Ridge (Hillcrest Hospital)	21 Hillcrest Road	Lot 5, DP 260947	State	I304
Merewether	Brown Sisters' Convent	8 Janet Street	Lot 1, DP 210515	Local	I305
Merewether	Holy Family Parish Hall	19 Janet Street (Ridge Street)	Lot 1, DP 547032	Local	I306
Merewether	Residence	8 Kempster Road	Lots 90 and 91, DP 1082365	Local	I307
Merewether	Brynhfyd (residence)	44 Kilgour Avenue	Lot 1, DP 986437	Local	I308
Merewether	Merewether Post Office	36 Llewellyn Street	Lot 152, DP 772098	Local	I309
Merewether	Merewether Fire Station	39 Llewellyn Street	Lot 390, DP 1131844	Local	I310

Suburb	Item name	Address	Property description	Significance	Item no
Merewether	St Augustine's Anglican Church	43 Llewellyn Street	Lots 8–9, Section 6, DP 111239; Part Lot 7, Section 6, DP 111239	Local	I311
Merewether	Former police station	85 Llewellyn Street	Lot 101, DP 829724	Local	I312
Merewether	Blairgowrie (residence)	39 Lloyd Street	Lot 1, DP 514500	Local	I313
Merewether	Henderson Park	42 Lockyer Street	Lot 1, DP 1132741	Local	I315
Merewether	Henderson Park Community Hall	42 Lockyer Street	Lot 1, DP 1132741	Local	I314
Merewether	Macquarie Street Reservoir	65 Macquarie Street	Lot 10, DP 813829	Local	I316
Merewether	Townson Oval Pavilion—Mitchell Park	24 Mitchell Street	Lot 7022, DP 93962	Local	I318
Merewether	War Memorial—Mitchell Park	24 Mitchell Street	Lot 7022, DP 93962	Local	I317
Merewether	Merewether Baptist Church	75 Morgan Street	Lot 3, DP 153084	Local	I319
Merewether	Residence	26 Rowan Crescent	Lot 91, DP 521593	Local	I320
Merewether Heights	Bailey's Orchard	221 Scenic Drive	Lot 1, DP 197754; Lot 1, DP 73351; Lot 111, DP 776284	Local	I323
Merewether Heights	Fruit packing shed and residence	221 Scenic Drive	Lot 1, DP 197754	Local	I321

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Suburb	Item name	Address	Property description	Significance	Item no
Merewether Heights	Glenrock Reserve	221 Scenic Drive	Lots 111 and 112, DP 776284; Lot 110, DP 571225; Lot 7, DP 520646; Lot 1, DP 733514; Lot 1, DP 197754	Local	I322
Minmi	Duckenfield Colliery Railway (relics)			Local	I324
Minmi	Duckenfield Railway No 1 Colliery branch lines			Local	I325
Minmi	Duckenfield Railway Nos 2, 3 and 4 Collieries branch lines			Local	I326
Minmi	St Andrew's Presbyterian Church	19 Church Street	Lot 1, DP 577710	Local	I327
Minmi	Former police station and courthouse	40 Church Street	Lot 1, DP 730659	Local	I328
Minmi	Stone ford	33 Lenaghans Drive	Lot 1, DP 1007615	Local	I329
Minmi	Winston Court (residence)	142 Lenaghans Drive	Lots 11 and 12, DP 1127655	Local	I330
Minmi	Former railway cuttings	East of McInnes Street	Part Lot 71, DP 1065169; Lot 123, DP 1050678	Local	I331
Minmi	Minmi to Hexham Railway	Minmi to Hexham		Local	I332
Minmi	Duckenfield No 2 Colliery air furnace shaft	25 Minmi Road	Lot 123, DP 1050678	Local	I333

Suburb	Item name	Address	Property description	Significance	Item no
Minmi	Cemetery	27 Minmi Road	Lot 4, DP 1044574	Local	I334
Minmi	Minmi reservoir site	15 Reservoir Road	Lot 147, DP 840897	Local	I335
Minmi	Former reservoir residence	17 Reservoir Road	Lot 21, DP 793953	Local	I336
Minmi	Dairy cool rooms—John Brown's Model Farm	29 Woodford Street	Lot 148, DP 840897	Local	I339
Minmi	Former railway cuttings—John Brown's Model Farm	29 Woodford Street	Lot 148, DP 840897	Local	I340
Minmi	John Brown's Model Farm	29 Woodford Street	Lot 148, DP 840897	Local	I337
Minmi	Remains of railway siding—John Brown's Model Farm	29 Woodford Street	Lot 148, DP 840897	Local	I338
Minmi	Minmi Public School (foundation stones and bell)	56 Woodford Street	Lot 1, DP 782483; Lot 15, Section A, DP 30399	Local	I341
Minmi	Minmi Coal Carriage	56 Woodford Street	Lot 1, DP 782483; Lot 15, Section A, DP 30399	Local	I342
Minmi	Former Post Office	129 Woodford Street	Lot 1, DP 446269	Local	I343
Minmi	Minmi Hotel	156 Woodford Street	Lot 2, DP 851653	Local	I344
Minmi	Former Minmi Public School and residence	196 Woodford Street	Lots 11 and 12, DP 596179	Local	I345
Minmi	Minmi Train Carriage	300 Woodford Street	Part Lot 71, DP 1065169	Local	I346

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Suburb	Item name	Address	Property description	Significance	Item no
New Lambton	Former Savoy Theatre	14–16, 18A and 18B Alma Road	Lot 1266, DP 755247	Local	I347
New Lambton	Newbold House	161 Croudace Street	Lots 3 and 4, DP 17908	Local	I348
New Lambton	New Lambton Scout Hall	4 Fleet Street	Lot 6, DP 20700; Lot 10, DP 14496	Local	I349
New Lambton	New Lambton Substation	34A Portland Place	Lot 310, DP 713570	Local	I350
New Lambton	Orielton (residence)	41 Queens Road	Lot C, DP 315885	Local	I351
New Lambton	The Grange (residence)	59 Queens Road	Lot 2, DP 547000	Local	I352
New Lambton	New Lambton Public School	66 Regent Street	Lot 1, DP 122486; Lot 1, DP 122485; Lots 1215, 1216, 1218 and Part Lot 1220, DP 755247	Local	I353
New Lambton	St Therese's Primary School	39 Royal Street	Lots 67–69, DP 5401	Local	I354
New Lambton	Former police station and residence	23 Westcourt Road	Lot 1, DP 1062822	Local	I355
New Lambton Heights	Rankin Park Hospital	2 Lookout Road	Lot 132, DP 1053492	Local	I356
New Lambton Heights	Remnant garden—Croudace House	2, 14 and 20 Lookout Road	Lot 132, DP 1053492; SP 60845; Lot 2, DP 1080386	Local	I357
New Lambton Heights	Croudace House	20 Lookout Road	SP 60845	Local	I358
Newcastle	Northumberland County Council Building	20 Auckland Street	Lot A, DP 369052; Part Lot 1, DP 999494	Local	I359
Newcastle	Newcastle Post Office Annex	5 Bolton Street	Lot 1, DP 430746	Local	I360

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Suburb	Item name	Address	Property description	Significance	Item no
Newcastle	Commercial building	6 Bolton Street	Lot 1, DP 1022156	Local	I361
Newcastle	NZ Insurance building	12 Bolton Street	SP 51662	Local	I362
Newcastle	Union Trustee building	18 Bolton Street	Lot 42, DP 542509	Local	I363
Newcastle	Former Eldon Chambers	26 Bolton Street	Lot 3, DP 1076583	Local	I364
Newcastle	Newcastle Herald Building	28 Bolton Street	Lot 1, DP 1036640	Local	I365
Newcastle	The Bowery	37 Bolton Street	Lot 1, DP 743148	Local	I366
Newcastle	Court Chambers	40 Bolton Street	Lot 71, DP 758769	Local	I367
Newcastle	Steels Garage (former Olympic Hall)	47 Bolton Street	SP 77384	Local	I368
Newcastle	Former David Cohen & Co Warehouse	50 Bolton Street	Lot 1, DP 601267	State	I369
Newcastle	Toll Cottage (former Rose Cottage)	51 Bolton Street	Lot 394, DP 747410	Local	I370
Newcastle	Former Newcastle East Public School	58 Bolton Street	Lot 1, DP 709455	Local	I371
Newcastle	Customs House	1 Bond Street	Lot 1, DP 533984	State	I372
Newcastle	Stanton Catchlove Bond Store (Earp Gillam Bond Store Precinct)	11 Bond Street	Lot 1, DP 619238	Local	I373
Newcastle	Macquarie House	8 Church Street	Lot 10, DP 24188	State	I374
Newcastle	Courthouse	9 Church Street	Part Lot 7002, DP 1077042	State	I375

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle	Buchanan Terrace and footpath	10 Church Street	Lot 9, DP 24188	State	I376
Newcastle	Buchanan Terrace and footpath	12 Church Street	Lot 8, DP 24188	State	I377
Newcastle	Buchanan Terrace and footpath	14 Church Street	Lot 7, DP 24188	State	I378
Newcastle	Buchanan Terrace and footpath	16 Church Street	Lot 6, DP 24188	State	I379
Newcastle	Buchanan Terrace and footpath	18 Church Street	Lot 5, DP 24188	State	I380
Newcastle	Buchanan Terrace and footpath	20 Church Street	Lot 4, DP 24188	State	I381
Newcastle	Buchanan Terrace and footpath	22 Church Street	Lot 3, DP 24188	State	I382
Newcastle	Buchanan Terrace and footpath	24 Church Street	Lot 2, DP 24188	State	I383
Newcastle	Buchanan Terrace and footpath	26 Church Street	Lot 1, DP 24188	State	I384
Newcastle	Buchanan Terrace and footpath	28 Church Street	Lot B, DP 420090	State	I385
Newcastle	Buchanan Terrace and footpath	30 Church Street	Lot A, DP 420090	State	I386
Newcastle	Grand Hotel	32 Church Street	Lot 1, DP 343633	State	I387
Newcastle	Dwelling	46 Church Street	Lot A, DP 331216	Local	I388
Newcastle	No 1 Lee Wharf Building A	3C Honeysuckle Drive	Lot 6, DP 1137661	State nominated	I389



Suburb	Item name	Address	Property description	Significance	Item no
Newcastle	No 2 Lee Wharf Building C	13 Honeysuckle Drive	Lots 31 and 32, DP 1136586	State nominated	I390
Newcastle	T & G Mutual Life Assurance Building	45 Hunter Street	Lot 6, DP 75385	State	I391
Newcastle	Sun Building (facade only)	48–56 Hunter Street	Lot 4, DP 76454	Local	I392
Newcastle	AMP Building	55 Hunter Street	SP 53607	Local	I393
Newcastle	Former CBA Bank	67 Hunter Street	SP 65329	Local	I394
Newcastle	Former National Bank	68 Hunter Street	Lot 1, DP 66499	Local	I395
Newcastle	National Australia Bank	73 Hunter Street	Lot A, DP 60510	Local	I396
Newcastle	Former Department of Public Works Office	74 Hunter Street	Lot 3224, DP 729951	State nominated	I397
Newcastle	Former Emporium Building	87–101 Hunter Street	Lots 1 and 2, DP 152682; Lot 1, DP 202171; Lot 1, DP 799548; Lot 2, DP 583726; Lot 1, DP 999139	Local	I398
Newcastle	Former police station	90 Hunter Street	Lot 3223, DP 729951	State nominated	I399
Newcastle	Post Office and War Memorial Statue	96–100 Hunter Street	Lot 103, DP 758769	State	I400
Newcastle	ANZ Bank	102 Hunter Street	Lot 1, DP 131741	Local	I401
Newcastle	CML Building	108–112 Hunter Street	Lot 1, DP 331485	Local	I402
Newcastle	Municipal building	121 Hunter Street	Lot 31, DP 864001	Local	I403
Newcastle	Municipal building	122–132 Hunter Street	Lots A–F, DP 80153	Local	I404

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle	Former Hotel Hunter	152–160 Hunter Street	Lot 2, DP 600274	Local	I405
Newcastle	Municipal building	164–170 Hunter Street	Lot 1, DP 600274	Local	I406
Newcastle	David Jones (commercial building)	169–185 Hunter Street	Lot 1, DP 749729	Local	I407
Newcastle	Former AA Dangar Building	176 Hunter Street	Lot 1, DP 110615	Local	I408
Newcastle	Former School of Arts	182 Hunter Street	Lot 212, DP 660080	Local	I409
Newcastle	Crown & Anchor Hotel	189 Hunter Street	Lot 1, DP 79759	Local	I410
Newcastle	Former Johns Building	200–212 Hunter Street	SP 77846	Local	I411
Newcastle	Former Commonwealth Bank	220 Hunter Street	Lot 1, DP 78033	Local	I412
Newcastle	Former ANZ Bank	227 Hunter Street	Lot 1, DP 770692	Local	I413
Newcastle	Lucky Country Hotel	237 Hunter Street	Lots 1 and 2, DP 331728	Local	I414
Newcastle	Remains of AA Co., bridge and fence	280 Hunter Street	Lot 1001, DP 1095836	Local	I415
Newcastle	Former tramway substation	342 Hunter Street	SP 21188	Local	I416
Newcastle	Former Frederick Ash Building	357 Hunter Street	Lot 2, DP 1010675	State	I417
Newcastle	Civic Theatre	373 Hunter Street	Part Lot 1, DP 225689	State nominated	I418

Suburb	Item name	Address	Property description	Significance	Item no
Newcastle	Former Emporium Building	517–525 Hunter Street	Lots 800 and 801, DP 562199; Lot 1, DP 175318; Lot 1, DP 979900; Lot 1, DP 175320	Local	I419
Newcastle	Former police station	558 Hunter Street	Lot 3195, DP 705450	Local	I420
Newcastle	Wheeler House	8 King Street	SP 65842	Local	I421
Newcastle	Dr Richard Harris' Residence	81 King Street	Lot 1, DP 63392	Local	I422
Newcastle	Former Lyrique Theatre	98 King Street (Wolfe Street)	Lot 500, DP 879162	Local	I423
Newcastle	Former Volunteer Fire Station	115 King Street	Lot 1, DP 742814	Local	I424
Newcastle	Ireland Bond Store	123 King Street	Lot 1, DP 64187	Local	I425
Newcastle	Central Hall	141 King Street	Lot 1, DP 995712	Local	I426
Newcastle	Former Wool Exchange	149 King Street	Lot 10, DP 64384	Local	I427
Newcastle	Albert Terraces	164–176 King Street and 3–5 Crown Street	Lots 1–5, DP 263453	Local	I428
Newcastle	The Moorings (residential units)	199 King Street	SP 2831	Local	I429
Newcastle	Civic Park	201 King Street	Lot 300, DP 604071; Lot 91, DP 521033	Local	I430
Newcastle	Church Walk Park	203 King Street	Lot 27, DP 150538	Local	I431
Newcastle	TPI House (former Mackie's Warehouse)	231 King Street	Lot B, DP 502464	Local	I432

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle	City Hall and lamp posts	290 King Street	Part Lot 1, DP 225689	State nominated	I433
Newcastle	Christie Place (including fountain)	292 King Street	Part Lot 1, DP 225689	Local	I434
Newcastle	Nesca House	300 King Street	Lot 2, DP 225689	State	I435
Newcastle	City Arcade and former Corporation Baths	11 Newcomen Street	Lot 1, DP 128998	Local	I436
Newcastle	The Newcastle Club	40 Newcomen Street	Lots 1 and 2, DP 997519	State nominated	I437
Newcastle	Claremont (former residence)	40 Newcomen Street	Lot 2, DP 997519	State nominated	I438
Newcastle	Sunnyside (residence)	44 Newcomen Street	Lot 41, DP 1060945	Local	I439
Newcastle	Terrace House	49 Newcomen Street	Lot 61, DP 569796	Local	I440
Newcastle	Newcomen House (residence)	51 Newcomen Street	Lot 1, DP 794738	Local	I441
Newcastle	Newcastle Hospital North Wing	21 Pacific Street and 2 Ocean Street	SP 71894	Local	I442
Newcastle	Former Nurses Home	30 Pacific Street	Lot 100, DP 883220	Local	I443
Newcastle	Former Victoria Theatre	8–10 Perkins Street	Lot 1, DP 1100172	State	I444
Newcastle	Former Primitive Methodist Manse	29 Perkins Street	Lot 1, DP 321540	Local	I445
Newcastle	Miss Chippendale's School Room	45 Perkins Street	Lot 1, DP 1034041	Local	I446
Newcastle	House	49 Perkins Street	Lot 1, DP 854928	Local	I447

Suburb	Item name	Address	Property description	Significance	Item no
Newcastle	Former Newcastle East Police Station	63 Scott Street	Lot 7307, DP 1144466	Local	I448
Newcastle	Former superintendent's residence	88 Scott Street	Lot 3211, DP 722246	State	I449
Newcastle	Former Coutts Sailor Home	88 Scott Street (facing Bond Street)	Lot 3211, DP 722246	State	I450
Newcastle	Great Northern Hotel	89 Scott Street	Lot 100, DP 834251	State	I451
Newcastle	Former residence	90 Scott Street	Lot 1, DP 123946	Local	I452
Newcastle	Former station master's residence	92 Scott Street	Part Lot 2, DP 706760	State	I453
Newcastle	Former railway pay office	92 Scott Street (facing Bond Street)	Part Lot 2, DP 706760	State	I454
Newcastle	Newcastle Railway Station	110 Scott Street	Lot 22, DP 1009735	State	I455
Newcastle	Centennial Hotel	127 Scott Street and 114 Hunter Street	SP 80248; Lot 1, DP 745997	Local	I456
Newcastle	Air Force Club (Wood Chambers)	129 Scott Street	Lot 100, DP 1036238	Local	I457
Newcastle	Rundles Buildings (former R Hall & Sons buildings)	161 Scott Street	SP 57218	Local	I458
Newcastle	Former Beberfaulds Warehouse	175 Scott Street	SP 35541; SP 37388	Local	I459
Newcastle	Shepherds Hill Defence Group Military Installations, including residence, observation post and gun placement	41 The Terrace	Lot 3116, DP 755247	State	I460

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle	Howard Smith Chambers	14 Watt Street	SP 16024	Local	I461
Newcastle	Union Steamship Building	31–33 Watt Street	SP 34152	Local	I462
Newcastle	Manufacturers House	35–37 Watt Street	Lot 1, DP 342578	State	I463
Newcastle	St Phillip's Church	48 Watt Street	Lot 38, DP 1142311	Local	I464
Newcastle	Terrace	50 Watt Street	Lot 12, DP 24188	State	I465
Newcastle	Terrace	52 Watt Street	Lot 13, DP 24188	State	I466
Newcastle	Terrace	54 Watt Street	Lot 14, DP 24188	State	I467
Newcastle	United Services Club	55 Watt Street	Lot 2, DP 609103	Local	I468
Newcastle	Terrace	56 Watt Street	Lot 15, DP 24188	State	I469
Newcastle	Terrace	58 Watt Street	Lot 16, DP 24188	State	I470
Newcastle	Terrace	60 Watt Street	Lot 17, DP 24188	State	I471
Newcastle	Terrace	62 Watt Street	Lot 18, DP 24188	State	I472
Newcastle	Former barracks	72 Watt Street	Lot 1, DP 1069317	State	I474
Newcastle	Former military hospital	72 Watt Street	Lot 1, DP 1069317	State	I473
Newcastle	Fletcher Monument	75 Watt Street	Lot 7059, DP 1116454	Local	I475
Newcastle	Argyle House	311 Wharf Road	Lot 190, DP 541370	State	I476
Newcastle	Retaining walls with sandstone steps	Wolfe Street and King Street		Local	I477

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Suburb	Item name	Address	Property description	Significance	Item no
Newcastle	Segenhoe (residential units)	50 Wolfe Street	SP 19837	Local	I478
Newcastle	Civic Railway Workshops Group	5 Workshop Way, 1 Wright Lane, 6 Workshop Way and 2-4 Merewether Street	Lot 511, DP 1030264; Lot 5, DP 883474; Lot 3, DP 1111305	State	I479
Newcastle East	Fort Scratchely group (buildings and underground forts—Coal River Precinct)	31 Nobbys Road	Lots 1, 2, 4 and 5, DP 407886	State	I480
Newcastle East	Nobbys Beach Pavilion (Coal River Precinct)	35 Nobbys Road	Lot 7005 and Part Lot 7006, DP 1057119	State	I481
Newcastle East	Boatmans Terrace Group (residences)	36-66 Nobbys Road	Lot 1, DP 617504	Local	I482
Newcastle East	The Cowrie Hole (rock platform)	Off Shortland Esplanade	Part Lot 7061, DP 1118737; Part Lot 7060, DP 1118739	Local	I483
Newcastle East	Coal Memorial	Parnell Place	Part N 137-844R	Local	I485
Newcastle East	Column from original courthouse	Parnell Place	Lot 137, DP 1158165	Local	I484
Newcastle East	The Retreat (residence)	31 Parnell Place	Lot 4, DP 4296	Local	I486
Newcastle East	The Carlton (residential units)	19 Scott Street	SP 39163	Local	I487
Newcastle East	Soldiers Baths (Coal River Precinct)	Shortland Esplanade	Lot 7060, DP 1118739	State	I488
Newcastle East	Ocean Baths	30 Shortland Esplanade	Lot 7061, DP 1118737	Local	I489

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle East	Stevenson Place Precinct (terraces)	1-55 Stevenson Place	Lots 1-4, DP 13965; Lot 6, Section 1, DP 1207; Lots 51 and 52, DP 615835; Lots 1-4, 6 and 7, DP 9665; Lot 1, DP 939241; Lots 10-12, DP 1140051; Lot 7, DP 666915; Lot 20, DP 740624; Lot 1, DP 908106; Lot 1, DP 908116; Lots 1-8, DP 9520	Local	I490
Newcastle East	Former John Bull Warehouse	28 Stevenson Place	SP 48754	Local	I491
Newcastle East	Former Earp Gillam Bond Store (Earp Gillam Bond Store Precinct)	16 Telford Street	SP 44807	State	I492
Newcastle East	Tyrrell House (facade only)	49 Telford Street	SP 20749	Local	I493
Newcastle West	Former City Bank	553-557 Hunter Street	Lot 1, DP 1101230	Local	I494
Newcastle West	Former CBC Bank	559 Hunter Street	SP 76614	Local	I495
Newcastle West	Newcastle Technical College	590-608 Hunter Street	Lots 1 and 2, DP 852552	Local	I496
Newcastle West	Hunter Water Board Building	599 Hunter Street	Lot 1, DP 595677	Local	I497
Newcastle West	Theatre Royale	669 Hunter Street	Lot 111, DP 75158	State nominated	I498
Newcastle West	Bellevue Hotel	738 Hunter Street	Lot 101, DP 1096718	Local	I499



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Suburb	Item name	Address	Property description	Significance	Item no
Newcastle West	Bank Corner (former Bank of NSW)	744 Hunter Street	Lot 1, DP 75008; Lot 1, DP 196241	Local	I500
Newcastle West	Former Castlemaine Brewery	787 Hunter Street	Lot 21, DP 774313	State	I501
Newcastle West	Cambridge Hotel	791 Hunter Street	Lot 47, DP 95273	Local	I502
Newcastle West	St Joseph's Convent and Sacred Heart Church and School	841 Hunter Street	Lot 2, DP 787816; Lot 1, DP 129569; Lot 38, DP 95306; Lot 39, DP 1095545; Lot 841, DP 1095203	Local	I503
Newcastle West	Former Newcastle Co-operative Store	854 Hunter Street	Lot 1, DP 82517	Local	I504
Newcastle West	Dairy Farmers Building	924 Hunter Street	Lot 2, DP 445736	Local	I505
Newcastle West	Miss Porter's Residence	434 King Street	Lot 441, DP 998073	State	I506
Newcastle West	Former Gasworks office	461 King Street	Lot 1, DP 797175	Local	I507
Newcastle West	Army Drill Hall	498 King Street	Lot 1, DP 222839	Local	I508
Newcastle West	Birdwood Park	502 King Street		Local	I509
Newcastle West	Hamilton College of TAFE	91 Parry Street	Lot 1, DP 584429	Local	I510
North Lambton	Residence	288 Newcastle Road	Lot 181, DP 561160	Local	I511
North Lambton	Residence	298 Newcastle Road	Lot 101, DP 587293	Local	I512
North Lambton	Former Reservoir Hotel	330 Newcastle Road	Lot 28, Section B, DP 1700	Local	I513

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
North Lambton	Former Red Lion Hotel	414 Newcastle Road	Lot 2, DP 405066	Local	I514
North Lambton	Quarrymans cottage	15 Percy Street	Lot 15, Section C, DP 96	Local	I515
Sandgate	Railway Spur— Sandgate Cemetery	108 Maitland Road		Local	I517
Sandgate	Sandgate Cemetery	108 Maitland Road	Lot 7074, DP 1105147; Part Lot 2951, DP 755247	Local	I516
Sandgate	Office— Sandgate Cemetery	116 Maitland Road	Lot 2913, DP 755247	Local	I518
Sandgate	2HD Studio	173 Maitland Road	Part Lots 36 and 37, DP 37259; Lot 1, DP 783568; Lot 1, DP 997590	Local	I519
Shortland	Uniting Church	272 Sandgate Road	Lot 100, DP 705646	Local	I520
Stockton	St Paul's Anglican Church Group	2 Church Street	Lot 1, DP 1119905	Local	I521
Stockton	Stockton Public School	10 Clyde Street	Lots 10 and 11, Section 22, DP 758929; Lot 101, DP 753191; Lot 110, DP 821006	Local	I522
Stockton	Mine Disaster Memorial	Corner Clyde and Mitchell Streets	Lot 7301, DP 1146370	Local	I523
Stockton	Former Sister Ogden's Hospital	29 Crown Street	Lots 14 and 15, Section A, DP 6865	Local	I524
Stockton	Stockton horse trough	Douglas Street		Local	I525
Stockton	St Peter in Chains Hall	1–5 Dunbar Street	Lot 22, DP 1097050; Lots 19–21, Section B, DP 6865	Local	I526

Suburb	Item name	Address	Property description	Significance	Item no
Stockton	St Peter in Chains Presbytery	7 Dunbar Street	Lot 1, DP 840256	Local	I527
Stockton	Boat Harbour (place)	Fullerton Street		Local	I528
Stockton	The Laurels (residence)	48 Fullerton Street	Lot 1, DP 731739	Local	I529
Stockton	Former Callen Residence	118 Fullerton Street	Lot A, DP 314946	Local	I530
Stockton	Boatrowers Hotel	130A Fullerton Street	Lot 6, Section 10, DP 758929	Local	I531
Stockton	Stockton Centre	342 Fullerton Road	Lot 430, DP 835921	Local	I532
Stockton	Stockton Fire Station	36 Hereford Street	Lot 15, Section 12, DP 753191	Local	I533
Stockton	St Giles' Presbyterian Church	91 Hereford Street	Lot 1, DP 1000364	Local	I534
Stockton	Former St Paul's Rectory	32 Maitland Street	Lot 1, DP 343745	Local	I535
Stockton	General Washington Hotel	1 Mitchell Street	Lot 1, DP 82959; Lots 58 and 59, DP 753191	Local	I536
Stockton	Former Savoy Picture Theatre	68 Mitchell Street	Lot 51, DP 617372	Local	I537
Stockton	Beach Cafe	115 Mitchell Street	Lot 1, DP 949659	Local	I538
Stockton	Residence	121–123 Mitchell Street	Lot 7, Section 23, DP 758929	Local	I539
Stockton	The John Slade Memorial Pavilion	124 Mitchell Street	Lot 7301, DP 1146370	Local	I540
Stockton	Former Sister Brown's residence	139 Mitchell Street	Lot 1, DP 323545	Local	I541
Stockton	Ocean View Flats	179 Mitchell Street	SP 77256	Local	I542

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Suburb	Item name	Address	Property description	Significance	Item no
Stockton	War Memorial	226 Mitchell Street		Local	I543
Stockton	Former police station and residence	1A Newcastle Street	Part Lot 4, DP 213040	Local	I544
Stockton	Residence	1 Queen Street	Lot 1, DP 799919	Local	I545
Tarro	Tarro Substation	4A Anderson Drive	Lot 1, DP 611518	Local	I546
Tarro	Our Lady of Lourdes Church	42 Anderson Drive	Lot 42, DP 1096998	Local	I547
Tarro	Residence	29 Eastern Avenue	Lot 100, DP 849413	Local	I548
Tarro	Tarro Community Hall	2A Northern Avenue	Lot 3, Section F, DP 13126	Local	I549
Tarro	Pumping station	3 Woodberry Road	Lot 2, DP 595526	Local	I550
Tarro	Substation	3 Woodberry Road	Lot 2, DP 595526	Local	I551
The Hill	Shalamah (residence)	4 Barker Street	Lots 1 and 2, DP 195186	Local	I552
The Hill	Jesmond House (residence)	10 Barker street	Lots A and B, DP 153708	Local	I553
The Hill	Captain Allan's House	19 Barker Street	Lot 343, DP 54152	Local	I554
The Hill	St Ronans (residence)	18 Bingle Street	Lot B, DP 420523	State nominated	I555
The Hill	Beacon Tower (landmark)	Corner Brown and Tyrrell Streets		Local	I607
The Hill	Bishopscourt (residence)	34 Brown Street	Lot 102, DP 1020129	Local	I556
The Hill	Newcastle East Public School	48 Brown Street	Lots 1-3, DP 794850	Local	I557
The Hill	Newcastle Hill Reservoir	51 Brown Street	Lots 346 and 347, DP 758769; Lots 1-5, DP 1141417	Local	I558

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
The Hill	Marlborough House	49 Church Street	Lot 1, DP 819070	Local	I559
The Hill	Woodlands (residence)	51 Church Street	Lot 11, DP 634172	State	I560
The Hill	Gate and stairs	52 Church Street	Lot 1, DP 594939	Local	I561
The Hill	Christ Church Cathedral	52A Church Street	Lot 3, DP 36886	State	I562
The Hill	Lance Villa Group terrace house	66 Church Street	Lot 61, DP 585966	Local	I563
The Hill	Lance Villa Group terrace house	68 Church Street	Lot 62, DP 585966	Local	I564
The Hill	Lance Villa Group terrace house	70 Church Street	Part Lot 161, DP 54152	Local	I565
The Hill	Lance Villa Group terrace house	72 Church Street	Lot 1, DP 770143	Local	I566
The Hill	Lance Villa Group terrace house	74 Church Street	Lot 1611, DP 996843	Local	I567
The Hill	Lance Villa Group terrace house	76 Church Street	Lot 1, DP 852881	Local	I568
The Hill	Lance Villa Group terrace house	78 Church Street	Lot 1620, DP 817037	Local	I569
The Hill	Minumbah (residence)	88 Church Street	Lot 1, DP 743943	Local	I570
The Hill	Cliff Towers (residential units)	124 Church Street	SP 1533	Local	I571
The Hill	The Boltons (attached residence)	1 off Church Street	Lot 4, DP 37425	Local	I572

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
The Hill	The Boltons (attached residence)	2 off Church Street	Lot 5, DP 37425	Local	I573
The Hill	The Boltons (attached residence)	3 off Church Street	Lot 6, DP 37425	Local	I574
The Hill	The Boltons (attached residence)	4 off Church Street	Lot 7, DP 37425	Local	I575
The Hill	Berkeley House Building—Newcastle Grammar School	60 Newcomen Street	Lot 1, DP 198891	Local	I577
The Hill	Christ Church Parish Hall	60 Newcomen Street	Lot 1, DP 198891	State	I576
The Hill	Merrick House Building—Newcastle Grammar School	60 Newcomen Street	Lot 1, DP 198891	Local	I578
The Hill	King Edward Park Group (Bogey Hole Public Baths)	1A Ordnance Street	Crown Reserve 56146	State	I579
The Hill	King Edward Park Group (includes public reserve, drinking fountain and rotunda)	3 Ordnance Street	Lot 7004, DP 1077043	State nominated	I580
The Hill	Obelisk	5A Ordnance Street	Lot 1238, DP 1096744	Local	I581
The Hill	St Mary's Star of the Sea Church	54 Perkins Street	Lot 111, DP 1130095	Local	I582
The Hill	Residence	56 Perkins Street	Lot 1042, DP 1109062	Local	I583
The Hill	House	58 Perkins Street	Lot 1, DP 996157	Local	I584

Suburb	Item name	Address	Property description	Significance	Item no
The Hill	Terrace	60 Perkins Street	Lot 1, DP 712325	Local	I585
The Hill	Terrace	62 Perkins Street	Lot 1, DP 731703	Local	I586
The Hill	Terrace	64 Perkins Street	Lot 1, DP 783710	Local	I587
The Hill	Three storey house (known as Corlette's Cottage)	2 The Terrace	Lot 1, DP 198906	Local	I588
The Hill	Terrace (Pacific House)	4 The Terrace	Lot 4, DP 1095505	Local	I589
The Hill	House	6 The Terrace	Lot 6, DP 1079886	Local	I590
The Hill	Terrace	8 The Terrace	Lot 1, DP 1044379	Local	I591
The Hill	Terrace	10 The Terrace	Lot 13, DP 1088287	Local	I592
The Hill	Terrace	12 The Terrace	Lots 1 and 2, DP 193906	Local	I593
The Hill	Terrace	14 The Terrace	Lot 1, DP 136805	Local	I594
The Hill	Terrace	16 The Terrace	Lot 11, DP 1110834	Local	I595
The Hill	Terrace	20 The Terrace	Lots 5 and 6, DP 732782	Local	I596
The Hill	Terrace	22 The Terrace	Lot 1, DP 986473	Local	I597
The Hill	Terrace	24 The Terrace	Lot 1, DP 198415	Local	I598
The Hill	Terrace	26 The Terrace	Lot 8, DP 742527	Local	I599
The Hill	Terrace	28 The Terrace	Lot 7, DP 1107778	Local	I600
The Hill	Terrace	30 The Terrace	Lot 1, DP 198361	Local	I601
The Hill	Terrace	32 The Terrace	Lot 100, DP 809379	Local	I602

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Suburb	Item name	Address	Property description	Significance	Item no
The Hill	Terrace	38 The Terrace	Lot 1, DP 112366	Local	I603
The Hill	Terrace (Hill House)	40 The Terrace	Lot 1, DP 735348	Local	I604
The Hill	Hillside (residence)	24 Tyrrell Street	Lot 1, DP 197834	Local	I605
The Hill	Former stables	8/60 Tyrrell Street	Lot 53, SP 69660	Local	I606
The Hill	Newcastle Synagogue	122 Tyrrell Street	Lot 150, DP 582406	Local	I608
The Junction	Brien Street Terraces	6–14 Brien Street	Lot 1, DP 741600; Lot 1, DP 799556; Lot 1, DP 996600; Lot 1, DP 743276; Lot 1, DP 798066	Local	I609
The Junction	Farquhar Street Terraces	3–9 Farquhar Street	Lot 9, DP 1081636; Lot 39, DP 1120470; Lot 1, DP 112625; Lot 1, DP 797573	Local	I610
The Junction	Residence	26 Farquhar Street	Lot 80, DP 95001	Local	I611
The Junction	Former Primitive Methodist Parsonage	28 Farquhar Street	Lot 81, DP 95001	Local	I612
The Junction	War Memorial	Corner Glebe Road and Kenrick Street		Local	I613
The Junction	Rowland Park War Memorial	Corner Glebe Road and Railway Street		Local	I614
The Junction	Rowland Park	77A Glebe Road		Local	I615
The Junction	Rowland Park Fountain	77A Glebe Road		Local	I616



Suburb	Item name	Address	Property description	Significance	Item no
The Junction	St Joseph's Convent and School Group (incorporating St Thomas More Centre)	34 Kenrick Street	Lot 38, DP 1097839; Lot 430, DP 1098594; Lot 143, DP 1097281; Lots 144 and 145, DP 1097215; Lots 451 and 452, DP 1097394; Lots 457 and 458, DP 1097437; Lot 244, DP 1097318; Lot 4, DP 1097492; Lot 3, DP 1097493; Lots 10-14, DP 1097629; Lot 2808, DP 1097822; Lots 391 and 392, DP 10978	Local	I617
The Junction	The Junction Primary School	16 Watkins Street	Lots 1-8, DP 795234; Lot 1, DP 592431; Lot 1, DP 159535; Lot 1, DP 164214	Local	I618
Tighes Hill	Tighes Hill School of Arts	15 Elizabeth Street	Lot 12, Section E, DP 230	Local	I619
Tighes Hill	Tighes Hill Public School	33 Elizabeth Street	Lots 7-14, Section F, DP 61; Lot 1, DP 795035	Local	I620
Tighes Hill	Former police lock-up	66 Elizabeth Street	Lots 4 and 5, Section C, DP 454	Local	I621
Tighes Hill	Styx Creek Bridge	Maitland Road		Local	I622
Tighes Hill	Royal Oak Hotel	207 Maitland Road	Lot 125, DP 1071039	Local	I623
Tighes Hill	Tighes Hill TAFE College	266 Maitland Road	Part Lot 100, DP 1004331	Local	I624

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Tighes Hill	Immaculate Heart of Mary Church	16 Tighes Terrace	Lot 2, DP 578946	Local	I625
Tighes Hill	Convent of Mercy	38 Union Street	Lots 29 and 30, DP 32507	Local	I626
Wallsend	Federal Park	2 Boscawen Street	Lot 7010, DP 1053001	Local	I627
Wallsend	RM Evans Funeral Chapel	5 Bunn Street	Lot 1, DP 779152	Local	I628
Wallsend	Clarens House	4 Campbell Street	Lot 1, DP 795472	Local	I629
Wallsend	Clarke Street Cottages	32–34 Clarke Street	Lot 1, DP 799569; Lot 9, Section E, DP 977871	Local	I630
Wallsend	Former School of Arts (Fellowship House)	69 Cowper Street	Lot 1, DP 709819	Local	I631
Wallsend	Railway goods shed	76 Cowper Street	Part Lot 27, DP 598215	State	I632
Wallsend	Terminus Hotel	77 Cowper Street	Lot 1, DP 75085	Local	I633
Wallsend	Stables	81 Cowper Street	Lot 30, DP 625168	Local	I634
Wallsend	Colliery Inn	87 Cowper Street	Lot 1, DP 76381	Local	I635
Wallsend	Wallsend Fire Station	27 Devon Street	Lot 1, DP 78016	Local	I636
Wallsend	Wallsend Precinct—Courthouse	18 Harris Street	Part Lot 1, DP 199628	Local	I637
Wallsend	Former Grapes Inn	20 Kemp Street	Lot 52, DP 529189	Local	I638
Wallsend	Wallsend Park	47 Lake Road	Part Lot 1, DP 724075	Local	I639
Wallsend	Woodlands House	100 Lake Road	Lot 1, DP 337878	Local	I640

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Suburb	Item name	Address	Property description	Significance	Item no
Wallsend	Wallsend Hospital Median Garden	Longworth Avenue		Local	I641
Wallsend	Wallsend Drug and Alcohol Centre	10 Longworth Avenue	Lots C–F, DP 312480; Lot 1, DP 315099	Local	I642
Wallsend	Wallsend Hospital	10 Longworth Avenue	Lots C–F, DP 312480; Lot 1, DP 315099	Local	I643
Wallsend	Wallsend Masonic Hall	4 Metcalfe Street	Lot 1, DP 1037615	Local	I644
Wallsend	Newcastle Muslim Association (building)	6 Metcalfe Street	Lot 1, DP 795032	Local	I645
Wallsend	St Luke's Anglican Church	22 Metcalfe Street	Lot 1, DP 1098051	Local	I646
Wallsend	Wallsend Public School	67 Metcalfe Street	Lots 1–4, DP 122513; Lot 1, DP 122511; Lots 9 and 11–14, Section 15, DP 29; Lots 2 and 3, DP 529635; Lots 2 and 3, DP 533593	Local	I647
Wallsend	Racecourse Hotel	11 Minmi Road	Lot 1, DP 76498	Local	I648
Wallsend	Lemon Grove Hotel	112 Nelson Street	Lot 1, DP 87351	Local	I649
Wallsend	St Andrew's Presbyterian Church	144 Nelson Street	Lot 161, DP 1133536	Local	I650
Wallsend	Plattsburg Public School	2 Ranclaud Street	Lots 1 and 2, DP 794917	Local	I651
Wallsend	Wallsend General Cemetery	164 Sandgate Road	Lot 7305, DP 1141674	Local	I652

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Wallsend	Wallsend Precinct—police station	12 Tyrrell Street	Lot 1, DP 1120792	Local	I653
Wallsend	Wallsend Precinct—post office	14 Tyrrell Street	Lots 1–4, DP 724548	Local	I654
Wallsend	Wallsend Precinct—public reserve (Wallsend Rotunda Park)	18 Tyrrell Street	Lot 56, DP 1138843; Lot 7303, DP 1144098	Local	I655
Wallsend	Whitton Street postal pillar box	Whitton Street		Local	I656
Waratah	Former Hanbury Public School Group	98 Georgetown Road	Lot 58A, DP 755247; Lot 32, DP 1041572	Local	I658
Waratah	Waratah Police Station	96 Georgetown Road	Lot 180, DP 755247	Local	I657
Waratah	Mereyulah (residence)	38 High Street	Lot B, DP 380948	Local	I659
Waratah	Carclew (residence)	25 Lambton Road	Lot 2, DP 339828	Local	I660
Waratah	Catholic Centre for Deaf Education	30 Lorna Street	Lot 41, DP 1077679	Local	I661
Waratah	Braeside (residence)	37 Lorna Street	Lot 31, DP 1080585	Local	I662
Waratah	Cottage	21 Platt Street	Lot 4, DP 731746	Local	I663
Waratah	Cottage	23 Platt Street	Lot 1, DP 136538	Local	I664
Waratah	Corpus Christi Catholic Church	45A Platt Street	Lot 30, DP 1114527	Local	I665
Waratah	Waratah School of Arts	12 Station Street	Lot 252, DP 755247	Local	I666
Waratah	Town Hall Hotel	29 Station Street	Lot 11, DP 735547	Local	I667

Suburb	Item name	Address	Property description	Significance	Item no
Waratah	Cottage	92 Station Street	Lot A, DP 155095	Local	I668
Waratah	Former Waratah Post Office	22 Turton Road	Lot 1, DP 773179	Local	I669
Waratah	Waratah Technology High School	26 Turton Road	Lots 2694, 2719 and 3179, DP 755247	Local	I670
Waratah	Former Western Suburbs Hospital	149 Turton Road	Lot 3, DP 852177	Local	I671
Waratah	Remnant plantings	149 Turton Road	Lot 3, DP 852177	Local	I672
Waratah	Waratah Park and Station street palms	2A Young Street	Lots 3189–3191, DP 44990	Local	I673
Wickham	Former Wickham Town Hall and Council Chambers	18A Albert Street	Lot 3175, DP 755247	Local	I674
Wickham	Hawkins Oval	22 Albert Street	Lot 152, DP 1148251; Lot 7313, DP 1145640	Local	I675
Wickham	Hawkins Oval Memorial	22 Albert Street	Lot 7313, DP 1145640	Local	I676
Wickham	Former police lock-up	25 Albert Street	Lot 12, DP 1005516	Local	I677
Wickham	Former New Zealand Loan Co Wool Store	33 Annie Street	Lot 3, DP 346352	Local	I678
Wickham	Dalgety Warehouse	49 Annie Street	Lot 2, DP 346352	Local	I679
Wickham	Elders Warehouse	57 Annie Street	Lot 1, DP 346352	Local	I680
Wickham	Residence	15 Charles Street	Lot 1, DP 195977	Local	I681

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Wickham	R A Ritchie & Sons and Hudson Bros Engineering (former industrial site)	20 Greenway Street	SP 31620	Local	I682
Wickham	Wickham Railway Station	Hannell Street	Railway land	Local	I683
Wickham	Wickham Signal Box	Hannell Street	Railway land	Local	I684
Wickham	Wickham Public School	54 Hannell Street	Lot 1, DP 850430	Local	I685
Wickham	Former Infants School	64 Hannell Street	Lot 3203, DP 723289	Local	I686
Wickham	Albion Hotel	72 Hannell Street	Lot 1, DP 76135	Local	I687
Wickham	Stella Maris Seamans Mission	102 Hannell Street	Lot A, DP 386601	Local	I688
Wickham	The Salvation Army Men's Hostel	116–120 Hannell Street	Lot 1, DP 217399; Lot 1, DP 90935	Local	I689
Wickham	Former School of Arts	80 Honeysuckle Drive	Lot 1, DP 1009228	Local	I690
Wickham	Lass O'Gowrie Hotel	14 Railway Street	Lot 123, DP 1090081	Local	I691

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## Part 2 Heritage conservation areas

Name of area	Identification on Heritage Map	Significance
Cooks Hill Heritage Conservation Area	Shown by a heavy red line and marked "Cooks Hill Heritage Conservation Area—C1"	Local
Hamilton Business Centre Heritage Conservation Area	Shown by a heavy red line and marked "Hamilton Business Centre Heritage Conservation Area—C2"	Local
Hamilton South Garden Suburb Heritage Conservation Area	Shown by a heavy red line and marked "Hamilton South Garden Suburb Heritage Conservation Area—C3"	Local
Newcastle City Centre Heritage Conservation Area	Shown by a heavy red line and marked "Newcastle City Centre Heritage Conservation Area—C4"	Local
Newcastle East Heritage Conservation Area	Shown by a heavy red line and marked "Newcastle East Heritage Conservation Area—C5"	Local
The Hill Heritage Conservation Area	Shown by a heavy red line and marked "The Hill Heritage Conservation Area—C6"	Local

## Part 3 Archaeological sites

Suburb	Item name	Address	Property description	Significance	Item no
Merewether	Remains of Glenrock Railway	Merewether Beach		Local	A1
Merewether	Newcastle Coke Ovens	3A Ocean Street	Lot 7021, DP 1128695	Local	A3
Merewether	Remains of smelter	Smelters Beach	Lot 9, DP 776283; Lot 1, DP 1138451	Local	A2
Minmi	Garden House site	177 Woodford Street	Lot 2, DP 1029922	Local	A4
Newcastle	Cathedral Park and Cemetery	93 King Street	Lots 1 and 2, DP 36886	State	A6

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<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Newcastle	Convict lumber yard—stockade site (Coal River Precinct)	92 Scott Street	Part Lot 2, DP 706760; Lot 3214, DP 729000	State	A7
Newcastle East	Coal River Precinct	32, 40, 51, 72B, 74, 76, 78 and 80 Nobby's Road	Lot 1, DP 531493; Lots 2, 10, 11 and 13, DP 720672; Lot 2953, DP 755247; Lots 1 and 2, DP 817695	State	A5
Newcastle West	Palais Royale (Government Farm archaeological site)	684 Hunter Street	Lot 11, DP 872463	Local	A8
New Lambton	Scottish Australian Mining Co (site)	1A Mahogany Drive	Lot 19, DP 555035	Local	A9
Stockton	Former locomotive ash pit	71 Clyde Street	Lot 7014, DP 1071325	Local	A11
Stockton	Prawners Slipway	Fullerton Street		Local	A10
Stockton	The Ballast Ground (place)	Fullerton Street and Wharf Crescent		Local	A13
Stockton	Wreck of Adolphe	Pitt Street	Off Breakwater	Local	A12

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## Dictionary

(Clause 1.4)

**Aboriginal object** means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

**Note.** The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**Acid Sulfate Soils Manual** means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

**Acid Sulfate Soils Map** means the Newcastle Local Environmental Plan 2012 Acid Sulfate Soils Map.

**advertisement** has the same meaning as in the Act.

**Note.** The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

**advertising structure** has the same meaning as in the Act.

**Note.** The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act.

**Note.** The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from

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agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**Note.** Agricultural produce industries are a type of *rural industry*—see the definition of that term in this Dictionary.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**Note.** Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

**Note.** Airports are a type of *air transport facility*—see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

**aquaculture** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** Aquaculture is a type of *agriculture*—see the definition of that term in this Dictionary.

**archaeological site** means a place that contains one or more relics.

**attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Note.** Attached dwellings are a type of *residential accommodation*—see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

**Note.** Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

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

**Note.** See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes.

**Note.** Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**biodiversity** means biological diversity.

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*.

**Note.** The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

**Note.** Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

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**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note.** Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

**brothel** has the same meaning as in the Act.

**Note.** This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act.

**Note.** The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note.** Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

**Note.** Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

**Note.** The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

**Note.** The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note.** Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**Note.** Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

**Note.** The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of

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the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note.** Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

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**classified road** has the same meaning as in the *Roads Act 1993*.

**Note.** The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

**Note.** The term is defined as follows:

**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).



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The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Newcastle City Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where

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cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

**Note.** Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

**dairy (restricted)** means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

**Note.** Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Note.** Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**dwelling house** means a building containing only one dwelling.

**Note.** Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

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**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

**Note.** See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**educational establishment** means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating,

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shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

**Note.** The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**Note.** Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.** Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

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**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

**Note.** See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

**Note.** Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

**Note.** The term is defined as follows:

**Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and

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- (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**flood mitigation work** means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Newcastle Local Environmental Plan 2012 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**forestry** has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

**Note.** The term is defined as follows:

**forestry operations** means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

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**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

**Note.** Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note.** Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note.** General industries are a type of **industry**—see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and

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- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**ground level (existing)** means the existing level of a site at any point.

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

**Note.** Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

**group home (transitional)** or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

**Note.** Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.



**Note.** Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Note.** Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

**Note.** Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that

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requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

**Note.** Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Newcastle Local Environmental Plan 2012 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

**Note.** Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and

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(c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

**Note.** An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Newcastle Local Environmental Plan 2012 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note.** High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,

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(e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and 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, 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 adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), 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 (sex services) or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (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,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (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 or sex services premises.

**Note.** See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

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**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and 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, 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 signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and 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, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

**Note.** Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,

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- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

**Note.** Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

**Note.** Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) 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.

**Note.** Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

**Note.** See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

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***industrial training facility*** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

***industry*** means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

***information and education facility*** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

***intensive livestock agriculture*** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Note.** Intensive livestock agriculture is a type of ***agriculture***—see the definition of that term in this Dictionary.

***intensive plant agriculture*** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Note.** Intensive plant agriculture is a type of ***agriculture***—see the definition of that term in this Dictionary.

***jetty*** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

***Key Sites Map*** means the Newcastle Local Environmental Plan 2012 Key Sites Map.

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**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note.** See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

**Land Application Map** means the Newcastle Local Environmental Plan 2012 Land Application Map.

**Land Reservation Acquisition Map** means the Newcastle Local Environmental Plan 2012 Land Reservation Acquisition Map.

**Land Zoning Map** means the Newcastle Local Environmental Plan 2012 Land Zoning Map.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note.** Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

**Note.** Light industries are a type of **industry**—see the definition of that term in this Dictionary.

**liquid fuel depot** means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

**Note.** Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

**Note.** Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

**Lot Size Map** means the Newcastle Local Environmental Plan 2012 Lot Size Map.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the



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removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note.** Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**Note.** Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

**Note.** Mining is not a type of **industry**—see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

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**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Note.** Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**Meaning of “native vegetation”**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include

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flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**Note.** See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

**Newcastle City Centre** means the land identified as “Newcastle City Centre” on the Newcastle City Centre Map.

**Newcastle City Centre Map** means the Newcastle Local Environmental Plan 2012 Newcastle City Centre Map.

**Newcastle Development Control Plan 2012** means *Newcastle Development Control Plan 2012* adopted by the Council, as in force at the commencement of this Plan.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

**Note.** Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

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**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**Note.** Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

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**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

**Note.** The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail 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.

**Note.** Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

**Note.** The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

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**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**relic** has the same meaning as in the *Heritage Act 1977*.

**Note.** The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,

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- (b) boarding houses,
  - (c) dual occupancies,
  - (d) dwelling houses,
  - (e) group homes,
  - (f) hostels,
  - (g) multi dwelling housing,
  - (h) residential flat buildings,
  - (i) rural workers' dwellings,
  - (j) secondary dwellings,
  - (k) semi-detached dwellings,
  - (l) seniors housing,
  - (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

**Note.** Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

**Note.** Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note.** Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for

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consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

**Note.** Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note.** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.



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**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

**Note.** See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note.** Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note.** Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

**rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

**Note.** Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

**Note.** Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note.** Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and

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- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Note.** See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

**Note.** Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Note.** Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

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 building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

**Note.** Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly

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serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Note.** Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

**Note.** Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

**Note.** Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

**Note.** Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Note.** Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

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**signage** 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 any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

**Note.** The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

**Note.** Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

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***swimming pool*** has the same meaning as in the *Swimming Pools Act 1992*.

**Note.** The term is defined as follows:

***swimming pool*** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

***take away food and drink premises*** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note.** Take away food and drink premises are a type of ***food and drink premises***—see the definition of that term in this Dictionary.

***telecommunications facility*** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

***telecommunications network*** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

***temporary structure*** has the same meaning as in the Act.

**Note.** The term is defined as follows:

***temporary structure*** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

***the Act*** means the *Environmental Planning and Assessment Act 1979*.

***timber yard*** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note.** Timber yards are a type of ***retail premises***—see the definition of that term in this Dictionary.

***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,

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(d) hotel or motel accommodation,

(e) serviced apartments,

but does not include:

(f) camping grounds, or

(g) caravan parks, or

(h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

**Note.** Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

**underground mining** means:

(a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note.** Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

**Note.** Viticulture is a type of *intensive plant agriculture*—see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

**Note.** Waste disposal facilities are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

**Note.** Waste or resource transfer stations are a type of *waste or resource management facility*—see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

**Note.** Water recycling facilities are a type of *sewerage system*—see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

**Note.** Water reticulation systems are a type of *water supply system*—see the definition of that term in this Dictionary.

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**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

**Note.** Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

**Note.** Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.



***wharf or boating facilities*** means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

***wholesale supplies*** means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

***Wickham Redevelopment Area Map*** means the Newcastle Local Environmental Plan 2012 Wickham Redevelopment Area Map.